

1 RESOLUTION NO. 2015-148

**First Reading Passage Requested**

**(D. Kelly)**

2  
3 SPONSOR Mr. Pry

4  
5 DATE April 13, 2015

COMMITTEE Public Works

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

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11 WHEREAS, this Council previously approved the plat for The Preserve at Miller's Farm  
12 Subdivision Phase 1 with Resolution No. 2014-530; and

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14 WHEREAS, by Resolution No. 2015-147, this Council will be approving The Preserve at  
15 Miller's Farm Subdivision Phase 1 Re-Plat; and

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17 WHEREAS, said re-plat includes a drainage maintenance assessment provision signed by  
18 all owners of parcels located within said subdivision, with said provision applying to subsequent  
19 owners of the same parcels; and

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21 WHEREAS, assessments for drainage maintenance also are permitted by Sections  
22 6137.02 and 6137.03 of the Ohio Revised Code; and

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24 WHEREAS, the County Engineer seeks to revise the assessments for drainage  
25 maintenance for said subdivision and to fully execute its powers and duties thereof; and

26  
27 WHEREAS, the County Engineer has prepared a revised special assessment worksheet,  
28 attached as Exhibit A, which apportions necessary charges for drainage maintenance among the  
29 subdivision's benefited parcel owners; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
32 that revising the assessments for the residents of The Preserve at Miller's Farm Subdivision  
33 Phase 1 in Copley Township, in Council District 5, for drainage maintenance, per attached  
34 Exhibit A, is necessary and in the best interest of the County of Summit;

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36 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
37 of Ohio, that;

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39 SECTION 1

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41 A drainage maintenance fund for The Preserve at Miller's Farm Subdivision Phase 1, in  
42 Copley Township, in Council District 5, is hereby revised.

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44 SECTION 2

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46 Owners of parcels within The Preserve at Miller's Farm Subdivision Phase 1 subdivision  
47 shall be assessed for drainage maintenance per the revised special assessment worksheet attached  
48 as Exhibit A. Each assessment is proportional to the estimated benefit to the respective parcel.  
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2 PAGE TWO

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4 SECTION 3

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

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10 SECTION 4

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12 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
13 welfare of the citizens of the County of Summit, and for the further reason to immediately fund  
14 necessary drainage maintenance in The Preserve at Miller's Farm Subdivision Phase 1  
15 subdivision in Copley Township.

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17 SECTION 5

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

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23 SECTION 6

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25 It is found and determined that all formal actions of this Council concerning and relating  
26 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
27 deliberations of this Council and of any of its committees that resulted in such formal action,  
28 were in meetings open to the public, in compliance with all legal requirements, including Section  
29 121.22 of the Ohio Revised Code.

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32 INTRODUCED April 13, 2015

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34 ADOPTED April 13, 2015

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38 CLERK OF COUNCIL

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45 PRESIDENT OF COUNCIL

40 APPROVED April 14, 2015

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44 EXECUTIVE

45 ENACTED EFFECTIVE April 14, 2015

Voice Vote: 9-0 YES: Comunale, Feeman, Kostandaras, Kurt,  
Lee, Prentice, Rodgers, Schmidt, Shapiro  
ABSENT: Crawford, Donofrio