

1 RESOLUTION NO. 2018-507

2
3 SPONSOR Ms. Shapiro

4
5 DATE December 11, 2018

COMMITTEE Public Works

6
7 **A Resolution authorizing the County Executive to execute an Amendment to a Request for**
8 **Maintenance Agreement with Heritage Woods, LLC to remove undeveloped land from the**
9 **Request for Maintenance Agreement previously recorded in the Summit County Records,**
10 **for the Engineer, and declaring an emergency.**

11
12 WHEREAS, the County and Pulte Homes of Ohio, LLC (“Pulte”), entered into a Request
13 for Maintenance Agreement recorded with the County Fiscal Officer in the Summit County
14 Records on October 29, 2015 as Instrument No. 56167278 (the “Agreement”), attached hereto as
15 Exhibit A; and

16
17 WHEREAS, the real property subject to the Agreement has since been subdivided and
18 partially developed, and now consists of (i) the subdivision known as Arbor Chase Subdivision
19 (consisting of single-family lots and associated improvements) (“Developed Property”), and (ii)
20 adjacent, undeveloped land (“Subject Property”), as each are more fully identified in the
21 Amendment to a Request for Maintenance Agreement, attached hereto as Exhibit B (the
22 “Amendment”); and

23
24 WHEREAS, Heritage Woods, LLC has acquired fee simple title of the Subject Property
25 and, accordingly, is Pulte’s successor-in-interest specifically with respect to the Subject
26 Property; and

27
28 WHEREAS, Heritage Woods, LLC has requested that the County enter into the
29 Amendment to remove the Subject Property because the Agreement was intended to apply only
30 to the Developed Property; and

31
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 of Summit to authorize the County
34 Executive to execute the Amendment with Heritage Woods, LLC to remove the Subject
35 Property;

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

39
40 SECTION 1

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42 The County Executive is hereby authorized to execute a an Amendment to a Request for
43 Maintenance Agreement (the “Amendment”) with Heritage Woods, LLC, a copy of which is
44 attached hereto as Exhibit B and incorporated herein by reference, to remove undeveloped land
45 from a Request for Maintenance Agreement between the County and predecessor-in-interest
46 Pulte Homes of Ohio, LLC recorded in the Summit County Records on October 29, 2015 as
47 Instrument No. 56167278, with such modifications and revisions as shall be in furtherance of the
48 provisions of the Amendment and not substantially adverse to the County, all of which shall be
49 conclusively evidenced by the execution thereof by the County Executive.
50

1 RESOLUTION NO. 2018-507

2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the residents of the County of Summit and for the further reason to immediately
8 remove undeveloped land from the existing maintenance agreement to facilitate orderly
9 development of the same.

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11 SECTION 3

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

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17 SECTION 4

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

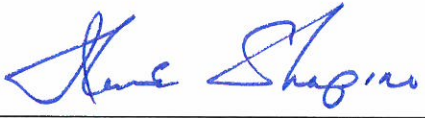
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27 INTRODUCED December 3, 2018

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29 ADOPTED December 11, 2018

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34 _____
35 CLERK OF COUNCIL

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41 PRESIDENT OF COUNCIL

42 APPROVED December 12, 2018

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48 EXECUTIVE

49
50 December 12, 2018
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52 _____
53 ENACTED EFFECTIVE

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