RESOLUTION NO. 2014-481

SPONSOR Mr. Pry

DATE November 10, 2014 COMMITTEE Planning

A Resolution pursuant to Section 177.17(e) of the Codified Ordinances of the County of Summit authorizing the County Executive to execute a license agreement with Mark and Elise Nester granting them and their invitees a right to enter upon an undeveloped parcel of real property owned by the County of Summit in Bath Township, in Council District 5, and enabling access between a landlocked parcel approximately 30 feet from a residential parcel, with both parcels being owned by the Nesters, for the Executive, and declaring an emergency.

WHEREAS, Section 177.17(e) of the Codified Ordinances of the County of Summit requires the authorization of this Council before the County Executive may enter into any agreement for the lease of any County owned real property, or any part thereof; and

WHEREAS, Mark and Elise Nester are owners of a parcel of real property which they use as their principal residence and which has a mailing address of 440 Crystal Lake Road, Bath Township, Ohio, in Council District 5 (Permanent Parcel No. 04-06933); and

WHEREAS, Mark and Elise Nester are also owners of an undeveloped parcel of real property in Bath Township (Permanent Parcel No. 04-03464) which is landlocked and lacks access to a public street, does not have a mailing address and is approximately 30 feet from the Crystal Lake parcel; and

WHEREAS, the County of Summit owns an undeveloped parcel of real property also located in Bath Township (Permanent Parcel No. 04-01180), which abuts both of the aforementioned parcels owned by Mark and Elise Nester; and

WHEREAS, the County wishes to enter into a license agreement to grant Mark and Elise Nester and their agents, representatives, invitees and visitors the right to travel across the undeveloped parcel owned by the County to allow ingress and egress between both parcels of property owned by the Nesters; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, it is necessary and in the best interest of the County of Summit to authorize the Executive to execute a license agreement with Mark and Elise Nester 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 license agreement with Mark and Elise Nester to allow them a right of access across an undeveloped parcel of real property owned by the County of Summit (Permanent Parcel No. 04-06933) in Bath Township, in Council District 5, for the purpose of access to an undeveloped parcel of real property owned by the Nesters also located in Bath Township (Permanent Parcel No. 04-03464). A copy of the license agreement is attached hereto as Exhibit A, and the County Executive is authorized to execute the
RESOLUTION NO. 2014-481

PAGE TWO

SECTION 1 (cont’d.)

same in substantially the same version as attached, provided that any changes to the same are not materially adverse to the County.

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 further reason to immediately allow access to a landlocked parcel of real property owned by Mark and Elise Nester in Bath Township, in Council District 5.

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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED October 27, 2014

ADOPTED November 10, 2014

CLERK OF COUNCIL

APPROVED November 12, 2014

EXECUTIVE

ENACTED EFFECTIVE November 12, 2014

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