RESOLUTION NO. 2014-280

SPONSOR Ms. Kurt

DATE June 16, 2014

COMMITTEE Public Works

A Resolution granting Bath Township’s Treecrest Drive ditch petition, in accordance with Section 6131.21 of the Ohio Revised Code, for the Council, and declaring an emergency.

WHEREAS, on August 10, 2010 a single County ditch petition was filed with the Summit County Clerk of Council requesting the County to clean, remove obstructions from, restore, reconstruct and repair the storm sewer and ditch storm-water drainage system serving all or part of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, and 88 within Yellow Creek Woods, a residential subdivision located in Bath Township, Summit County, Ohio as recorded on Plat Book 65, Pages 31-33 of the records of Summit County, Ohio, including but not limited to the drainage way generally located between Lots 12 and 13 to an adequate outlet; and

WHEREAS, pursuant to Ordinance 2011-004 and Section 6131.12 of the Ohio Revised Code, this Council granted the proposed improvement as being necessary, to the benefit of the petitioner, conducive to the public welfare and further found that the benefits of the improvement outweigh the costs; and

WHEREAS, pursuant to Section 6131.14 of the Ohio Revised Code, the Summit County Engineer surveyed the subject properties, prepared plans for the improvement, and submitted his plans, schedules and final report to this Council on May 2, 2014; and

WHEREAS, pursuant to Section 6131.16 of the Ohio Revised Code legal notices were sent by certified mail, return receipt requested to all owners named in the petition; and

WHEREAS, legal notice was placed in the Akron Beacon Journal on May 15, 2014 giving notice of the date of the Public Hearing required by Section 6131.20 of the Ohio Revised Code; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information that it is in the best interest of Summit County to (i) approve the improvement, (ii) to order the construction of the improvement to proceed and (iii) to assess the petitioner and subject properties for the costs of the improvement and future maintenance, pursuant to Sections 6131.21 and 6131.22; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that;
RESOLUTION NO. 2014-280

SECTION TWO

SECTION 1

Having considered all the evidence offered in the proceedings and after receiving and
considering all the schedules, plans, and reports filed by the county engineer, and having
reviewed and considered the former order made in favor of the improvement, this Council
affirms its former order and finds in favor of the improvement.

SECTION 2

This Council, based upon the report of the Engineer, finds and is of the opinion that the
improvement is necessary, will benefit the petitioner, will be conducive to the public welfare and
that the benefits outweigh the costs of the improvement and this Ditch Petition is hereby granted
pursuant to Section 6131.21 of the Ohio Revised Code.

SECTION 3

This Council hereby authorizes the County Executive, on behalf of the Summit County
Engineer, to solicit bids for the work consistent with the plans and schedules submitted to this
Council, provided, however that any contract shall be procured pursuant to Chapter 177 of the
Codified Ordinances of the County of Summit.

SECTION 4

Pursuant to Section 6131.21 of the Ohio Revised Code and the schedules filed by the
Engineer, the capital cost of the improvement shall be assessed against and paid by Bath
Township. The schedule of maintenance assessments filed by the Engineer as part of the
Engineer’s Final Report, and attached hereto as Exhibit A, are hereby approved and shall be
transmitted to the Summit County Fiscal Officer to be assessed beginning in 2015 pursuant to
Chapters 6131 and 6137 of the Ohio Revised Code.

SECTION 5

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 further reason to immediately
provide for the public improvement requested.

SECTION 6

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 7

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 O.R.C.

INTRODUCED       June 2, 2014

ADOPTED         June 16, 2014

CLERK OF COUNCIL

PRESIDENT OF COUNCIL

APPROVED        June 17, 2014

ENACTED EFFECTIVE

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