

1 RESOLUTION NO. 2010-361

2
3 SPONSOR Mr. Pry

4
5 DATE July 19, 2010

COMMITTEE: Planning

6
7 **A Resolution assessing the homeowner's association of Montrose Park Phase 1 Replat, A**
8 **Replat of Lots 6, 161, 177, Open Space A, B and D, Outlot A and Public Easement 5 of the**
9 **Montrose Park Phase 1 Subdivision, located in Copley Township, Council District 5, for**
10 **drainage maintenance, for the Engineer, and declaring an emergency.**

11
12 WHEREAS, by Resolution No. 2010-363, this Council approved the plat for Montrose
13 Park Phase 1 Replat, A Replat of Lots 6, 161, 177, Open Space A, B and D, Outlot A and Public
14 Easement 5 of the Montrose Park Phase 1 Subdivision; and

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16 WHEREAS, said plat included an amendment to the Montrose Park Homeowners Association
17 Documents signed by the president of the association, with a Request for Maintenance Agreement
18 whereby the home owner association requests county maintenance of all drainage ditches, storm
19 sewers, culverts, retention areas, retention basins and general drainage and the homeowners
20 association agrees to be assessed for said maintenance as per sections 6131.63 and 6137 of the
21 Ohio Revised Code; and

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23 WHEREAS, assessments for drainage maintenance also are permitted by Sections 6137.02
24 and 6137.03 of the Ohio Revised Code (O.R.C.); and

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26 WHEREAS, the County Engineer seeks to establish a drainage maintenance fund for said
27 Subdivision and to fully execute its powers and duties thereof; and

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29 WHEREAS, the County Engineer has prepared a Special Assessment Worksheet, which is
30 attached and marked as Exhibit 'A', which apportions necessary charges for drainage maintenance
31 among the Subdivision's benefited parcel owners; and

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33 WHEREAS, this council finds and determines, after reviewing all pertinent information,
34 that it is necessary and in the best interest of the County of Summit to assess the residents as set
35 forth herein.

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

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40 SECTION 1

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42 A drainage maintenance fund for Montrose Park Phase 1 Replat, A Replat of Lots 6, 161,
43 177, Open Space A, B and D, Outlot A and Public Easement 5 of the Montrose Park Phase 1
44 Subdivision, located in Copley Township, Council District 5, is hereby established.

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46 SECTION 2

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48 Owners of parcels within Montrose Park Phase 1 Replat, A Replat of Lots 6, 161, 177, Open
49 Space A, B and D, Outlot A and Public Easement 5 of the Montrose Park Phase 1 Subdivision
50 shall be assessed for drainage maintenance per the attached Special Assessment Worksheet,
51 Exhibit 'A' hereof. Each assessment is proportional to the estimated benefit to the respective
52 parcel.

Voice Vote: 10-0 YES: Communele, Grayford, Crossland, Feeman, Kostandaras
Poda, Rodgers, Schmidt, Shapiro, Smith, Prentice

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2 PAGE TWO

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4 SECTION 3

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6 Pursuant to O.R.C. Section 6137.03 the Clerk of Council shall certify the attached
7 assessments to the County Fiscal Officer for placement on the next succeeding tax duplicate to be
8 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 welfare
13 of the citizens of the County of Summit, and for the further reason to immediately fund necessary
14 drainage maintenance in Montrose Park Phase 1 Replat, A Replat of Lots 6, 161, 177, Open Space
15 A, B and D, Outlot A and Public Easement 5 of the Montrose Park Phase 1 Subdivision.

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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 effect
20 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be
21 in force at the earliest time provided by law.

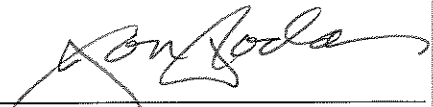
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23 SECTION 6

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25 It is found and determined that all formal actions of this Council concerning and relating to the
26 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, were
28 in meetings open to the public, in compliance with all legal requirements, including Section 121.22
29 of the O.R.C.

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33 INTRODUCED July 19, 2010

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36 ADOPTED July 19, 2010

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40 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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44 APPROVED July 19, 2010

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48 EXECUTIVE

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51 July 19, 2010
52 ENACTED EFFECTIVE