

1 RESOLUTION NO. 2014-363

First Reading Passage Requested
(M. Weant)

2
3 SPONSOR Mr. Pry

4
5 DATE August 18, 2014

COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute a partial release of sanitary**
8 **sewer easement originally granted in the Sanitary Sewer Easement recorded in Reception**
9 **No. 5530918 of the Records of the County of Summit, Ohio, in Permanent Parcel No.**
10 **0401788 located in the Township of Bath, Council District 5, for the Executive's**
11 **Department of Environmental Services, and declaring an emergency.**

12
13 WHEREAS, On February 8, 2006, Maplevue Commons, LLC ("Maplevue") granted
14 the County a Sanitary Sewer Easement on Permanent Parcel No. 0401788, located in the
15 Township of Bath, ("Original Easement") for the purpose of serving a commercial development
16 with sanitary sewer service;

17
18 WHEREAS, CAM, Inc., the developer of the above referenced parcel, has subsequently
19 changed its plans, and now wishes to build a structure on a portion of where the Original
20 Easement is located, and therefore that portion of the Original Easement is no longer necessary
21 for sanitary sewer purposes; and

22
23 WHEREAS, CAM, Inc., requests that the County abandon and release a portion of the
24 Original Easement so that the property thereon may be used freely, as further described in
25 Exhibit A of this Resolution;

26
27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
28 that authorizing the Executive to execute the aforementioned release of easement is necessary
29 and in the best interest of the County of Summit;

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31 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
32 of Ohio, that:

33
34 SECTION 1

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36 The County Executive is hereby authorized to execute the Partial Release of Easement,
37 substantially in the form attached to this Resolution as Exhibit A, which shall release and
38 abandon a certain portion the Sanitary Sewer Easement recorded in Reception No. 5530918 of
39 the Records of the County of Summit, Ohio, on Permanent Parcel No. 0401788 in the Township
40 of Bath.

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42 SECTION 2

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44 This Resolution is hereby declared an emergency in the interest of the health, safety and
45 welfare of the citizens of the County of Summit and for the further purpose of immediately
46 authorizing the Executive to execute said partial release of easement and allow development of
47 the parcel to proceed.
48

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2 PAGE TWO

3
4 SECTION 3


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

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.

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18
19 INTRODUCED August 18, 2014

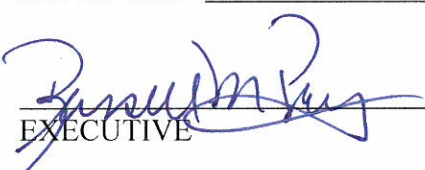
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21 ADOPTED August 18, 2014

22
23 
24 _____
25 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

26
27 APPROVED August 19, 2014

28
29 
30 _____
31 EXECUTIVE

32
33 ENACTED EFFECTIVE August 19, 2014

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