

RESOLUTION 2020-02

A RESOLUTION APPROVING THE SETTLEMENT OF A CERTAIN LAWSUIT ENTITLED VILLAGE OF HIRAM V. JOHN R. GROSELLE ET AL., RATIFYING ACTIONS TAKEN TO SETTLE THE LAWSUIT AND AUTHORIZING VILLAGE OFFICIALS TO ACCOMPLISH ACTIONS NECESSARY TO CARRY OUT THE TERMS OF AN AGREED JUDGMENT ENTRY.

WHEREAS, the Council of the Village of Hiram previously adopted Resolution 2019-04 declaring the necessity and intent to appropriate .7178 acres of a certain property needed to construct a new water tower which will serve the Village of Hiram and surrounding areas with potable water; and

WHEREAS, when negotiations between duly authorized representatives of the Village and the owner of the needed land were not successful and the Village Council authorized the commencement of litigation to acquire the needed property in conformity with Ohio laws authorizing appropriation of real property for a public purpose; and

WHEREAS, the Portage County Common Pleas Court referred the parties to the pending appropriation action to mediation, and in advance of the mediation the Council provided direction to the Mayor and to the Village Solicitor as to acceptable terms of a potential settlement. The mediation has resulted in a settlement consistent with the direction of the Council; and

WHEREAS, the Council desires to approve the resulting settlement and authorize such further acts as are necessary to effectuate the settlement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Hiram, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. The Agreed Judgment Entry and Order attached hereto as Exhibit "A" is accepted and approved by the Hiram Village Council so as to be binding on the Village.

SECTION 2. That the actions of Village officials, including but not limited to the Mayor and the Village Solicitor, in settling the case of Village of Hiram v. John R. Groselle, *et al.* upon the terms set forth in the attached Exhibit "A" are ratified, confirmed and approved.

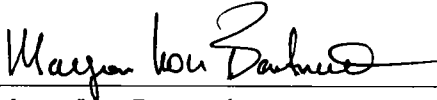
SECTION 3. Village officials are hereby directed to take all additional actions needed to comply with the Village obligations set forth in the Agreed Judgment Entry and Order attached as Exhibit "A". Approved actions include but are not limited to:

- a. Paying the purchase price of \$10,000.00.
- b. Paying the court costs as set forth in the entry.
- c. Paying the transfer costs as are set forth in the entry.
- d. Granting to John R. Groselle a 20-foot easement across a portion of the acquired property for ingress and egress of farm equipment from State Route 82 to the remaining land owned by John R. Groselle.
- e. Other actions as are necessary and proper to comply with the Agreed Judgment Entry and Order.

SECTION 4. The Village Administrator is hereby authorized and directed to accept the deed(s) from John R. Groselle to transfer the .7178 acres of real estate to the Village, and to cause the deed to be filed with the Portage County Recorder.

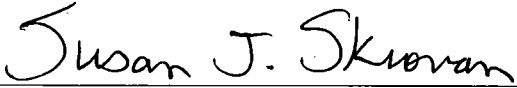
SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were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

PASSED IN COUNCIL on first reading on the Eleventh day of February, 2020.



Mayor Lou Bertrand

ATTEST:




Fiscal Officer Susan J. Skrovan

Approved as to form:



Village Solicitor Thomas Reitz

I, SUSAN SKROVAN, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution ~~or Ordinance~~ No. 2020-02 has been duly posted in the required 5 places.
2/12/2020 
Date Fiscal Officer, Village of Hiram