

1 RESOLUTION NO. 2013-365

2
3 SPONSOR Mr. Pry

4
5 DATE August 26, 2013 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute a partial release of a sanitary**
8 **sewer easement originally granted in the plat for Stillwood Subdivision Phase 1 and**
9 **recorded in Reception No. 55486293 of the County of Summit Records, located in the City**
10 **of Stow, in Council District 3, for the Executive's Department of Environmental Services,**
11 **and declaring an emergency.**

12
13 WHEREAS, On October 9, 2007, Stillwood Developers, LLC, recorded the plat for
14 Stillwood Subdivision Phase 1, a major subdivision located in the City of Stow, in Council
15 District 3, in which the County was granted a utility easement for sanitary sewer purposes
16 ("Original Easement"); and

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18 WHEREAS, the County subsequently approved and relocated sanitary sewer lines in
19 Stillwood Subdivision Phase 3, that rendered certain portions of the Original Easement granted
20 in Phase 1 unnecessary for sanitary sewer purposes, as described in Exhibit A; and

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22 WHEREAS, the County received from Stillwood Developers, LLC, a new easement for
23 the relocated sanitary sewer line in the plat filed at Reception No. 55938668 of the County of
24 Summit Records; and

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26 WHEREAS, Stillwood Developers, LLC, now request the County to abandon and release
27 portions of the Original Easement as described in Exhibit A so that the property thereon may be
28 used freely; and

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30 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
31 that authorizing the Executive to execute the aforementioned release of easement is necessary
32 and in the best interest of the County of Summit;

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

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37 SECTION 1

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39 The County Executive is hereby authorized to execute the Partial Release of Easement
40 granted in the plat for Stillwood Subdivision Phase 1, Reception No. 55486293 of the County of
41 Summit Records, in the City of Stow, in Council District 3, in the substantive form shown in
42 Exhibit A, attached hereto and incorporated herein as if fully restated.

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44 SECTION 2

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46 This Resolution is hereby declared an emergency in the interest of the health, safety and
47 welfare of the citizens of the County of Summit and for the further purpose of immediately
48 authorizing the Executive to execute a Partial Release of Easement in Stillwood Subdivision
49 Phase 1, a major subdivision located in the City of Stow.

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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 this Council concerning and relating
13 to the adoption of this 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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19 INTRODUCED August 12, 2013

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21 ADOPTED August 26, 2013

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25 CLERK OF COUNCIL

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27 
28 PRESIDENT OF COUNCIL

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30 APPROVED August 27, 2013

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32 
33 EXECUTIVE

ENACTED EFFECTIVE August 27, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro