

1 RESOLUTION NO. 2013-333

Late Filing

2
3 SPONSOR Mr. Pry

4
5 DATE August 26, 2013

COMMITTEE Planning

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7 **A Resolution accepting and approving a resubdivision titled “Montrose Park Subdivision**
8 **Replat,” located in Copley Township, in Council District 5, and authorizing the County**
9 **Executive to execute a revised and updated Final Settlement Agreement and Mutual**
10 **Release, for the Executive - Planning Commission and the Engineer, and declaring an**
11 **emergency.**

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13 WHEREAS, under Section 1104.06 (b) (4) of the Codified Ordinances of the County of
14 Summit and Section 711.041 of the Ohio Revised Code, the approval of County Council is a
15 prerequisite for the recording of a resubdivision of a previously recorded plat, as though the same
16 were a major subdivision; and

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18 WHEREAS, the proposed resubdivision is part of a settlement agreement between and
19 among the respective parties, and the execution of said agreement by the County Executive on
20 behalf of Summit County was authorized by this Council pursuant to Resolution No. 2010-363;
21 and

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23 WHEREAS, due to engineering and certain other technical difficulties, the parties needed
24 to make certain minor adjustments to the terms of the aforementioned agreement, to update the
25 same to accurately reflect changed dates and other matters and have now resolved all of those
26 issues to the satisfaction of all parties; and

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28 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
29 that the acceptance and approval of the aforementioned replat and authorization for the County
30 Executive to execute the revised Final Settlement Agreement and Mutual Release is necessary
31 and in the best interest of the County of Summit;

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33 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
34 of Ohio, that;

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36 SECTION 1

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38 The resubdivision, together with restrictions, covenants, and easements thereon, is hereby
39 accepted by the County of Summit, to be recorded by the County Fiscal Officer. The affected
40 property shall remain a part of the Montrose Park subdivision, as shown by the recorded
41 document titled “Montrose Park Subdivision Replat,” located in Copley Township, in Council
42 District 5.

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44 SECTION 2

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46 The County Executive is hereby authorized to execute the revised and updated Final
47 Settlement Agreement and Mutual Release with Copley Township, Alan Brubaker, County of
48 Summit Engineer, Pulte Homes of Ohio, LLC, The Stile Trust, Joel Stile, Trustee, Heritage
49 Woods, LLC, and the Tuscan Ridge Development Company, LLC.
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2 PAGE TWO

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4 SECTION 3

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit, and for the further reason that it immediately
8 facilitates development in Copley Township.

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10 SECTION 4

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12 Provided this Resolution receives the affirmative vote of eight members, it shall take
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
14 effect and be in force at the earliest time provided by law.

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16 SECTION 5

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18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.

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25 INTRODUCED July 15, 2013

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27 ADOPTED August 26, 2013

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32 CLERK OF COUNCIL

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39 
PRESIDENT OF COUNCIL

APPROVED August 27, 2013

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EXECUTIVE

ENACTED EFFECTIVE August 27, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro