

1 RESOLUTION NO. 2021-331

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3 SPONSOR Executive Shapiro

4  
5 DATE October 25, 2021 COMMITTEE Planning

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7 **A Resolution revising the assessments for drainage maintenance for the residents of The**  
8 **Retreat at Liberty Lakes Subdivision Phase 1, and assessing the residents of Phase 2 of said**  
9 **subdivision for drainage maintenance, located in Twinsburg Township, in Council District**  
10 **1, for the Engineer, and declaring an emergency.**

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12 WHEREAS, this Council previously adopted Resolution No. 2020-410, which approved  
13 and accepted The Retreat at Liberty Lakes Subdivision Phase 1, located in Twinsburg Township,  
14 in Council District 1; and

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16 WHEREAS, this Council subsequently adopted Resolution No. 2020-411, which levied  
17 assessments for the on-going maintenance of a drainage system for Phase 1 of said subdivision;  
18 and

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20 WHEREAS, this Council is currently considering Resolution No. 2021-\_\_\_, which would  
21 approve and accept the plat for the subdivision entitled "The Retreat at Liberty Lakes  
22 Subdivision Phase 2," concerning a subdivision of land located in Twinsburg Township, in  
23 Council District 1; and

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

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29 WHEREAS, assessments for drainage maintenance also are permitted by Sections  
30 6137.02 and 6137.03 of the Ohio Revised Code; and

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32 WHEREAS, the Engineer seeks to revise the assessments for drainage maintenance for  
33 Phase 1 of said subdivision and to fully execute his powers and duties thereof; and

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35 WHEREAS, the Engineer has prepared a revised special assessment worksheet, attached  
36 as Exhibit A and incorporated fully herein, which apportions necessary charges for drainage  
37 maintenance among the subdivision's benefited parcel owners in Phase 1; and

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39 WHEREAS, the Engineer further seeks to assess for drainage maintenance for Phase 2 of  
40 said subdivision and to fully execute his powers and duties thereof; and

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42 WHEREAS, the Engineer has prepared a special assessment worksheet, attached to this  
43 Resolution, a copy of which is attached hereto as Exhibit B and incorporated fully herein, which  
44 apportions necessary charges for drainage maintenance among the subdivision's benefited parcel  
45 owners in Phase 2; and

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47 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
48 that revising the assessments for the residents of The Retreat at Liberty Lakes Subdivision Phase  
49 1 and assessing the residents of Phase 2 of said subdivision, located in Twinsburg Township, in  
50 Council District 1, for drainage maintenance, per attached Exhibits A and B, is necessary and in  
51 the best interest of the County of Summit;

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

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7 SECTION 1

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9 A drainage maintenance fund for The Retreat at Liberty Lakes Subdivision Phase 1, in  
10 Twinsburg Township, in Council District 1, is hereby revised.

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12 SECTION 2

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14 Owners of parcels within the The Retreat at Liberty Lakes Subdivision Phase 1 shall be  
15 assessed for drainage maintenance, as set forth in the revised special assessment worksheet,  
16 attached to this Resolution as Exhibit A and incorporated fully herein. Each assessment is  
17 proportional to the estimated benefit to the respective parcel.

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19 SECTION 3

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21 Owners of parcels within The Retreat At Liberty Lakes Subdivision Phase 2 shall be  
22 assessed for drainage maintenance per the special assessment worksheet, a copy of which is  
23 attached as Exhibit B and incorporated fully herein. Each assessment is proportional to the  
24 estimated benefit to the respective parcel.

25  
26 SECTION 4

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28 Pursuant to Section 6137.03 of the Ohio Revised Code, the Clerk of Council shall certify  
29 the attached assessments to the Fiscal Officer for placement on the next succeeding tax duplicate  
30 to be collected and paid.

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32 SECTION 5

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34 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
35 welfare of the residents of the County of Summit, and for the further reason to immediately fund  
36 necessary drainage maintenance in The Retreat at Liberty Lakes Subdivision Phase 1 and to  
37 assess residents of Phase 2 of said subdivision for necessary drainage maintenance, located in  
38 Twinsburg Township, in Council District 1.

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40 SECTION 6

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

45  
46 SECTION 7

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48 It is found and determined that all formal actions of this Council concerning and relating  
49 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
50 deliberations of this Council and of any of its committees that resulted in such formal action,  
51 were in meetings open to the public, in compliance with all legal requirements, including Section  
52 121.22 of the Ohio Revised Code.

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5 INTRODUCED October 25, 2021

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7 ADOPTED October 25, 2021

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11 CLERK OF COUNCIL

  
12 PRESIDENT OF COUNCIL

13 APPROVED October 26, 2021

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16 EXECUTIVE

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19 ENACTED EFFECTIVE October 27, 2021

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