

1 RESOLUTION NO. 2012-397

2  
3 SPONSOR Mr. Pry

4  
5 DATE October 22, 2012

COMMITTEE Rules

6  
7 **A Resolution authorizing the County Executive to execute a settlement agreement to settle**  
8 **all claims arising out of or concerning issues raised in two lawsuits, *County of Summit v.***  
9 ***Northeast Ohio Regional Sewer District*, Case No. CV-2009-12-9273, before Judge Thomas**  
10 **Teodosio in the County of Summit Court of Common Pleas-General Division, and**  
11 ***Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et. al.*, Case No CV-10-**  
12 **714945, before Judge Thomas J. Pokorny in the Cuyahoga County Court of Common**  
13 **Pleas-General Division, for the Prosecutor, the Engineer and the Executive, and declaring**  
14 **an emergency.**

15  
16 WHEREAS, the County of Summit is a plaintiff in *County of Summit v. Northeast Ohio*  
17 *Regional Sewer District*, Case No. CV-2009-12-9273, before Judge Thomas Teodosio in the  
18 County of Summit Court of Common Pleas-General Division, and is a defendant in *Northeast*  
19 *Ohio Regional Sewer District v. Bath Township, Ohio, et. al.*, Case No CV-10-714945, before  
20 Judge Thomas J. Pokorny in the Cuyahoga County Court of Common Pleas (collectively the  
21 “Cases”), both of which arise out of or concern the management of storm water in the Cities of  
22 Hudson and Macedonia, the Villages of Northfield and Richfield and Sagamore Hills Township  
23 (collectively the “Five Summit County Communities”); and

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25 WHEREAS, in consultation with the County Prosecutor, the County Executive, the  
26 County Engineer and the Five Summit County Communities have reached terms of settlement  
27 with the Northeast Ohio Regional Sewer District to settle the Cases; and

28  
29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
30 that it is necessary and in the best interest of the County of Summit to settle the Cases for the  
31 aforementioned reasons;

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33 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
34 of Ohio, that:

35  
36 SECTION 1

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38 The County Executive is hereby authorized to execute a settlement agreement to settle all  
39 claims arising out of or concerning issues raised in two lawsuits, *County of Summit v. Northeast*  
40 *Ohio Regional Sewer District*, Case No. CV-2009-12-9273, before Judge Thomas Teodosio in  
41 the County of Summit Court of Common Pleas-General Division, and is a defendant in  
42 *Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et. al.*, Case No CV-10-714945,  
43 before Judge Thomas J. Pokorny in the Cuyahoga County Court of Common Pleas (collectively  
44 the “Cases”). The settlement agreement shall include a release by the Northeast Ohio Regional  
45 Sewer District all claims against the County of Summit, the Cities of Hudson and Macedonia, the  
46 Villages of Northfield and Richfield and Sagamore Hills Township (collectively the “Five  
47 Summit County Communities”).  
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1 RESOLUTION NO. 2012-397

2 PAGE TWO

3  
4 SECTION 2

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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 purpose of immediately  
8 sparing County taxpayers and the taxpayers of the Five Summit County Communities further  
9 expense related to the Cases.

10  
11 SECTION 3

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

16  
17 SECTION 4

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19 It is found and determined that all formal actions of this Council concerning and relating  
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its committees that resulted in such formal action,  
22 were in meetings open to the public, in compliance with all legal requirements, including Section  
23 121.22 of the Ohio Revised Code.

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26 INTRODUCED October 1, 2012

27  
28 ADOPTED October 22, 2012

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33 CLERK OF COUNCIL

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38 PRESIDENT OF COUNCIL

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40 APPROVED October 23, 2012

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38   
39 EXECUTIVE

40 ENACTED EFFECTIVE October 23, 2012

Voice Vote: 11-0. YES: Comunale, Crawford, Feenan, Kostandaras, Kurt Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro