

REQUESTED BY LAW DIRECTOR
APPROVED BY COMMITTEE-OF-THE-WHOLE
INTRODUCED BY RASOR

ORDINANCE NO. 2016-13

AN ORDINANCE AUTHORIZING AND DIRECTING THE LAW DIRECTOR TO ENTER INTO A CONSENT JUDGEMENT ENTRY WITH CGP ACQUISITION AND DEVELOPMENT, LLC AND ALBRECHT INC. RESOLVING ALL PENDING LEGAL CLAIMS AGAINST THE CITY IN ACCORDANCE WITH THE SETTLEMENT TERMS SET FORTH THEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, CGP Acquisition & Development, LLC d/b/a Stow DG, LLC ("CGP") and Albrecht, Incorporated ("Albrecht") filed an administrative appeal on October 9, 2015 in the Summit County Court of Common Pleas pursuant to ORC Chapter 2506 appealing the denial of a site plan for the construction of a Dollar General retail store on certain real property known as Summit County, Ohio Permanent Parcel No. 56-14537 (the "Property") by way of City of Stow Resolution No. 2015-93

WHEREAS, this Council finds it is in the best interest of the City of Stow to resolve any and all pending legal issues with CGP and Albrecht regarding the above stated property in accord with the settlement terms set forth within the consent decree.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:


SECTION 1. That the Law Director is hereby authorized, on behalf of the City of Stow, Stow City Council, Stow Planning Committee, Stow Planning Commission and City of Stow Planning Director Rob Kurtz in their collective official capacities to enter into a Consent Judgment Entry for the purpose of resolving any and all pending legal action between the City of Stow and CGP and Albrecht. Said entry shall include approval of the site plan that was presented to and approved by the City of Stow Planning Commission on July 14, 2015 regarding the construction of a Dollar General retail store on Permanent Parcel No. 56-14537. Said agreement shall be in a form approved by the Law Director and include a complete and final release of any and all pending legal claims alleged by CGP and/or Albrecht against the City of Stow. In exchange for said release, Dollar General shall agree to split the north east remainder of the lot from the property included in the Dollar General site plan following the close of sale between CGP and Albrecht and will apply to have the north east remainder of the lot rezoned to R3 Residential and include a deed restriction in any future conveyance of said property indicating that the lot is to be developed for residential purposes only.


SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it puts an end to any and all pending litigation between the parties, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 1/28/16

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL


Matt Riehl
VICE PRESIDENT OF COUNCIL

FILED WITH MAYOR 1/29/16

APPROVED




Sara Drew

MAYOR

FILED WITH CLERK 1/29/16

APPROVED AS TO FORM

EFFECTIVE DATE 1/29/16



Amber K. Zibritosky
LAW DIRECTOR

I, Bonnie J. Emahiser, Clerk of
Council, do hereby certify that
copies of the forgoing were
posted in accordance with
Section 10.13 C.O.S.

