

ORDINANCE NO. 2018-48

REQUESTED BY LAW DIRECTOR
APPROVED BY FINANCE COMMITTEE
INTRODUCED BY COSTELLO

AN ORDINANCE AUTHORIZING AN EXPENDITURE TO RANDOLF M. STEGENGA, JR. AS AND FOR SETTLEMENT OF HIS MORAL CLAIM AGAINST THE CITY FOR DAMAGE INCURRED TO HIS PROPERTY AS THE RESULT OF AN ALLEGED BROKEN AND CRUSHED DOWNSPOUT DRAIN AND SEVERAL BREAKS IN THE PIPE THAT DRAINS THE WATER TO THE ROAD THAT BACKED-UP WATER INTO HIS BASEMENT AT 4202 LEEWOOD ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, on February 12, 2018, Randolph M. Stegenga, Jr. sustained damage to his property as the result of an alleged broken and crushed downspout drain and several breaks in the pipe that drains the water to the road that backed-up water into his basement at 4202 Leewood Road; and

WHEREAS, on March 9, 2018, Mr. Stegenga submitted a moral claim in an amount of \$1,288.75 for his damages; and

WHEREAS, the Codified Ordinances of Stow provides that moral claims in excess of \$1,000 shall be reviewed by the Board and submitted to Council for action within sixty (60) days of recommendation of such Board; and

WHEREAS, the Board of Control has recommended this moral claim be approved.

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

SECTION 1. That the Finance Director be, and he hereby is, authorized to appropriate, encumber, and pay funds in an amount not to exceed One Thousand Two Hundred Eighty-Eight and 75/100 Dollars (\$1,288.75) to Randolph M. Stegenga, Jr. as and for settlement of his moral claim against the City for damage to his property. This authorization is contingent upon Randolph M. Stegenga, Jr. signing a release of any and all potential claims and causes of action relating to the submitted moral claim against the City of Stow and said release shall be drafted in a form approved by the Law Director.


SECTION 2. That the Finance Director will be authorized to appropriate said funds in accordance with the terms of this ordinance.

SECTION 3. 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 4. 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 the City must resolve this moral claim in a timely manner, 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 4/26/18

ATTEST



Bonnie J. Emahiser
CLERK OF COUNCIL


Matt Riehl
PRESIDENT OF COUNCIL

FILED WITH MAYOR 4/27/18

FILED WITH CLERK 4/27/18

APPROVED AS TO FORM

APPROVED 
Sara Kline
MAYOR

EFFECTIVE DATE 4/27/18

Amber K. Zibritosky
LAW DIRECTOR