

1 RESOLUTION NO. 2010-372

2  
3 SPONSOR Mr. Pry

4  
5 DATE September 27, 2010 COMMITTEE Public Works

6  
7 **A Resolution authorizing the County Executive to pay to Brian and Valerie Prong the**  
8 **amount of \$7,519.29 for costs incurred in the excavation and restoration of the sewer**  
9 **lateral, lawn and concrete at their residence at 1885 Clearbrook Drive, Stow, Ohio 44224,**  
10 **in Council District 3, for the Executive's Department of Environmental Services, and**  
11 **declaring an emergency.**

12  
13 WHEREAS, between February 26, 2010, and March 8, 2010, sewer backups occurred at  
14 the residence of Brian and Valerie Prong, 1885 Clearbrook Drive, Stow, Ohio 44224, in Council  
15 District 3, and

16  
17 WHEREAS, personnel of the County's Department of Environmental Services ("DOES")  
18 were contacted by the Prongs, and following their initial review and investigation, DOES  
19 informed the Prongs that the blockage was in their private lateral and that it was their  
20 responsibility to repair; and

21  
22 WHEREAS, based upon said representation by DOES, the Prongs incurred costs to  
23 excavate and then to restore the lateral, lawn and concrete on their property to resolve the  
24 problem, in the eventual amount of \$7,519.29; and

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26 WHEREAS, upon further review and investigation, DOES has determined that the  
27 blockage occurred in the public sewer line, which is the responsibility of DOES to maintain and  
28 repair; and

29  
30 WHEREAS, this Council finds and determines after reviewing all pertinent information  
31 that authorizing the Executive to pay the sum of \$7,519.29 to Brian and Valerie Prong is  
32 necessary and in the best interest of the County;

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

36  
37 SECTION 1

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39 The County Executive is hereby authorized to pay to Brian and Valerie Prong the amount  
40 of \$7,519.29, to reimburse them for expenses incurred in the to excavation and restoration of the  
41 sewer lateral, lawn and concrete and to prepare a release and other documents necessary to  
42 protect the interests of the County with said reimbursement.

43  
44 SECTION 2

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46 The payment authorized in Section 1 shall be paid out of the Executive's Department of  
47 Environmental Services' Sewer Fund, account number 50001-8510-61017.  
48

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2 PAGE TWO

3  
4 SECTION 3

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and  
7 welfare of the citizens of the County of Summit, and for the further reason that it will  
8 immediately allow said payment.

9  
10 SECTION 4

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

15  
16 SECTION 5

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

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24  
25 INTRODUCED September 13, 2010

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27 ADOPTED September 27, 2010

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31 CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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34 APPROVED September 27, 2010

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38 EXECUTIVE

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40 ENACTED EFFECTIVE September 27, 2010

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras  
Poda, Rodgers, Schmidt, Shapiro, Smith ABSENT: Prentice