

1 RESOLUTION NO. 2024-329

LATE FILING
First Reading Passage Requested
(H. Swindell)

2
3 SPONSOR Mr. Schmidt

4
5 DATE November 18, 2024 COMMITTEE Public Works

6
7 **A Resolution granting design preparations for Northfield Center Township’s**
8 **Norwood Lake, Beech Drive and Cherry Lane 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, on February 8, 2024, a single county petition for a drainage
17 improvement was filed with the Summit County Clerk of Council requesting the
18 County to clean, remove obstructions from, restore, reconstruct and repair the drainage
19 system discharging from Norwood Lake through the Norwood development and
20 connecting with drainage infrastructure in the Route 82 right of way; and

21
22 WHEREAS, this Council previously adopted Resolution No. 2024-087 which
23 authorized a viewing of the proposed improvement and set a public hearing pursuant to
24 Section 6131.07 of the Ohio Revised Code; and

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26 WHEREAS, a public viewing was held on May 16, 2024 and public hearing was
27 held in Council Chambers on June 17, 2024; and

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

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32 WHEREAS, legal notice was placed in the Akron Beacon Journal on April 24,
33 2024 giving notice of the dates of the Public Viewing and Public Hearing; and

34
35 WHEREAS, the Engineer has prepared a preliminary report of the estimate of the
36 costs of the proposed improvement; and

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

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42 WHEREAS, after holding the public hearing authorized by Section 6131.101 of
43 the Ohio Revised Code, and hearing any evidence offered by any owner for or against
44 the granting of the proposed improvement, this Council finds and determines, after
45 reviewing all pertinent information that it is in the best interest of Summit County to
46 authorize the preparation of a final report, plans, and the construction schedules for the
47 proposed improvement pursuant to Section 6131.12 of the Ohio Revised Code; and
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4 WHEREAS, this Council wishes to authorize the Executive and the Engineer to
5 solicit proposals for the preparation of plans, surveys, and project design as provided in
6 Sections 6131.12, 6131.14, and 6131.15 of the Ohio Revised Code.

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

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11 SECTION 1

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

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21 SECTION 2

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23 This Council, based on the preliminary report, and hearing any evidence offered
24 by any owner for or against the granting of the proposed improvement, finds and is of
25 the opinion that the improvement is necessary, will be conducive to the public welfare,
26 and that it is reasonably certain that the benefits outweigh the costs of the improvement.
27 Therefore, the preparation of project surveys and plans for the Norwood Lake, Beech
28 Drive and Cherry Lane ditch petition shall proceed as provided in Section 6131.12 of
29 the Ohio Revised Code. The route and termini of the improvement shall be determined
30 considering the surveys and any existing drainage infrastructure as will maximize the
31 benefits of the project. The Engineer is authorized to advertise for proposals for the
32 final reports, plans, and schedules as provided in Chapter 6131 of the Ohio Revised
33 Code, subject to further Council approval of the selected proposal and consultant. Such
34 reports, plans, and schedules shall be filed with this Council by August 1, 2025.

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36 SECTION 3

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

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43 SECTION 4

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45 Provided this Resolution receives the affirmative vote of eight members, it shall
46 take effect immediately upon its adoption and approval by the Executive; otherwise, it
47 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 November 18, 2024

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15 ADOPTED November 18, 2024

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DocuSigned by:
Monique Willis
CLERK OF COUNCIL
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22 APPROVED November 18, 2024

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DocuSigned by:
Gene Shapiro
EXECUTIVE
CDD3E40D287473...

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29 ENACTED EFFECTIVE November 19, 2024

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DocuSigned by:
Rita J. Darrow
PRESIDENT OF COUNCIL
132AA5B69D28443...

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