

1 RESOLUTION NO. 2016-372

2
3 SPONSOR Ms. Shapiro

4
5 DATE October 17, 2016 COMMITTEE Planning

6
7 **A Resolution assessing the residents of The Preserve at Miller's Farm Subdivision Phase 3**
8 **for drainage maintenance, for the Engineer, and declaring an emergency.**

9
10 WHEREAS, by Resolution No. 2016-369, this Council will be approving and accepting
11 the plat for The Preserve at Miller's Farm Subdivision Phase 3; and

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

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17 WHEREAS, assessments for drainage maintenance also are permitted by Sections
18 6137.02 and 6137.03 of the Ohio Revised Code; and;

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20 WHEREAS, the County Engineer seeks to assess for drainage maintenance for said
21 subdivision and to fully execute its powers and duties thereof; and

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

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27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
28 that assessing the residents of The Preserve at Miller's Farm Subdivision Phase 3, in Copley
29 Township, in Council District 5, for drainage maintenance, per attached Exhibit A, is necessary
30 and in the best interest of the County of Summit;

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

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35 SECTION 1

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37 A drainage maintenance fund for The Preserve at Miller's Farm Subdivision Phase 3,
38 located in Copley Township, in Council District 5, is hereby established.

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40 SECTION 2

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42 Owners of parcels within the The Preserve at Miller's Farm Subdivision Phase 3 shall be
43 assessed for drainage maintenance per the special assessment worksheet attached to this
44 Resolution as Exhibit A. Each assessment is proportional to the estimated benefit to the
45 respective parcel.

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47 SECTION 3

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49 Pursuant to Section 6137.03 of the Ohio Revised Code, the Clerk of Council shall certify
50 the attached assessments to the County Fiscal Officer for placement on the next succeeding tax
51 duplicate to be collected and paid.
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4 SECTION 4

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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 reason to immediately fund
8 necessary drainage maintenance in the The Preserve at Miller's Farm Subdivision Phase 3.

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10 SECTION 5

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

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16 SECTION 6

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

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25 INTRODUCED September 26, 2016

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27 ADOPTED October 17, 2016

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ENACTED EFFECTIVE October 20, 2016

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



PRESIDENT OF COUNCIL