

1 RESOLUTION NO. 2023-382

First Reading Passage Requested

2

(D. Matz)

3 SPONSOR Executive Shapiro

4

5 DATE December 4, 2023

COMMITTEE Rules

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7 **A Resolution authorizing the Executive to execute a settlement agreement and release, in**
8 **an amount not to exceed \$174,000.00, to settle all claims arising out of or concerning issues**
9 **raised in the lawsuit, TR Construction v Summit County, Case No. 5:21-CV-01109-JRA**
10 **before Judge John R. Adams in the United States District Court for the Northern District**
11 **of Ohio, for the Executive and declaring an emergency.**

12

13 WHEREAS, a lawsuit, captioned TR Construction v Summit County, Case No. 5:21-CV-
14 01109-JRA was filed in the United States District Court for the Northern District of Ohio (the
15 “Lawsuit”) related to the transfer of a vacant and abandoned commercial property to the Summit
16 County Land Reutilization Corporation (the “Land Bank”) via the expedited foreclosure process;
17 and

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19 WHEREAS, the Executive has reached terms of settlement with Plaintiff, by and through
20 legal counsel, to settle the Lawsuit for an amount not to exceed \$174,000.00; and

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22 WHEREAS, pursuant to the settlement agreement and release, Plaintiff will settle the
23 Lawsuit and dismiss with prejudice all claims against the County, its elected officials, employees
24 as well as the Land Bank and its officers, directors and employees, thus avoiding the expense of
25 further litigation; and

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27 WHEREAS, this Council finds and determines, after reviewing all pertinent
28 information, that it is necessary and in the best interest of the County of Summit to settle the
29 Lawsuit for an amount not to exceed \$174,000.00, for the aforementioned reason;

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

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34 SECTION 1

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36 The Executive is hereby authorized to execute a settlement agreement and release in an
37 amount not to exceed \$174,000.00, to settle all claims arising out of or concerning issues raised
38 in the lawsuit, TR Construction v Summit County, Case No. 5:21-CV-01109-JRA before Judge
39 John R. Adams in the United States District Court for the Northern District of Ohio (the
40 “Lawsuit”), which settlement agreement shall include a full and final release and discharge by
41 TR Construction of all claims against the County and its elected officials, employees as well as
42 the Summit County Land Reutilization Corporation (the “Land Bank”) and its officers, directors
43 and employees.

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45 SECTION 2

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47 This Resolution is hereby declared an emergency in the interest of the health, safety and
48 welfare of the residents of the County of Summit and for the further purpose of immediately
49 sparing county taxpayers further expense related to the Lawsuit.

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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 December 4, 2023

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22 ADOPTED December 4, 2023

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24 DocuSigned by:

25 
26 407AE1C02A594A7...

27 CLERK OF COUNCIL

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30 APPROVED December 4, 2023

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32 DocuSigned by:

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34 CDB03E40D287473...

35 EXECUTIVE

36

37 ENACTED EFFECTIVE December 5, 2023

DocuSigned by:


C65A940FE4BA42A...

PRESIDENT OF COUNCIL

Voice Vote – YES: 11 – 0: Darrow, DeVitis, Dickinson, Donofrio, McKenney,
Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite