

1 RESOLUTION NO. 2024-148

First Reading Passage Requested
(M. Willis)

2
3 SPONSOR Council of the Whole

4
5 DATE May 13, 2024

COMMITTEE Public Works

6
7 **A Resolution granting design preparations for Bath Township’s Wye Road Flood**
8 **Mitigation Improvement Project – Phase 2 ditch petition pursuant to Section**
9 **6131.12 of the Ohio Revised Code and declaring an emergency.**

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

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16 WHEREAS, this Council in Resolutions 2021-367; 2023-002; and 2023-052
17 previously authorized the acceptance of grant funding to mitigate flooding in the Wye
18 Road area and to authorize engineering services for the design of such mitigation plans;
19 and

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21 WHEREAS, on March 6, 2024 a single county petition for a drainage
22 improvement was filed with the Summit County Clerk of Council requesting the
23 County to clean, remove obstructions from, restore, reconstruct and repair the ditch
24 storm-water drainage system serving a part of the Sanctuary of Bath subdivision as
25 shown on Exhibit A; and

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27 WHEREAS, a public viewing was held on April 10, 2024 and public hearing was
28 held in Council Chambers on May 13, 2024; and

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

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33 WHEREAS, legal notice was placed in the Akron Beacon Journal on March 26,
34 2024 giving notice of the dates of the Public Viewing and Public Hearing; and

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36 WHEREAS, the Summit County Engineer has prepared a preliminary report of
37 the estimate of the costs of the proposed improvement; and

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39 WHEREAS, said report serves as a guide to this Council and the Petitioners in
40 deciding whether to order a final report, plans and schedules for the proposed
41 improvement pursuant to Section 6131.12 of the Ohio Revised Code; and

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43 WHEREAS, after holding the public hearing authorized by Section 6131.101 of
44 the Ohio Revised Code, and hearing any evidence offered by any owner for or against
45 the granting of the proposed improvement, this Council finds and determines, after
46 reviewing all pertinent information that it is in the best interest of Summit County to
47 authorize the preparation of a final report, plans, and the construction schedules for the
48 proposed improvement pursuant to Section 6131.12 of the Ohio Revised Code; and

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5 WHEREAS, this Council wishes to fix a date for the filing of a final report, plans,
6 and the construction schedules for the proposed improvement as provided in Sections
7 6131.12, 6131.14, and 6131.15 of the Ohio Revised Code.

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

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SECTION 1

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15 This Council finds that the Engineer's preliminary report substantially complies
16 with the requirements of Section 6131.09 of the Ohio Revised Code providing (1) a
17 preliminary estimate of the cost of the proposed improvement; (2) comments on the
18 feasibility of the project; (3) a statement of the engineer's opinion as to whether benefits
19 from the project are likely to exceed the estimated cost; and (4) a list of factors apparent
20 to the engineer, both favorable and unfavorable to the proposed improvement. The
Petitioner and others have been informed of the contents of the preliminary report.

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SECTION 2

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25 This Council, based on the preliminary report, and hearing any evidence offered
26 by any owner for or against the granting of the proposed improvement, finds and is of
27 the opinion that the improvement is necessary, will be conducive to the public welfare,
28 and that it is reasonably certain that the benefits outweigh the costs of the improvement.
29 Therefore, the preparation of project survey and plans for the Wye Road Flood
30 Mitigation and Improvements - Phase 2 shall proceed as provided in Section 6131.12 of
31 the Ohio Revised Code. The Summit County Engineer will prepare the final reports,
32 plans, and schedules as provided in Chapter 6131 of the Ohio Revised Code. Such
reports, plans, and schedules shall be filed with this Council by May 20, 2024.

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SECTION 3

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37 This Resolution is hereby declared an emergency in the interest of the health,
38 safety and welfare of the citizens of the County of Summit and for the further reason to
39 immediately order the filing of a final report, plans, and schedules for a proposed public
improvement located in Bath Township, Summit County, Ohio.

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SECTION 4

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

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4 SECTION 5

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

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13 INTRODUCED May 13, 2024

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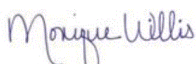
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17 ADOPTED May 13, 2024

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DocuSigned by:

CLERK OF COUNCIL
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DocuSigned by:

PRESIDENT OF COUNCIL
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26 APPROVED May 13, 2024

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DocuSigned by:

EXECUTIVE
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Voice Vote – YES: 11 – 0: Darrow, DeVitis,
Dickinson, Donofrio, Ford, McKenney, Rodgers,
Schmidt, Walters, Wiedie Higham, Wilhite

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35 ENACTED EFFECTIVE May 14, 2024

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