

1 RESOLUTION NO. 2015-062

**Late Filing – First Reading Passage**  
**Requested** (M. Weant)

2  
3 SPONSOR Mr. Pry, Ms. Prentice

4  
5 DATE January 26, 2015

COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to execute a partial release of a sanitary**  
8 **sewer easement originally granted in the plat for the Lakes of Green No. 1 Subdivision and**  
9 **recorded in Reception No. 55032454 of the County of Summit Records, located in the City**  
10 **of Green, in Council District 8, for the Executive’s Department of Environmental Services,**  
11 **and declaring an emergency.**

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13 WHEREAS, On April 8, 2004, Alpine Design, Inc., recorded the plat for Lakes of Green  
14 No. 1 Subdivision, a major subdivision located in the City of Green, in Council District 8, in  
15 which the County was granted a utility easement for sanitary sewer purposes (“Original  
16 Easement”); and

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18 WHEREAS, the builder on the property located at 2798 Ontario Road, Permanent Parcel  
19 No. 2814694 (“the Property”), obtained a building permit to construct a home ten feet from the  
20 property line, which also unintentionally encroached five feet over a portion of the Original  
21 Easement; and

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23 WHEREAS, the builder and the buyer of the Property are requesting that the County  
24 release a portion of the Original Easement so that the home no longer encroaches on said  
25 easement, and clear the way for financing the purchase of the Property; and

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27 WHEREAS, the Executive’s Department of Environmental Services has determined that  
28 releasing a portion of the Original Easement on the Property where the home is now located  
29 would not substantially interfere with the future installation or maintenance of sanitary sewer  
30 facilities in that area; and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
33 that authorizing the Executive to execute the aforementioned release of easement is necessary  
34 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:

38  
39 SECTION 1

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41 The County Executive is hereby authorized to execute a Partial Release of the easement  
42 for sanitary sewer purposes granted to the County in the Plat for the Lakes of Green No. 1  
43 Subdivision and recorded in Reception No. 55032454 of the County of Summit Records, in the  
44 City of Green, in Council District 8, sufficient to eliminate encroachment of said easement by the  
45 home constructed at 2798 Ontario Road, Permanent Parcel No. 2814694, and to execute any  
46 other documents needed to preserve the County’s interests in the remainder of said easement, as  
47 determined by the Director of the Department of Environmental Services.  
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SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose of immediately authorizing the Executive to execute a partial release of easement at 2798 Ontario Road, Permanent Parcel No. 2814694, to eliminate an encroachment on the County's easement and facilitate financing the purchase of the Property.

SECTION 3

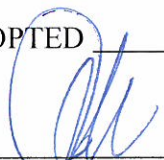
Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

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

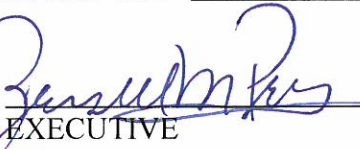
INTRODUCED January 26, 2015

ADOPTED January 26, 2015

  
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CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED January 27, 2015

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE January 27, 2015

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