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RESOLUTION NO. 2012-341

SPONSOR Mr. Pry

DATE September 17, 2012 COMMITTEE Rules

**A Resolution authorizing the County Executive to execute a settlement agreement, in an amount not to exceed \$4,600.00, to settle all claims arising out of or concerning issues raised in a lawsuit, *Ohio Edison Company v. County of Summit*, Case No. 12-CV-00991, before Judge Katarina Cook in the Akron Municipal Court, for the Prosecutor, the Engineer and the Executive, and declaring an emergency.**

WHEREAS, certain claims and disputes have arisen between the County and the Ohio Edison Company related to property damage allegedly caused by a County snowplow truck that occurred on January 8, 2011 near the intersection of Everett Road and Cleveland-Massillon Road in Bath Township (the "Incident"); and

WHEREAS, on January 30, 2012, Ohio Edison Company filed a lawsuit against the County *Ohio Edison Company v. County of Summit*, Case No. 12-CV-00991, before Judge Katarina Cook in the Akron Municipal Court in relation to the Incident; and

WHEREAS, in consultation with the County Prosecutor and the County Engineer, the County Executive has reached terms of settlement with Ohio Edison Company through its legal counsel to settle the case in the amount not to exceed \$4,600.00; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to settle the lawsuit filed by the Ohio Edison Company, in an amount not to exceed \$4,600.00, for the aforementioned reasons;

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

SECTION 1

The County Executive is hereby authorized to execute a settlement agreement, in an amount not to exceed \$4,600.00, to settle all claims arising out of or concerning issues raised in a lawsuit, *Ohio Edison Company v. County of Summit*, Case No. 12-CV-00991, before Judge Katarina Cook in the Akron Municipal Court. The settlement agreement shall include a release by the Ohio Edison Company of all claims against the County of Summit.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the for the further purpose of immediately sparing County taxpayers further expense related to the Ohio Edison Company's lawsuit.

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RESOLUTION NO. 2012-341

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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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED August 27, 2012

ADOPTED September 17, 2012

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED September 18, 2012

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE September 18, 2012

Voice Vote: 10-0. YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, ABSENT: Shapiro