

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A SETTLEMENT WITH M&D REALTY RICHFIELD, LLC AND JSKA MOVING SYSTEMS, INC., DBA STORAGE IN MOTION, AND DECLARING AN EMERGENCY

WHEREAS, the Village commenced litigation in the Summit County Court of Common Pleas, captioned *Village of Richfield, Ohio v. M&D Realty Richfield, LLC*, Case No. CV-2022-03-0651, to enjoin violations of the Zoning Code by M&D Realty Richfield, LLC, JSKA Moving Systems, Inc. dba Storage in Motion (“SIM”); and

WHEREAS, SIM and the Village each desire to resolve the differences between them and to avoid the uncertainty, expense, and inconvenience of continued litigation, as well as to terminate all matters in the controversy; and

WHEREAS, for the sake of resolution of the differences between both parties, both SIM and the Village wish to settle the case; and

WHEREAS, the Director of Law has recommended to Council the proposed terms of the settlement.

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

- SECTION 1. The Mayor and the Director of Finance are hereby authorized and directed to enter into a Settlement Agreement and General Release with M&D Realty Richfield, LLC, JSKA Moving Systems, Inc. dba Storage in Motion subject to final approval by the Director of Law.
- SECTION 2. 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 including Section 121.22 of the Ohio Revised Code.
- SECTION 3. 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 terminate expensive 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: 10-4-22

Bobbi Basman
President of Council

ATTEST:
[Signature]
Clerk of Council

[Signature]
Mayor

Dated: 10/4/2022