

1 RESOLUTION NO. 2010-363

2 SPONSOR Mr. Pry

3 DATE July 19, 2010

4 COMMITTEE: Planning

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6
7 **A Resolution authorizing the Executive to execute a Final Settlement Agreement And**
8 **Mutual Release with Copley Township, Alan Brubaker, County of Summit Engineer, Pulte**
9 **Homes of Ohio, LLC, The Stile Trust, Joel Stile, Trustee, Heritage Woods, LLC, and**
10 **Tuscan Ridge Development Company, LLC and, pursuant to that settlement agreement**
11 **approving a resubdivision titled "Montrose Park Phase 1 Replat", located in Copley**
12 **Township, Council District 5, for the Executive-Planning Commission and the County**
13 **Engineer, and declaring an emergency.**

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15 WHEREAS, the development known as Montrose Park, located in Copley Township, has
16 been the subject of a dispute between Copley Township, Alan Brubaker, County of Summit
17 Engineer, Pulte Homes of Ohio, LLC, The Stile Trust, Joel Stile, Trustee, Heritage Woods, LLC,
18 and Tuscan Ridge Development Company, LLC; and

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20 WHEREAS, the parties have reached a resolution to their dispute, part of which includes
21 the approval by the County of a resubdivision titled "Montrose Park Phase 1 Replat;" and

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23 WHEREAS, on July 15, 2010, the County of Summit Planning Commission approved the
24 resubdivision titled "Montrose Park Phase 1 Replat;" and

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26 WHEREAS, under Section 1104.06 (b) (4) of the Codified Ordinances of the County of
27 Summit and Section 711.041 of the Ohio Revised Code, the approval of this Council is a
28 prerequisite for the recording of a resubdivision of a previously recorded plat, as though the same
29 were a major subdivision; and

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31 WHEREAS, the parties desire to execute a Final Settlement Agreement and Mutual
32 Release to memorialize the resolution of their dispute; and

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34 WHEREAS, this Council has determined by reviewing all pertinent information that the
35 acceptance and approval of the aforementioned replat is necessary and in the best interest of the
36 County of Summit;

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38 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
39 of Ohio, that;

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41 SECTION 1

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43 The County Executive is hereby authorized to execute a Final Settlement Agreement and
44 Mutual Release with Copley Township, Alan Brubaker, County of Summit Engineer, Pulte
45 Homes of Ohio, LLC, The Stile Trust, Joel Stile, Trustee, Heritage Woods, LLC, and Tuscan
46 Ridge Development Company, LLC.

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2 PAGE TWO

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4 SECTION 2

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6 The resubdivision, together with restrictions, covenants, and easements thereon as
7 approved by the County of Summit Planning Commission, is hereby accepted by the County of
8 Summit, to be recorded by the County Fiscal Officer. The affected property shall remain a part
9 of the Montrose Park subdivision, as shown by the recorded document titled "Montrose Park
10 Phase 1 Replat", located in Copley Township, County of Summit, Council District 5.

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12 SECTION 3

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14 The original performance bond to be used for construction of streets, storm sewers, and
15 miscellaneous items, furnished by Safeco Insurance Company of America in the amount of \$
16 2,589,189, having been approved, was accepted in conjunction with "Montrose Park, Phase 1."
17 The original bond was subsequently reduced by Executive Order Number 08-331 to the amount
18 of \$1,096,679. The documents are to be retained by the County Executive, who is authorized to
19 release said bond, in part or in full, pursuant to the terms and conditions set forth in the
20 settlement agreement referenced herein.

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22 SECTION 4

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24 The performance bond to be used for construction of sanitary sewers, furnished by Lexon
25 Insurance Company in the amount of \$ 694,941, having been approved, was accepted in
26 conjunction with "Montrose Park, Phase 1." The documents are to be retained by the County
27 Executive, who is authorized to release said bond, in part or in full, pursuant to the terms and
28 conditions set forth in the settlement agreement referenced herein.

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30 SECTION 5

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32 This Resolution is hereby declared an emergency in the interest of the health, safety and
33 welfare of the citizens of the County of Summit, and for the further reason that it immediately
34 facilitates resolution of the aforementioned dispute.

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36 SECTION 6

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

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42 SECTION 7

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

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INTRODUCED July 19, 2010

ADOPTED July 19, 2010


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED July 19, 2010


EXECUTIVE

July 19, 2010
ENACTED EFFECTIVE

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Rodgers, Schmidt, Shapiro, Smith ABSENT: Prentice