

RESOLUTION NO. 10-2024

INTRODUCED BY: MAYOR GRAVEN AND COUNCIL AS A WHOLE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RELEASE OF ALL CLAIMS AND DEMANDS AGREEMENT OF THE PROCEEDING BEFORE THE CUYAHOGA COUNTY COMMON PLEAS COURT CAPTIONED STATE OF OHIO EX REL MATTHEW MELIS, ET AL. V. CITY OF OLMSTED FALLS, OHIO ET AL. AND DECLARING AN EMERGENCY

WHEREAS, Matt Melis, et al. has filed a claim with the Cuyahoga County Court of Common Pleas alleging the city failed to enforce its codified ordinances related to tree preservation and management; and

WHEREAS, the City has denied such allegations, and has vigorously defended the allegations; and

WHEREAS, the City's attorney has negotiated a settlement of the allegations which would result in the entire matter being resolved. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. This Council authorizes the Mayor to enter into any and all agreements marked Exhibit "A" and "B" respectively attached hereto and incorporated herein by reference on behalf of the City of Olmsted Falls to the resolution of the proceeding captioned State of Ohio Ex Rel Matthew Melis, et al., v. City of Olmsted Falls, Ohio, et al, Case No. CV21950006.

SECTION 2. That this Council authorizes the lot split and consolidation of 0.0815 acres of Permanent Parcel No. 281-06-007 as shown on Exhibit "C," Lot Split and Consolidation Plat dated May 18, 2023, attached hereto and incorporated herein by reference.

SECTION 3. That the City administration including the Building Department and Law Department are hereby authorized and directed to take all actions necessary and appropriate to effectuate the purposes hereof including actions associated and necessary to effectuate the lot split and consolidation of said parcel.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the reason that this settlement must be implemented as soon as possible. Therefore this Resolution shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor or otherwise at the earliest time allowed by law.

Cornel Munteanu, Council President

PASSED: _____

APPROVED: _____
James P. Graven, Mayor

Date

APPROVED AS TO FORM: _____
Max Rieker, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Coy	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Gluss	_____	_____
Saari	_____	_____