

1 RESOLUTION NO. 2016-213

First Reading Passage Requested
(Clerk of Council)

2
3 SPONSOR Council of the Whole

4
5 DATE June 13, 2016

COMMITTEE Public Works

6
7 **A Resolution authorizing the publication and legal notice for the proposed public**
8 **improvement located in Bath Township, and setting dates for the Public Viewing**
9 **and Public Hearing pursuant to Section 6131.07 of the Ohio Revised Code, for**
10 **Council, and declaring an emergency.**

11
12 WHEREAS, a ditch petition was filed on April 25, 2016 pursuant to Section
13 6131.04 of the Ohio Revised Code requesting the County to clean, remove obstructions
14 from, regrade, restore, reconstruct and stabilize the drainage course to improve
15 hydraulic capacity of overland drainage system running through Sublot 36 of The
16 Sanctuary of Bath Phase 1 and Sublots 78, 79, 81, 82 and 83 of The Sanctuary of Bath
17 Phase 2 and;

18
19 WHEREAS, a ditch petition filed on January 27, 2016 was combined with the
20 above referenced ditch petition pursuant to Section 6131.13 of the Ohio Revised Code
21 by Motion M-026-2016 of Council, and

22
23 WHEREAS, a public viewing and public hearing will provide pertinent
24 information from the County Engineer as to whether the construction of the combined
25 improvement is necessary and conducive to the public welfare; and

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27 WHEREAS, except as may be ordered pursuant to Section 6131.31 of the Ohio
28 Revised Code, all costs of engineering, construction, and future maintenance will be
29 assessed to the benefiting parcels of land of the combined improvement; and

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31 WHEREAS, the following is the course and termini of the proposed combined
32 improvement, to wit:

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34 Beginning at a storm sewer inlet located on the northerly side of Pine Point Drive (Bath
35 Township), said point being approximately 225 feet southwest of the intersection of Pine
36 Point Drive and Yellow Creek Road West;

37 Thence, northwesterly approximately 160 feet, following the course of an existing storm
38 sewer pipe, through the southwesterly portion of Sublot 71 of The Sanctuary of Bath
39 Subdivision to an existing storm sewer inlet located on or near the common line between
40 Sublots 71 and 72 of The Sanctuary of Bath Subdivision;

41 Thence, following the course of an existing storm sewer pipe, along or near the common
42 line between Sublots 71 and 72 of The Sanctuary of Bath Subdivision to a point in the
43 southerly right-of-way of Yellow Creek Road West;

44 Said easement for the improvement shall be 30 feet wide centered upon the course of the
45 existing storm sewer pipe.

46
47 Said drainage continues on a course running through Sublot 36 of The Sanctuary of Bath
48 Phase 1 and Sublots 78, 79, 81, 82 and 83 of The Sanctuary of Bath Phase 2. The exact
49 description of which will be determined by the County Engineer.

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4 WHEREAS, this Council has determined, after reviewing all pertinent
5 information, that it is necessary and in the best interest of the County of Summit to
6 authorize the publication and legal notice for the proposed public improvement located
7 in Bath Township, and to set the dates for the Public Viewing and Public Hearing
8 pursuant to Section 6131.07 of the Ohio Revised Code;
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10 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of
11 Summit, State of Ohio, that:
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13 SECTION 1
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15 Pursuant to Section 6131.07 of the Ohio Revised Code, a legal notice shall be
16 published one time in a newspaper of general circulation in Summit County; individual
17 notice to all owners of land which will be benefitted or damaged by construction of the
18 proposed improvement shall be sent by certified mail, return receipt requested, giving
19 notice that a public viewing of the area will take place at 2:00 pm. on Thursday, July
20 21, 2016. The view will start on Pine Point Drive at the boundary of Lots 70 and 71
21 (718 & 740 Pine Point Drive, Akron, OH 44210). A Public Hearing will take place on
22 Monday, August 8, 2016 at 4:30 pm in Council Chambers, Ohio Building – 7th Floor,
23 175 South Main Street, Akron, Ohio.
24

25 SECTION 2
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27 This Resolution is hereby declared an emergency in the interest of the health,
28 safety and welfare of the citizens of the County of Summit and for the further reason to
29 immediately authorize the publication and notice of a viewing and hearing for a
30 proposed public improvement located in Bath Township, Summit County, Ohio.
31

32 SECTION 3
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34 Provided this Resolution receives the affirmative vote of eight members, it shall
35 take effect immediately upon its adoption and approval by the Executive; otherwise it
36 shall take effect and be in force at the earliest time provided by law.
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38 SECTION 4
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40 It is found and determined that all formal actions of this Council concerning and
41 relating to the adoption of this Resolution were adopted in an open meeting of this
42 Council, and that all deliberations of this Council and of any of its committees that
43 resulted in such formal action, were in meetings open to the public, in compliance with
44 all legal requirements, including Section 121.22 of the Ohio Revised Code.
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INTRODUCED June 13, 2016

ADOPTED June 13, 2016


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED June 13, 2016


EXECUTIVE

ENACTED EFFECTIVE June 13, 2016

Voice Vote: 9-0 YES: Crawford, Donofrio, Feeman, Kostandaras, Prentice,
Rodgers, Schmidt, Walters, Wilhite
ABSENT: Lee, Shapiro