

1 RESOLUTION NO. 2011-353

First Reading Passage Requested
(A. Dunchuck)

2
3 SPONSOR Mr. Pry

4 DATE August 29, 2011

COMMITTEE Planning

6
7 **A Resolution assessing the residents of Bentley Reserve for drainage maintenance,**
8 **located in Copley Township, Council District 5, for the Engineer, and declaring an**
9 **emergency.**

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11 WHEREAS, County Council will be adopting Resolution No. 2011-352, which
12 approves the plat for Bentley Reserve; and

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

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18 WHEREAS, assessments for drainage maintenance also are permitted by Sections
19 6137.02 and 6137.03 of the Ohio Revised Code; and

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21 WHEREAS, the County Engineer seeks to establish a drainage maintenance fund for
22 said subdivision and to fully execute its powers and duties thereof; and

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24 WHEREAS, the Engineer has prepared a Special Assessment Worksheet, which is
25 attached and marked as Exhibit A, which apportions necessary charges for drainage
26 maintenance among the subdivision's benefited parcel owners; and

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28 WHEREAS, this Council has determined by reviewing all pertinent information that it
29 is necessary and in the best interest of the County of Summit to assess the residents of the
30 Bentley Reserve subdivision for the aforementioned reasons;

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

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35 SECTION 1

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37 A drainage maintenance fund for Bentley Reserve, located in Copley Township,
38 Council District 5, is hereby established.

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40 SECTION 2

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42 Owners of parcels within Bentley Reserve shall be assessed for drainage maintenance
43 per the attached Special Assessment Worksheet, Exhibit A, hereof. Each assessment is
44 proportional to the estimated benefit to the respective parcel.

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46 SECTION 3

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

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SECTION 4

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further reason to immediately fund necessary drainage maintenance in Bentley Reserve.

SECTION 5

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

SECTION 6

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

INTRODUCED August 29, 2011

ADOPTED August 29, 2011


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED August 30, 2011


EXECUTIVE

ENACTED EFFECTIVE August 30, 2011

Voice Vote:10-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prenice, Rodgers, Roemer, Schmidt,
ABSENT: Shapiro