

RESOLUTION 2012-31

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREED JUDGMENT ENTRY AGREEING TO AND AUTHORIZING THE ANNEXATION OF APPROXIMATELY EIGHTY NINE (89) ACRES OF REAL ESTATE INTO THE VILLAGE OF HIRAM AND DECLARING AN EMERGENCY [Exhibit A(2)]

WHEREAS, Hiram College filed a Petition for Annexation of One Hundred Thirty Nine 3981/1000 (139.398) acres of territory located in Hiram Township and adjacent to the Village of Hiram, with the Portage County Commissioners on July 30, 2010; and

WHEREAS, Hiram Township opposed the Petition for Annexation filed by Hiram College; and

WHEREAS, the Portage County Commissioners, in an action taken on May 5, 2011 denied the Annexation Petition; and

WHEREAS, pursuant to law, and in conformity with the Ohio Revised Code, Hiram College appealed the adverse decision on the annexation petition of the Portage County Commissioners to the Portage County Common Pleas Court; and

WHEREAS, in conformity with law the Village of Hiram is named as a Necessary Party in the appeal of the adverse decision of the Portage County Commissioners with respect to the annexation of One Hundred Thirty Nine 3981/1000 (139.398 acres adjacent to the Village of Hiram located in Hiram Township; and

WHEREAS, two (2) other law suits are presently pending between Hiram College and the Hiram Township Trustees; and

WHEREAS, Hiram College, the Hiram Township and the Village of Hiram are desirous of settling the annexation litigation, and as part of that settlement, Hiram College and Hiram Township desire to settle the two (2) other law suits pending between the two of them.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Hiram, two-thirds or more of its members concurring that:

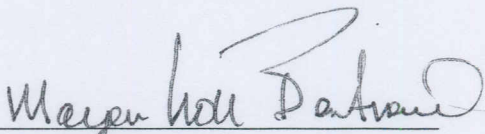
Section 1: The Solicitor of the Village of Hiram is authorized to execute, on behalf of the Village of Hiram, the Agreed Judgment Entry in substantial conformity with that attached hereto as Exhibit "A(2)".

Section 2: It is hereby 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 the deliberations of the 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 including Section 121.22 of the Revised Code of the State of Ohio.

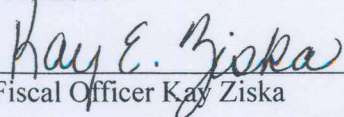
Section 3: This matter is declared to be an emergency measure, effective immediately upon passage, in order to preserve the health, safety and general welfare of the Village, and for the further reason that the Village of Hiram desires to have the Agreed Judgment Entry authorized by this Resolution executed forthwith, in advance of the deadline within which the Village of Hiram must act on a subsequent Expedited Type II Annexation, which has been approved by the Portage County Commissioners.

PASSED IN COUNCIL

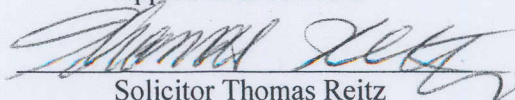
Passed as an emergency on July 31, 2012


Mayor Lou Bertrand

ATTEST:


Fiscal Officer Kay Ziska

Approved as to Form:


Solicitor Thomas Reitz