

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 13-55

INTRODUCED BY: Mayor Stefanik

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT FOR THE RESOLUTION OF LITIGATION AND AUTHORIZING THE LAW DIRECTOR TO CONCLUDE THE LAWSUIT CAPTIONED CITY OF NORTH ROYALTON VS. GREG PAPPAS ET AL, CUYAHOGA COUNTY PROBATE COURT CASE NUMBER 2012ADV181574, AND DECLARING AN EMERGENCY

WHEREAS: Council previously authorized the Law Director to bring a lawsuit for the appropriation of real property belonging to Mr. Greg Pappas for improvements related to the Cedar Estates Storm Water Detention Basin; and

WHEREAS: That lawsuit is currently pending in the Cuyahoga County Probate Court, being case number 2012ADV181574; and

WHEREAS: The parties have reached an agreement to allow for the city to obtain the fee simple interest in the parcels at issue free of all liens and encumbrances upon payment to the Probate Court of the sum of \$135,000.00; and

WHEREAS: Council desires to authorize the Mayor to sign the settlement agreement and to authorize the Law Director to conclude the litigation on such terms as are consistent therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Mayor is hereby authorized to execute a settlement agreement for the resolution of litigation and the Law Director is hereby authorized to conclude the lawsuit captioned City of North Royalton vs. Greg Pappas et al, Cuyahoga County Probate Court Case Number 2012ADV181574, pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to provide for the settlement of this litigation.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: April 16, 2013

DATE APPROVED: April 17, 2013

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading April 16, 2013

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw
Marnecheck, Muller, Kasaris

NAYS: none