

1 RESOLUTION NO. 2021-263

First Reading Passage Requested
(H. Swindell)

2
3 SPONSOR Executive Shapiro

4 DATE August 30, 2021

COMMITTEE Planning

6
7 **A Resolution revising the assessments for the parcels of Estates of Bath, in Bath Township,**
8 **in Council District 5, for drainage maintenance, for the Engineer, and declaring an**
9 **emergency.**

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11 WHEREAS, this Council previously adopted Ordinance No. 2006-533, which approved
12 and accepted Estates of Bath, in Bath Township, in Council District 5; and

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14 WHEREAS, this Council previously adopted Resolution No. 2009-061, which levied
15 assessments for the on-going maintenance of a drainage system for the Estates of Bath, in Bath
16 Township, in Council District 5; and

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18 WHEREAS, this Council is currently considering Resolution No. 2021-262, which would
19 approve and accept the plat for the subdivision entitled "Estates of Bath Phase IIA," concerning a
20 subdivision of land located in Bath Township; in Council District 5; and

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

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26 WHEREAS, assessments for drainage maintenance also are permitted by Sections
27 6137.02 and 6137.03 of the Ohio Revised Code; and

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

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32 WHEREAS, the Engineer has prepared a revised special assessment worksheet, attached
33 as Exhibit A, which apportions necessary charges for drainage maintenance among the
34 subdivision's benefited parcel owners; and

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36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
37 that revising the assessments for the residents of Estates of Bath in Bath Township, in Council
38 District 5, for drainage maintenance, per attached Exhibit A, is necessary and in the best interest
39 of the County of Summit;

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

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44 SECTION 1

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46 A drainage maintenance fund for Estates of Bath, in Bath Township, in Council District
47 5, is hereby revised.
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1 RESOLUTION NO. 2021-263

2 PAGE TWO

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4 SECTION 2

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6 Owners of parcels within the Estates of Bath shall be assessed for drainage maintenance,
7 as set forth in the revised special assessment worksheet attached to this Resolution as Exhibit A.
8 Each assessment is proportional to the estimated benefit to the respective parcel.
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10 SECTION 3

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

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18 This Resolution is hereby declared an emergency in the interest of the health, safety, and
19 welfare of the residents of the County of Summit, and for the further reason to immediately fund
20 necessary drainage maintenance in Estates of Bath in Bath Township, in Council District 5.
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22 SECTION 5

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24 Provided this resolution receives the affirmative vote of eight members, it shall take
25 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
26 effect and be in force at the earliest time provided by law.
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28 SECTION 6

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30 It is found and determined that all formal actions of this Council concerning and relating
31 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
32 deliberations of this Council and of any of its committees that resulted in such formal action,
33 were in meetings open to the public, in compliance with all legal requirements, including Section
34 121.22 of the Ohio Revised Code.
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37 INTRODUCED August 30, 2021

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39 ADOPTED August 30, 2021

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43 *[Signature]*
CLERK OF COUNCIL

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49 *[Signature]*
PRESIDENT OF COUNCIL

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51 APPROVED August 31, 2021

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[Signature]
EXECUTIVE

ENACTED EFFECTIVE August 31, 2021

Voice Vote - YES: 10-0: Darrow, Dickinson, Donofrio, Feeman,
McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSENT: DeVitis