RESOLUTION NO._____2014-216_____     **First Reading Passage Requested**
                                          **(Clerk of Council)**

SPONSOR _____Ms. Kurt_____

DATE__May 12, 2014_____     COMMITTEE_____Public Works_____

**A Resolution, pursuant to Section 6131.16 of the Ohio Revised Code, fixing the date of June 16, 2014, for the final hearing on the Treecrest Drive Ditch Petition and directing the Clerk of Council to provide proper notice of the hearing as set forth in Section 6131.16 of the Ohio Revised Code, for the Council, and declaring an emergency.**

WHEREAS, pursuant to Section 6131.12 of the Ohio Revised Code, this Council has the authority to grant a proposed ditch improvement when it is of the opinion that the ditch improvement is necessary, will benefit the petitioner, will be conducive to the public welfare and that the benefits outweigh the costs; and

WHEREAS, on August 10, 2010, a single County ditch petition was filed with the Clerk of Council requesting the County to clean, remove obstructions from, restore, reconstruct and repair the storm sewer and ditch storm-water drainage system serving all or part of Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 within Yellow Creek Woods, a residential subdivision located in Bath Township, Summit County, Ohio as recorded on Plat Book 65, Pages 31-33 of the records of Summit County, Ohio, including but not limited to the drainage way generally located between Lots 12 and 13 to an adequate outlet all of which generally runs along Treecrest Drive (hereinafter referred to as the "Treecrest Drive Ditch" and "Treecrest Drive Ditch Petition"); and

WHEREAS, pursuant to Resolution No. 2011-004, this Council granted the Treecrest Drive Ditch Petition and instructed the County Engineer to begin preparing the final report, plans and schedules as provided in Sections 6131.12, 6131.14 and 6313.16 of the Ohio Revised Code; and

WHEREAS, on May 2, 2014, the County Engineer filed with the Clerk of Council the final report, plans and schedules for the Treecrest Ditch Petition; and

WHEREAS, pursuant to Section 6131.16 of the Ohio Revised Code, upon the filing with the Clerk of Council of the final report, plans and schedules, this Council shall fix a date when the final hearing on the same shall be held not fewer than 25 nor more than 90 days after the filing of the same; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to fix the date of the final hearing on the Treecrest Drive Ditch final report and to direct the Clerk of Council to provide proper notice of the hearing as set forth in Section 6131.16 of the Ohio Revised Code;

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

SECTION 1

The final hearing on the final report, plans and schedules for the Treecrest Drive Ditch Petition shall take place at 4:30 pm on June 16, 2014, in the Summit County Council Chambers, 175 South Main Street, Seventh Floor, Akron, Ohio 44308.

SECTION 2

The Clerk of Council is hereby directed to send notice of the aforementioned hearing by certified mail in the manner and to the persons set forth in Section 6131.16 of the Ohio Revised Code and is further directed to cause to be published in the Akron Beacon Journal notice of final hearing in the manner set forth in Section 6131.16

SECTION 3

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 fix the final hearing date in a timely manner and in the manner and timeframe set forth in Section 6131.16 of the Ohio Revised Code.

SECTION 4

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 5

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_____ May 12, 2014 _____

ADOPTED_____ May 12, 2014 _____

_____        _____
CLERK OF COUNCIL                        PRESIDENT OF COUNCIL

APPROVED_____ May 13, 2014 _____

_____
EXECUTIVE

ENACTED EFFECTIVE_____ May 13, 2014 _____

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