

1 ORDINANCE NO. 2011-004

2
3 SPONSOR Council of the Whole

4
5 DATE January 31, 2011

COMMITTEE Public Works

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7
8 **An Ordinance granting Bath Township's Treecrest Drive ditch petition, in accordance with**
9 **Section 6131.12 of the Ohio Revised Code (O.R.C), and declaring an emergency.**

10
11 WHEREAS, pursuant to Section 6131.12 of the Ohio Revised Code, this Council has the
12 authority to grant a proposed improvement when it is of the opinion that the improvement is
13 necessary, will benefit the petitioner, will be conducive to the public welfare and that the benefits
14 outweigh the costs.

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16 Whereas, on August 10, 2010 a single County ditch petition was filed with the Summit
17 County Clerk of Council requesting the County to clean, remove obstructions from, restore,
18 reconstruct and repair the storm sewer and ditch storm-water drainage system serving all or part
19 of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 within Yellow Creek Woods, a residential
20 subdivision located in Bath Township, Summit County, Ohio as recorded on Plat Book 65, Pages
21 31-33 of the records of Summit County, Ohio, including but not limited to the drainage way
22 generally located between Lots 12 and 13 to an adequate outlet; and

23
24 WHEREAS, a Public View was held on October 27, 2010 at 2:00 p.m. and a Public
25 Hearing was held in Council Chambers on November 29, 2010 immediately following the
26 regular Council meeting; and

27
28 WHEREAS, legal notices were sent by certified mail, return receipt requested to all
29 owners named in the petition; and

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31 WHEREAS, legal notice was placed in the *Akron Beacon Journal* on October 8, 2010
32 giving notice of the dates of the Public Viewing and Public Hearing; and

33
34 WHEREAS, the Summit County Engineer has prepared a preliminary report of the
35 estimate of the costs of the proposed improvement; and

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37 WHEREAS, said report serves as a guide to this Council and the Petitioners in deciding
38 whether to order a final report, plans and schedules for the proposed improvement pursuant to
39 Section 6131.12 of the O.R.C.; and
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5 WHEREAS, this Council finds and determines, after reviewing all pertinent information
6 that it is in the best interest of Summit County to authorize the preparation of a final report,
7 plans, and construction schedules for the proposed improvement pursuant to Section 6131.12;
8 and

9 WHEREAS, this Council wishes to fix a date for the filling of reports, plans, and
10 schedules as provided in Sections 6131.12, 6131.14 and 61.31.16 of the O.R.C.

11
12 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
13 of Ohio, that:

14
15 SECTION 1

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17 This Council finds that the Engineer's preliminary report substantially complies with the
18 requirements of the Ohio Revised Code § 6131.09 providing (i) the estimate of costs and how
19 apportioned; (ii) the Engineer's comments on the feasibility of the improvement; (iii) the
20 Engineer's statement of opinion as to whether the benefits are likely to exceed the estimated cost.
21 The Engineer has listed all factors favorable and unfavorable to the proposed improvement. The
22 Petitioner and others have been informed of the contents of the preliminary report.

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24 SECTION 2

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26 This Council, based upon the preliminary report, finds and is of the opinion that the
27 improvement is necessary, will benefit the petitioner, will be conducive to the public welfare and
28 that the benefits outweigh the costs of the improvement and this Ditch Petition is hereby granted
29 pursuant to Ohio Revised Code § 6131.12. The Summit County Engineer may begin preparing
30 the final report, plans, and schedules as provided in Sections 6131.12, 6131.14 and 6131.16.

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32 SECTION 3

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34 Pursuant to Section 6131.12 of the Ohio Revised Code, funds are hereby appropriated as
35 follows:

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ACCOUNT NO	DESCRIPTION	AMOUNT
General Capital Improvements Fund:		
40010-830201-78501	Bath Twp. Ditch Maint.	\$30,250.00

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4 SECTION 4

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6 The date fixed for submission of the Engineer's final report, plans, and schedules shall be
7 June 13, 2011.
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9 SECTION 5

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11 This Ordinance 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
13 provide for the public improvement requested.
14

15 SECTION 6

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17 Provided this Ordinance receives the affirmative vote of eight members, it shall take
18 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
19 effect and be in force at the earliest time provided by law.
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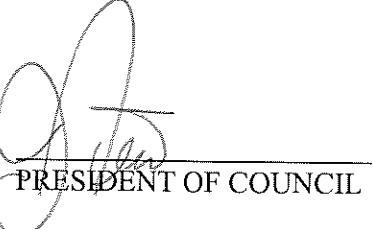
21 SECTION 7

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23 It is found and determined that all formal actions of this Council concerning and relating
24 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
25 deliberations of this Council and of any of its committees that resulted in such formal action,
26 were in meetings open to the public, in compliance with all legal requirements, including Section
27 121.22 of the O.R.C.
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29 INTRODUCED January 10, 2011

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32 ADOPTED January 31, 2011

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37 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

40 APPROVED January 31, 2011

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EXECUTIVE

January 31, 2011
ENACTED EFFECTIVE

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