

RESOLUTION NO. 112-20

A RESOLUTION DIRECTING OWNERS TO DRAIN LINDENWOOD LAKE, REPAIR THE LINDENWOOD LAKE DAM AND REMOVE OBSTRUCTIONS, SILT AND SUBSTANCES AS WOULD CREATE A NUISANCE, AND DECLARING AN EMERGENCY.

WHEREAS: The owners listed in Exhibit A attached hereto and incorporated herein are the owners of Lindenwood Lake; Lindenwood Lake is located on parts of the parcel numbers that are also included in the listing as set forth in Exhibit A attached hereto and incorporated herein; and

WHEREAS: It has been determined that Lindenwood Lake at this time constitutes a nuisance as the Lindenwood Lake Dam is in need of serious repair and the lake itself is obstructed with an excess of silt, obstructions and substances that must be removed by way of dredging; it has also been determined herein that the overflow apparatus associated with Lindenwood Lake is in need of repair; and

WHEREAS: The owners of Lindenwood Lake enjoy an equal potential benefit with respect to the use of Lindenwood Lake and it is the determination of the Medina City Council that the owners of the lake will be equally accountable for repairs and maintenance of the lake; and

WHEREAS: R.C. 715.47 allows the City of Medina the ability by resolution to direct the owners of Lindenwood Lake to repair a potential nuisance and remove obstructions, silt and substances as necessary so as to avoid a nuisance; and

WHEREAS: If owners of Lindenwood Lake and Lindenwood Lake Dam do not, refuse to, or are unable to repair the dam and the overflow and remove substances, silt and obstructions in the lake as required to avoid a nuisance upon receipt of this Resolution and after the named time period, the City may complete the work of repair and removal of nuisances and recover the expenses of the completion of the work by way of lien placed upon an owner's lot which may be enforced by suit in the court of common pleas or by way of agreement with owners for a tax assessment upon properties owned by the owners.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the statements as set forth in the clauses outlined hereinabove are hereby adopted in this section.

SEC. 2: That the owners listed in Exhibit A, a copy of which is attached hereto and incorporated herein, are hereby required to repair Lindenwood Lake Dam and remove silt, substances and obstructions in Lindenwood Lake and further repair the lake overflow apparatus so as to remove all nuisances associated with the lake.

- SEC. 3:** That the owners listed and named in Exhibit A shall be given a period of thirty (30) days from the passage of this Resolution within which to complete the repairs required to remove the above named nuisances from Lindenwood Lake and Lindenwood Lake Dam.
- SEC. 4:** That this Resolution shall be served upon owners of Lindenwood Lake at the address for each owner listed on the Medina County Auditor's tax records for the property parcel number associated with each owner;
- SEC. 5:** That if owners of the Lindenwood Lake properties do not or are unable to complete repairs or refuse to complete repairs, the City of Medina shall after the above named thirty (30) day time period, expend funds so as to repair the Lindenwood Lake Dam, dredge Lindenwood Lake so as to remove obstructions, substances and silt, and repair the lake overflow apparatus so as to remove nuisances associated with the lake.
- SEC. 6:** That the City of Medina may recover expenses for the completion of work outlined in this Resolution by way of lien placed upon owner's lots effective from time of passage of this Resolution; said lien may be enforced or foreclosed upon by suit in the Medina County Court of Common Pleas. Alternatively an owner may agree with the City to repayment of expenses outlined herein by way of a tax assessment upon the owner's property. Repayments to the City for expenses outlined herein may be made by way of lump sum payment at the option of the owner. If an owner should choose repayment by way of tax assessment, the assessment against each lot or parcel of land named herein shall be payable in twenty (20) annual installments with interest at the same rate as shall be born by bonds to be issued in anticipation for the collection of the same. All cash payments shall be made payable to the Director of Finance of the City of Medina. All liens, or assessments and installments thereof remaining unpaid shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed on the tax duplicate that shall be collected by the Director of Finance in place of the County Treasurer, and he shall apply such amounts collected to the amount owing, together with any interest thereon to payment of the bonds and interest thereon, issued in anticipation of the collection of said assessments and for no other purpose, pursuant to applicable provisions of the Ohio Revised Code.
- SEC. 7:** That the Clerk of this Council shall cause notice of the passage of this Resolution to be published for two (2) consecutive weeks in a newspaper of general circulation in the City of Medina and that the owners named and listed herein shall comply with the direction of this Resolution within the time period of thirty (30) days.
- SEC. 8:** That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 the law.

SEC. 9: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health and safety of said City and for the reason that the Ohio Department of Natural Resources ordered repair of the Lindenwood Lake Dam as soon as the repairs can be reasonably be completed and that this Resolution must be deemed effective at once; wherefore this Resolution shall be in full force and effect immediately after its passage and approval by the Mayor.

PASSED: June 8, 2020

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 9, 2020

SIGNED: Dennis Hanwell
Mayor

City Project #1018: Lindenwood Lake Dam Repair
PROPERTY OWNER CONTACT LIST

Res. 112-20
Exh. A

PARCEL ID #	OWNER	LOCATION ADDRESS		TAX MAILING ADDRESS		CITY LOT #	PPN
		#	STREET	#	STREET		
01a	CLINTON J III & SANDRA L DELAFIELD	n/a	Lindenwood Lane	851	Lindenwood Lane	999	02819B11023
01b	CLINTON J III & SANDRA L DELAFIELD	851	Lindenwood Lane	851	Lindenwood Lane	2800	02819B11024
02	BRIAN R & CYNTHIA A CARVER	841	Lindenwood Lane	841	Lindenwood Lane	2799	02819B11025
03	WARREN D & SANDRA L LIMER	831	Lindenwood Lane	831	Lindenwood Lane	2798	02819B11026
04a	RAYMOND A & SANDRA S TOMAZIC	811	Lindenwood Lane	811	Lindenwood Lane	2797	02819B11027
04b	RAYMOND A & SANDRA S TOMAZIC	811	Lindenwood Lane	811	Lindenwood Lane	2796	02819B11027
05	ROBERT A BLOMQUIST & KATHERINE J BAILLIS	850	Shorewood Drive	850	Shorewood Drive	2710	02819B11028
06a	W BRUCE & JACQUELINE E DAVEY	n/a	Shorewood Drive	870	Shorewood Drive	4497	02819B11103
06b	W BRUCE & JACQUELINE E DAVEY	n/a	Shorewood Drive	870	Shorewood Drive	4498	02819B11087
07	KATHLEEN KRYSZAN & DAVID J KRYSZAN	880	Shorewood Drive	880	Shorewood Drive	4499	02819B11031
08	JANE N & LOUIS SCHAEFER	810	Beechwood Drive	810	Beechwood Drive	2281	02819B11033
09	BERT E & CAROLE A HUMPAL	820	Beechwood Drive	820	Beechwood Drive	3190	02819B11034
10	TERRY N & AGNES M KEENAN	830	Beechwood Drive	830	Beechwood Drive	3744	02819B11035
11	CYNTHIA C DAVIS	844	Beechwood Drive	844	Beechwood Drive	3745	02819B11036
12	JEFFREY R JR & DINA M HOMAN	856	Beechwood Drive	216	N Harmony Street	3746	02819B11037
13	JAMES A & ADRIENNE M GERSPACHER	870	Beechwood Drive	870	Beechwood Drive	3747	02819B11038
14	ANTHONY JR & JANE E LECIAN	888	Beechwood Drive	888	Beechwood Drive	3748	02819B11039