

1 RESOLUTION NO. 2016-131

2
3 SPONSOR Mr. Pry

4
5 DATE April 25, 2016 COMMITTEE Planning

6
7 **A Resolution assessing the parcels of The Preserve at Miller's Farm Subdivision**
8 **Phase 2 for drainage maintenance, for the Engineer, and declaring an emergency.**

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

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

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17 WHEREAS, assessments for drainage maintenance also are permitted by Sections
18 6137.02 and 6137.03 of the Ohio Revised Code; and;

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20 WHEREAS, the County Engineer seeks to assess for drainage maintenance for
21 said subdivision and to fully execute its powers and duties thereof; and

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

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27 WHEREAS, this Council finds and determines, after reviewing all pertinent
28 information, that assessing the residents of The Preserve at Miller's Farm Subdivision
29 Phase 2, in Copley Township, in Council District 5, for drainage maintenance, per
30 attached Exhibit A, is necessary and in the best interest of the County of Summit;

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

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35 SECTION 1

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37 A drainage maintenance fund for The Preserve at Miller's Farm Subdivision
38 Phase 2, located, in Copley Township, Council District 5, is hereby established.

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40 SECTION 2

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42 Owners of parcels within The Preserve at Miller's Farm Subdivision Phase 2 shall
43 be assessed for drainage maintenance per the special assessment worksheet attached as
44 Exhibit A. Each assessment is proportional to the estimated benefit to the respective
45 parcel.

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47 SECTION 3

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

1 RESOLUTION NO. 2016-131

2 PAGE TWO

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4 SECTION 4

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6 This Resolution is hereby declared an emergency in the interest of the health,
7 safety, and welfare of the citizens of the County of Summit, and for the further reason to
8 immediately fund necessary drainage maintenance in The Preserve at Miller's Farm
9 Subdivision Phase 2.

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11 SECTION 5

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

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17 SECTION 6

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

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26 INTRODUCED April 11, 2016

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28 ADOPTED April 25, 2016

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32 CLERK OF COUNCIL


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34 PRESIDENT OF COUNCIL

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36 APPROVED April 26, 2016

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39 EXECUTIVE

40 ENACTED EFFECTIVE April 26, 2016

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