

1 RESOLUTION NO. 2014-481

2  
3 SPONSOR Mr. Pry

4  
5 DATE November 10, 2014 COMMITTEE Planning

6  
7 **A Resolution pursuant to Section 177.17(e) of the Codified Ordinances of the County of**  
8 **Summit authorizing the County Executive to execute a license agreement with Mark and**  
9 **Elise Nester granting them and their invitees a right to enter upon an undeveloped parcel**  
10 **of real property owned by the County of Summit in Bath Township, in Council District 5,**  
11 **and enabling access between a landlocked parcel approximately 30 feet from a residential**  
12 **parcel, with both parcels being owned by the Nesters, for the Executive, and declaring an**  
13 **emergency.**

14  
15 WHEREAS, Section 177.17(e) of the Codified Ordinances of the County of Summit  
16 requires the authorization of this Council before the County Executive may enter into any  
17 agreement for the lease of any County owned real property, or any part thereof; and

18  
19 WHEREAS, Mark and Elise Nester are owners of a parcel of real property which they  
20 use as their principal residence and which has a mailing address of 440 Crystal Lake Road, Bath  
21 Township, Ohio, in Council District 5 (Permanent Parcel No. 04-06933); and

22  
23 WHEREAS, Mark and Elise Nester are also owners of an undeveloped parcel of real  
24 property in Bath Township (Permanent Parcel No. 04-03464) which is landlocked and lacks  
25 access to a public street, does not have a mailing address and is approximately 30 feet from the  
26 Crystal Lake parcel; and

27  
28 WHEREAS, the County of Summit owns an undeveloped parcel of real property also  
29 located in Bath Township (Permanent Parcel No. 04-01180), which abuts both of the  
30 aforementioned parcels owned by Mark and Elise Nester; and

31  
32 WHEREAS, the County wishes to enter into a license agreement to grant Mark and  
33 Elise Nester and their agents, representatives, invitees and visitors the right to travel across the  
34 undeveloped parcel owned by the County to allow ingress and egress between both parcels of  
35 property owned by the Nesters; and

36  
37 WHEREAS, this Council finds and determines, after reviewing all pertinent  
38 information, it is necessary and in the best interest of the County of Summit to authorize the  
39 Executive to execute a license agreement with Mark and Elise Nester for the aforementioned  
40 reasons;

41  
42 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit,  
43 State of Ohio, that:

44  
45 SECTION 1

46  
47 The County Executive is hereby authorized to execute a license agreement with Mark and  
48 Elise Nester to allow them a right of access across an undeveloped parcel of real property owned  
49 by the County of Summit (Permanent Parcel No. 04-06933) in Bath Township, in Council  
50 District 5, for the purpose of access to an undeveloped parcel of real property owned by the  
51 Nesters also located in Bath Township (Permanent Parcel No. 04-03464). A copy of the license  
52 agreement is attached hereto as Exhibit A, and the County Executive is authorized to execute the

1 RESOLUTION NO. 2014-481

2 PAGE TWO

3  
4 SECTION 1 (cont'd.)

5  
6 same in substantially the same version as attached, provided that any changes to the same are not  
7 materially adverse to the County.

8  
9 SECTION 2

10  
11 This Resolution is hereby declared an emergency in the interest of the health, safety and  
12 welfare of the citizens of the County of Summit, and for the further reason to immediately allow  
13 access to a landlocked parcel of real property owned by Mark and Elise Nester in Bath  
14 Township, in Council District 5.

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16 SECTION 3

17  
18 Provided this Resolution receives the affirmative vote of eight members, it shall take  
19 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
20 effect and be in force at the earliest time provided by law.

21  
22 SECTION 4

23  
24 It is found and determined that all formal actions of this Council concerning and relating  
25 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
26 deliberations of this Council and any of its committees that resulted in such formal action, were  
27 in meetings open to the public, in compliance with all legal requirements, including Section  
28 121.22 of the Ohio Revised Code.

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31 INTRODUCED October 27, 2014

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33 ADOPTED November 10, 2014

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37 CLERK OF COUNCIL

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CLERK OF COUNCIL

PRESIDENT OF COUNCIL

APPROVED November 12, 2014

EXECUTIVE

ENACTED EFFECTIVE November 12, 2014

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