

1 RESOLUTION NO. 2014-531

2
3 SPONSOR Mr. Pry

4
5 DATE December 8, 2014 COMMITTEE Planning

6
7 **A Resolution assessing the residents of The Preserve at Miller’s Farm Subdivision Phase 1**
8 **for drainage maintenance, located in Copley Township, Council District 5, for the County**
9 **Engineer, and declaring an emergency.**

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11 WHEREAS, by Resolution No. 2014-530, this Council will approve the plat for The
12 Preserve at Miller’s Farm Subdivision Phase 1; and

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14 WHEREAS, said plat includes a drainage maintenance assessment provision signed by
15 all owners of parcels located within said subdivision, with said provision applying to subsequent
16 owners of the same parcels; and

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18 WHEREAS, assessments for drainage maintenance also are permitted by Sections
19 6137.02 and 6137.03 of the Ohio Revised Code; and;

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21 WHEREAS, the County Engineer seeks to assess for drainage maintenance for said
22 subdivision and to fully execute its powers and duties thereof; and

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24 WHEREAS, the County Engineer has prepared a special assessment worksheet, attached
25 as Exhibit A, which apportions necessary charges for drainage maintenance among the
26 subdivision’s benefited parcel owners; and

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28 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
29 that assessing the residents of The Preserve at Miller’s Farm Subdivision Phase 1 located in
30 Copley Township, Council District 5, for drainage maintenance, per attached Exhibit A, is
31 necessary and in the best interest of the County of Summit;

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33 NOW, THEREFORE, BE IT RESOLVED 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 A drainage maintenance fund for The Preserve at Miller’s Farm Subdivision Phase 1,
39 located in Copley Township, Council District 5, is hereby established.

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41 SECTION 2

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43 Owners of parcels within The Preserve at Miller’s Farm Subdivision Phase 1 shall be
44 assessed for drainage maintenance per the special assessment worksheet attached as Exhibit A.
45 Each assessment is proportional to the estimated benefit to the respective parcel.

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47 SECTION 3

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49 Pursuant to Section 6137.03 of the Ohio Revised Code, the Clerk of Council shall certify
50 the attached assessments to the County Fiscal Officer for placement on the next succeeding tax
51 duplicate to be collected and paid.

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2 PAGE TWO

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4 SECTION 4

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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 to immediately fund
8 necessary drainage maintenance in The Preserve at Miller's Farm Subdivision Phase 1.

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10 SECTION 5

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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 6

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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 November 24, 2014

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27 ADOPTED December 8, 2014

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31 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED December 9, 2014

EXECUTIVE

ENACTED EFFECTIVE December 9, 2014

Voice Vote: 8-0 YES: Comunale, Crawford, Feeman, Kurt,
Lee, Roemer, Schmidt, Shapiro
ABSENT: Kostandaras, Prentice, Rodgers