RESOLUTION NO. 2012-008

SPONSOR __________ Mr. Pry __________

DATE __________________________ COMMITTEE __________ Planning __________

A Resolution authorizing the Executive to execute a termination of an avigation easement granted by Nettie Mohler, Marjorie Mohler Petry and Edwin Petry to the County of Summit, the County of Stark and the Akron-Canton Airport on May 13, 1965, which permitted the unobstructed flow of air traffic over certain lands near the airport, for the Executive's Department of Law, Insurance and Risk Management, and declaring an emergency.

WHEREAS, an avigation easement was executed on May 13, 1965, by Nettie Mohler, Marjorie Mohler Petry and Edwin Petry ("Grantors") for the benefit of the County of Summit, the County of Stark and the Akron-Canton Airport ("Airport"), which permitted the unobstructed flow of air traffic over certain lands owned by the Grantors near the Airport; and

WHEREAS, at the time said avigation easement was granted, the Board of Commissioners of Summit County and the Board of Commissioners of Stark County were the owners and operators of the Airport; and

WHEREAS, subsequent to the grant of the avigation easement, the ownership of the Airport transferred to the Akron-Canton Regional Airport Authority; and

WHEREAS, subsequent to the grant of the avigation easement, the ownership of the land encumbered by said easement was transferred to Stark State College; and

WHEREAS, in order to facilitate development, Stark State College has requested the termination of the avigation easement in exchange for a replacement avigation easement between Stark State College and the Akron-Canton Regional Airport Authority that was executed and filed in September 2011 encumbering certain other lands owned by Stark State College; and

WHEREAS, because the new avigation easement has rendered the prior avigation easement unnecessary, and because the County no longer operates the Airport, the Executive has recommended that: this Council authorize the Executive to execute a termination of the prior avigation easement; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County to authorize the Executive to execute a termination of the aforementioned avigation easement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State of Ohio, that
RESOLUTION NO. 2012-008

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SECTION 1

The Executive is hereby authorized to execute a termination of the avigation easement originally granted on May 13, 1965 by Nettie Mohler, Marjorie Mohler Petry and Edwin Petry ("Grants") for the benefit of the County of Summit, County of Stark and the Akron-Canton Airport ("Airport"), which permitted the unobstructed flow of air traffic over certain lands owned by the Grantors near the Airport. The termination of the avigation easement will be executed by the County of Summit, County of Stark, Akron-Canton Regional Airport Authority for the benefit of Stark State College, the current owner of the encumbered land. A copy of the termination of the avigation easement is attached hereto as Exhibit A.

SECTION 2

This Resolution is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to immediately terminate the aforementioned avigation easement to facilitate development at Stark State College.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall 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.

SECTION 4

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

INTRODUCED January 9, 2012

ADOPTED January 30, 2012

CLERK OF COUNCIL January 30, 2012

APPROVED January 30, 2012

EXECUTIVE

ENACTED EFFECTIVE January 30, 2012

Voice Vote:11-0: YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee Prentice, Rodgers, Roemer, Schmidt, Shapiro