

1 RESOLUTION NO. 2016-130

2
3 SPONSOR Mr. Pry

4
5 DATE April 25, 2016 COMMITTEE Planning

6
7 **A Resolution revising the assessments for the parcels of The Preserve at Miller's Farm**
8 **Subdivision Phase 1, in Copley Township, for drainage maintenance, for the Engineer, and**
9 **declaring an emergency.**

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11 WHEREAS, this Council previously adopted Resolution No. 2014-530, which approved
12 and accepted The Preserve at Miller's Farm Subdivision Phase 1; and

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14 WHEREAS, by Resolution No. 2016-129, this Council will be approving and accepting
15 the plat for a subdivision entitled The Preserve at Miller's Farm Subdivision Phase 2; and

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17 WHEREAS, said plat includes a drainage maintenance assessment provision signed by
18 all owners of parcels located within said subdivision, with said provision applying to subsequent
19 owners of the same parcels; and

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21 WHEREAS, assessments for drainage maintenance also are permitted by Sections
22 6137.02 and 6137.03 of the Ohio Revised Code; and

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24 WHEREAS, the County Engineer seeks to revise the assessments for drainage
25 maintenance for said subdivision and to fully execute its powers and duties thereof; and

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27 WHEREAS, the Engineer has prepared a revised special assessment worksheet, attached
28 as Exhibit A, which apportions necessary charges for drainage maintenance among the
29 subdivision's benefited parcel owners; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that revising the assessments for the parcels of The Preserve at Miller's Farm Subdivision Phase
33 1, in Copley Township, in Council District 5, for drainage maintenance, per attached Exhibit A,
34 is necessary and in the best interest of the County of Summit;

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36 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
37 of Ohio, that;

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39 SECTION 1

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41 A drainage maintenance fund for The Preserve at Miller's Farm Subdivision Phase 1, in
42 Copley Township, in Council District 5, is hereby revised.

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44 SECTION 2

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46 Owners of parcels within The Preserve at Miller's Farm Subdivision Phase 1 subdivision
47 shall be assessed for drainage maintenance, per the revised special assessment worksheet
48 attached as Exhibit A. Each assessment is proportional to the estimated benefit to the respective
49 parcel.

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2 PAGE TWO

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4 SECTION 3

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6 Pursuant to Section 6137.03 of the Ohio Revised Code, the Clerk of Council shall certify
7 the attached assessments to the County Fiscal Officer for placement on the next succeeding tax
8 duplicate to be collected and paid.

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10 SECTION 4

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12 This Resolution is hereby declared an emergency in the interest of the health, safety, and
13 welfare of the citizens of the County of Summit, and for the further reason to immediately fund
14 necessary drainage maintenance in The Preserve at Miller's Farm Subdivision Phase I
15 subdivision in Copley Township.

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17 SECTION 5

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

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23 SECTION 6

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25 It is found and determined that all formal actions of this Council concerning and relating
26 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
27 deliberations of this Council and of any of its committees that resulted in such formal action,
28 were in meetings open to the public, in compliance with all legal requirements, including Section
29 121.22 of the Ohio Revised Code.

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32 INTRODUCED April 11, 2016

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34 ADOPTED April 25, 2016

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38 CLERK OF COUNCIL


39 PRESIDENT OF COUNCIL

40 APPROVED April 26, 2016

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44 EXECUTIVE

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46 ENACTED EFFECTIVE April 26, 2016

Voice Vote: 10-0 YES: Crawford, Donofrio, Feeman, Kostandaras,
Prentice, Rodgers, Schmidt, Shapiro, Walters, Wilhite
ABSENT: Lee