

1 RESOLUTION NO. 2009-513

2
3 SPONSOR Mr. Pry

4
5 DATE January 25, 2010 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute quitclaim deeds and any other**
8 **documents necessary to transfer to the City of Akron and to Daniel T. Marchetta –**
9 **Partnership or its grantors, successors or assigns, the former Robinwood Hills Wastewater**
10 **Treatment Plant property owned by the County of Summit (Parcel No. 0400211), located in**
11 **Bath Township, Council District 1, pursuant to an agreement with the City of Akron and a**
12 **reversionary clause in a deed dated November 2, 1976, to the County from James E.**
13 **Houston and Barbara R. Houston, for the Executive's Department of Environmental**
14 **Services, and declaring an emergency.**

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16 WHEREAS, on November 2, 1976, James E. Houston and Barbara R. Houston deeded
17 real property on what is now known as Parcel No. 0400211 to the County of Summit (hereinafter
18 the "Property") in order that the County own and operate a waste water treatment plant on said
19 property; and

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21 WHEREAS, said deed was properly recorded in Vol. 5887 page 109 in the Summit
22 County records (hereinafter the "Deed"); and

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24 WHEREAS, the County subsequently constructed, owned and operated the Robinwood
25 Hills Wastewater Treatment Plant (Plant No. 42) on the Property; and

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27 WHEREAS, the Deed further provided, that in the event the said real property ceases to
28 be used as a "sewage disposal plant", the real property would revert to the owner, or their
29 grantors, successors or assigns; and

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31 WHEREAS, on November 30, 2004, the County executed an agreement with the City of
32 Akron in which a portion of the Property would be used by the City of Akron to own and operate
33 a sanitary sewer pump station (hereinafter the "Agreement"); and

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35 WHEREAS, Daniel T. Marchetta – Partnership, its grantors, successors or assigns are
36 now the successor to the reversionary interest in the subject real property in accordance with a
37 quitclaim deed filed executed on January 31, 2000, at Rec. No. 54394861; and

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39 WHEREAS, Plant No. 42 has been abandoned and the County no longer uses the subject
40 real property; and

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42 WHEREAS, pursuant to the Agreement and the Deed, the County is required to transfer a
43 portion of the Property to the City of Akron to own and operate a sanitary sewer pump station,
44 and the unused remainder of the Property to the Daniel T. Marchetta – Partnership or its grantors,
45 successors or assigns; and

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47 WHEREAS, this Council has determined by reviewing all pertinent information that
48 authorizing the County Executive to execute a quitclaim deed and any other documents
49 necessary to transfer the Property to the City of Akron and the unused remainder to Daniel T.
50 Marchetta – Partnership or its grantors, successors or assigns pursuant to the Agreement and
51 Deed is necessary and in the best interest of the County of Summit;

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2 PAGE TWO

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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 The County Executive is hereby authorized to execute quitclaim deeds and any other
10 documents necessary to transfer the Property known as Parcel No. 0400211 to the City of Akron
11 and the unused remainder to Daniel T. Marchetta – Partnership or its grantors, successors or
12 assigns pursuant to the Agreement with the City of Akron and the reversion clause in the Deed.

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14 SECTION 2

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16 This Resolution is hereby declared an emergency in the interest of the health, safety and
17 welfare of the citizens of the County of Summit, and for the further reason that it immediately
18 authorizes the transfer of the real property to the City of Akron and the unused remainder to
19 Daniel T. Marchetta – Partnership or its grantors, successors or assigns.

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21 SECTION 3

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

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27 SECTION 4

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

34
35 INTRODUCED December 14, 2009

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37 ADOPTED January 25, 2010

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40 _____
41 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

42
43 APPROVED January 25, 2010

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45 
46 _____
47 EXECUTIVE

January 25, 2010

ENACTED EFFECTIVE

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith