

**A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE BIGADZA FAMILY LIMITED PARTNERSHIP, IN SUMMIT COUNTY PROBATE COURT CASE NO. 2015-CV-131, CONCERNING THE PROPERTY LOCATED AT 4034 WHEATLEY ROAD, RICHFIELD, OHIO, AND DECLARING AN EMERGENCY**

WHEREAS, in 2014 and 2015, the Village of Richfield attempted to purchase real property located at 4034 Wheatley Road, Richfield, Ohio (the "Property") for public road purposes, but could not reach an agreement with the owner on a purchase price for the Property; and

WHEREAS, the Village filed an appropriation action to acquire the Property in the Summit County Probate Court, which was captioned Case No. 2015-CV-131; and

WHEREAS, the parties have reached an agreement to settle the lawsuit for Six Hundred Twenty-Five Thousand Dollars (\$625,000), of which Three Hundred Seventy Thousand Dollars (\$370,000) has already been deposited with the Court by the Village. The Village shall further pay one-half of the court costs and shall pay the real property taxes on the Property from and since the date of the Village's possession of it; and

WHEREAS, a settlement agreement and mutual release and a judgment entry shall be prepared by the Village Law Director


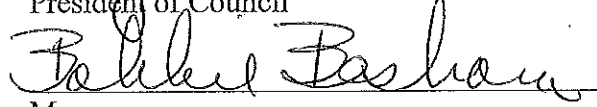
NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That the Mayor and Finance Director are authorized and directed to enter into a settlement agreement with the Bigadza Family Limited Partnership in order to settle Case No. 2015-CV-131 in the Summit County Probate Court for \$625,000 (\$370,000 of which was deposited in the Probate Court in 2015), substantially in accordance with an agreement and mutual release to be prepared by and subject to the final approval of the Village Law Director.
- SECTION 2. That there be appropriated from the Building Land Acquisition Fund, Cost of Operations, the sum of \$260,000; and that there be appropriated and transferred from the Income Tax Fund to the Building Land Acquisition Fund the sum of \$110,000.
- SECTION 3. 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 legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to authorize the payment of the settlement amount and resolve pending litigation at the earliest possible time; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1/17/17

  
President of Council  
  
Mayor

Dated: 1/17/17

ATTEST:  
  
Clerk of Council