

1 RESOLUTION NO. 2018-356

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3 SPONSORS Ms. Shapiro, Mrs. Prentice, Mr. Donofrio

4
5 DATE September 24, 2018 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute any documents necessary to**
8 **settle all claims of 3770 Manchester Road, LLC, and its predecessors in interest, pertaining**
9 **to the split of 3770 Manchester Road from 3768 Manchester Road, in Coventry Township,**
10 **Council District 8, for the amount of \$60,000.00, for the Executive's Department of Law**
11 **and Risk Management, and declaring an emergency.**

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13 WHEREAS, in 2011, the real property located at 3770 Manchester Road, in Coventry
14 Township, and identified as Parcel No. 1909632 (the "Property") was split from the real property
15 located at 3768 Manchester Road, and identified as Parcel No. 1908427; and

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17 WHEREAS, the owner of the Property, 3770 Manchester Road, LLC and its predecessors
18 in interest, have asserted claims against the County related to the lot split, alleging that the
19 County, the Summit County Combined General Health District and Coventry Township all
20 approved the lot split even though the septic system that served the structure on the Property
21 remained on 3768 Manchester Road, and the same was subsequently disconnected by the owner
22 of 3768 Manchester Road; and

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24 WHEREAS, the owner of the Property has further asserted that the disconnection of the
25 septic system has substantially diminished the value of the Property, and that it is necessary to
26 extend sewer service to the Property to replace the septic system; and

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28 WHEREAS, the County Executive has negotiated the terms of a proposed settlement
29 with 3770 Manchester Road, LLC to resolve all claims against the County related to the Property
30 in exchange for the payment of the sum of \$60,000.00; and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
33 that it is necessary and in the best interest of the County to authorize the County Executive to
34 execute any documents necessary to settle all claims of 3770 Manchester Road, LLC, and its
35 predecessors in interest, pertaining to the split of the Property.

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

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40 SECTION 1

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42 The County Executive is hereby authorized to execute any documents necessary to settle
43 all claims of 3770 Manchester Road, LLC, and its predecessors in interest, pertaining to the split
44 of 3770 Manchester Road from 3768 Manchester Road, in Coventry Township, Council District
45 8, for the amount of \$60,000.00.

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47 SECTION 2

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49 This Resolution is declared an emergency in the interest of the health, safety and welfare of
50 the residents of the County of Summit and for the further reason to immediately resolve all claims of
51 3770 Manchester Road, LLC related to the Property.

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2 PAGE TWO

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4 SECTION 3

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6 Provided this Resolution receives the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.
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10 SECTION 4

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12 It is found and determined that all formal actions of the Council concerning and relating
13 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.
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18 INTRODUCED September 10, 2018

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21 ADOPTED September 24, 2018

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25 _____
26 CLERK OF COUNCIL

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32 _____
PRESIDENT OF COUNCIL

APPROVED September 25, 2018

ENACTED EFFECTIVE 9/25/18

Voice Vote: YES 11-0 - Dickinson, Donofrio, Feeman, Hamilton,
Koehler, Prentice, Rodgers, Schmidt, Soyars, Walters, Wilhite