

1 RESOLUTION NO. 2016-371

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3 SPONSOR Ms. Shapiro

4
5 DATE October 17, 2016 COMMITTEE Planning

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7 **A Resolution revising the assessments for the parcels of The Preserve at Miller's Farm**
8 **Subdivision Phase 2, in Copley Township, for drainage maintenance, for the Engineer, and**
9 **declaring an emergency.**

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11 WHEREAS, this Council previously adopted Resolution No. 2016-129, which approved
12 and accepted The Preserve at Miller's Farm Subdivision Phase 2; and

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14 WHEREAS, by the adoption of Resolution No. 2016-369, this Council will be approving
15 and accepting the plat for a subdivision entitled The Preserve at Miller's Farm Subdivision Phase
16 3; and

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

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22 WHEREAS, assessments for drainage maintenance also are permitted by Sections
23 6137.02 and 6137.03 of the Ohio Revised Code; and

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

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

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
33 that revising the assessments for the residents of The Preserve at Miller's Farm Subdivision
34 Phase 2, in Copley Township, in Council District 5, for drainage maintenance, as set forth in
35 Exhibit A attached to this Resolution, is necessary and in the best interest of the County of
36 Summit;

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

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41 SECTION 1

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43 A drainage maintenance fund for The Preserve at Miller's Farm Subdivision Phase 2, in
44 Copley Township, in Council District 5, is hereby revised.

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46 SECTION 2

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48 Owners of parcels within The Preserve at Miller's Farm Subdivision Phase 2 subdivision
49 shall be assessed for drainage maintenance, per the revised special assessment worksheet
50 attached to this Resolution as Exhibit A. Each assessment is proportional to the estimated
51 benefit to the respective parcel.
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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 2
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 September 26, 2016

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34 ADOPTED October 17, 2016

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38 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

40 APPROVED October 20, 2016

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44 EXECUTIVE

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46 ENACTED EFFECTIVE October 20, 2016

Voice Vote: YES: 10-0 - Crawford, Dickinson, Donofrio, Feeman,
Kostandaras, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Lee