

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0207

Sponsored by: County Executive Budish/Department of Public Works	A Resolution approving an adjustment of the municipal boundary between Orange Village and City of Pepper Pike in connection with a portion of Lander Road, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, a portion of Lander Road, currently located in the City of Pepper Pike, as graphically depicted in Exhibit “A” and legally described in Exhibit “B,” both of which are appended hereto and incorporated herein by reference, is currently owned by the Landerwood Glen Condominium Unit Owners Association (“the Property”); and,

WHEREAS, Orange Village and the City of Pepper Pike have mutually determined that the most prudent and efficient manner to avoid confusion regarding the responsibility for maintaining a portion of Lander Road and for providing police and other emergency services to motorists, pedestrians, and others who utilize that right of way, the Property requires the adjustment of the municipal corporation boundary within the Property pursuant to Section 709.37 of the Ohio Revised Code, by causing the entire Property to be located within the corporate boundaries of Orange Village (“Proposed Boundary Adjustment”); and,

WHEREAS, the Orange Village Council and the Pepper Pike City Council each enacted legislation on February 8, 2012 and April 25, 2012, respectively, approving the Proposed Boundary Adjustment; and,

WHEREAS, Section 709.37 of the Ohio Revised Code states “[t]he ordinances setting forth such agreement shall be certified to the board of county commissioners. Upon receipt of such certified ordinances, the board shall proceed by resolution to approve such change of boundary and to make such adjustment of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the board determines to be proper. Transcripts of the ordinances, agreements, and resolution certified by the board shall be filed in the office of the secretary of state and shall also be filed and recorded in the office of the county recorder. All fees and costs for such filing shall be assumed and paid by such municipal corporations in such proportions as the board determines;” and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That Cuyahoga County Council hereby approves the Proposed Boundary Adjustment as specified in Orange Village Ordinance No. 2011-39 and Pepper Pike City Ordinance No. 2012-11 pursuant to Section 709.37 of the Ohio Revised Code.

SECTION 2. The County Executive and Fiscal Officer are hereby authorized to record and/or execute any documents that may be necessary to effectuate the Proposed Boundary Adjustment approved herein, and to file a certified copy of this Resolution, including the certified copies of Orange Village Ordinance No. 2011-39 and Pepper Pike City Ordinance No. 2012-11, with the Secretary of State in accordance with Section 709.37 of the Ohio Revised Code.

SECTION 3. All fees and costs of filing and recording shall be borne equally by Orange Village and the City of Pepper Pike.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Germana, seconded by Ms. Brown, the foregoing Resolution was duly adopted.

Yeas: Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 15, 2016

Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: November 29, 2016

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December 13, 2016