

1<sup>st</sup> reading 6-6-18  
P&Z vote 6-19-18  
2<sup>nd</sup> reading 6-13-18  
3<sup>rd</sup> reading 7-11-18  
Voted On 7-11-18  
Ayes: 7 Nays: 0  
PASSED ☒ DEFEATED ☐

## ORDINANCE NO. 2018-26

### AN ORDINANCE AUTHORIZING THE CITY OF SOLON TO PROVIDE SANITARY SEWER SERVICE TO THE PROPERTY OWNED BY PETER GOLDEN AND STACY MANILA, LOCATED AT 4969 WEST WOODCREST DRIVE, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF SOLON, REQUIRING THAT THE PROPERTY OWNER MAINTAIN ALL SEWER FACILITIES LOCATED UPON ITS PROPERTY, AND REQUIRING THE PAYMENT OF ALL COSTS AND EXPENSES INCURRED BY THE VILLAGE IN INSPECTING AND PERMITTING THE PROPOSED SEWER IMPROVEMENT.

WHEREAS, this Council has been asked to permit the property located at 4969 West Woodcrest Drive, Orange Village, Ohio 44022 (the "Subject Property") to access the Solon Sanitary Sewer System, by means of cutting into Miles Road and connecting to the sewer main on the southerly side of Miles Road in the City of Solon; and

WHEREAS, the proposed project would extend utility services into Orange Village, and also involves work within the Miles Road right-of-way, which may only be permitted with the consent of Council; and

WHEREAS, the Mayor has been requested to sign an agreement with the City of Solon which would permit the proposed project; and

WHEREAS, Council is willing to permit the proposed project, in the best interests of the residents of Orange Village, provided certain conditions are satisfied; and

WHEREAS, this Ordinance has been referred to the Orange Village Planning and Zoning Commission for a report and recommendation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the City of Solon, Peter Golden and Stacy Manila (as owners of the Subject Property) be and are hereby authorized to work within the Miles Road right-of-way to construct and maintain a sanitary sewer and related facilities to provide sanitary sewer service to the Subject Property, in accordance with the plans and specifications on file with the Village Building Commissioner (which are incorporated herein by reference). All costs of such construction and maintenance shall be borne by the property owners.

SECTION 2. That, in exchange for permission to work within the Miles Road right-of-way, Peter Golden and Stacy Manila shall, upon completion of all work within the right-of-way, repair the Miles Road right-of-way, as nearly as possible, to the road's existing condition. The

Building Commissioner shall collect the appropriate bond, pursuant to the Orange Village Codified Ordinances, to secure the faithful performance of this condition.

SECTION 3. That, as a further condition for permission to work in the Miles Road right-of-way, Peter Golden and Stacy Manila shall reimburse Orange Village for all of the Village's costs and expenses (including but not limited to engineering review, inspections and legal fees) incurred as a result of the project authorized herein.

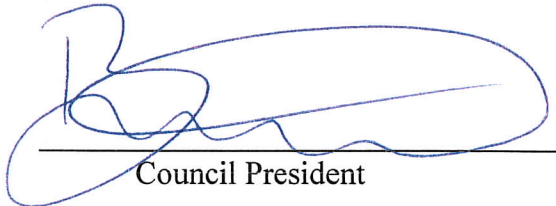
SECTION 4. That the Mayor be and is hereby authorized and directed to execute an agreement with the City of Solon, Peter Golden and Stacy Manila, a copy of which is appended hereto as "Exhibit A" and incorporated herein by reference.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation 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 Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. This ordinance shall be in full force and effect at the earliest time permitted by law.

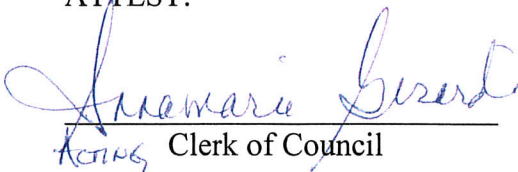
PASSED: July 11, 2018

Submitted to the Mayor for  
approval on this 11<sup>th</sup> day of July, 2018

  
\_\_\_\_\_  
Council President

Approved by the Mayor this  
11<sup>th</sup> day of July, 2018

ATTEST:

  
\_\_\_\_\_  
Acting Clerk of Council

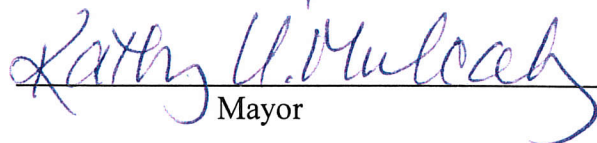
  
\_\_\_\_\_  
Mayor

EXHIBIT A  
AGREEMENT

THIS AGREEMENT, is made by and between, Orange Village, Cuyahoga County, Ohio (hereinafter referred to as "ORANGE"), the City of Solon, Cuyahoga County, Ohio (hereinafter referred to as "SOLON"), and Peter Golden and Stacy Manila, 4969 West Woodcrest Drive, Orange, Ohio 44022 (hereinafter referred to as "OWNER").

WITNESSETH

WHEREAS, OWNER desires to install certain sanitary sewer improvements in, over and upon their residential property at 4969 West Woodcrest Drive in the Village of Orange to the sanitary main in the City of Solon, which property is contiguous to the northerly boundary of the Solon Corporation limits. Said improvements shall be in accordance with a utility/plot connection plan and specifications which shall be prepared by the OWNER and submitted to and approved by the City of Solon Engineering Department; and

WHEREAS, the Parties desire that the sanitary sewer service for the said property of OWNER be connected to the sanitary sewer system of Solon; and

WHEREAS, SOLON serves as the billing collection entity for certain fees collected from users of the sewer system operated by SOLON; and

WHEREAS, the Parties desire that upon completion of such sanitary sewer system to service the property of the OWNER including the sanitary sewer system installed in the Miles Road right-of-way to the sanitary sewer main shall be maintained and serviced by the OWNER.

NOW THEREFORE, in consideration of the mutual terms, covenants, conditions and benefits contained herein the Parties hereto mutually agree as follows:

I. Installation of Sanitary Sewers

OWNER agrees to construct and install the sanitary sewer improvements in, over and upon their property and the right-of-way of Miles Road, at their sole expense, in



accordance with the applicable sanitary sewer connection plans and specifications approved by the SOLON Engineering Department and/or Orange Village.

The materials used for the construction of the sanitary sewer improvements and the methods of construction utilized by the OWNER shall conform to all applicable standards and requirements of SOLON.

The OWNER shall, upon completion of all work within the right-of-way, repair the Miles Road right-of-way, as nearly as possible, to the road's existing condition. The City Engineer shall collect the appropriate bond, pursuant to the Solon Codified Ordinances, to secure the faithful performance of this condition.

The OWNER shall deposit and pay all ordinary and reasonable inspection fees during the construction of the sanitary sewer improvements set forth on the approved sanitary sewer connection plans and specifications. The OWNER shall permit an official SOLON Inspector to have access to the premises located at 4969 West Woodcrest Drive to inspect the materials used and methods of construction. SOLON, in its sole opinion, will have the right to reject the sanitary sewer improvements and refuse to permit tie-in and use of the sewers which do not meet the approved specifications of the applicable standards of SOLON. SOLON will make prompt inspections upon the request of OWNER, and approval of the improvements shall not be unreasonably withheld or delayed.

By signing this agreement the OWNER warrants, represents and guarantees to SOLON and Orange Village that the constructed system will be free and clear of all stormwater cross connections.

Upon approval of the sewer improvements, SOLON will permit the tie-in of the sanitary sewer line installed in, over and upon said OWNER's property with the sewer system of SOLON subject to the payment of other fees and charges contemplated herein.

## II. Maintenance of Sanitary Sewer Improvements by the OWNER

OWNER will, at their own expense, maintain, service, reconstruct, repair and rebuild the sanitary sewer improvements installed in the property of OWNER and the right-

of-way of Miles Road to the sanitary sewer main in good condition and on par with those maintained by SOLON serving subdivisions within its corporation limits. Any and all costs of any nature whatsoever shall be solely borne by OWNER and all work performed shall be performed in a workmanlike manner approved by SOLON. SOLON shall have no financial or maintenance responsibility for the work contemplated under this agreement in the future.

### III. Sanitary Sewer Fees, Rents and Charges

SOLON shall have, either on its own behalf or by and through its designated collection agent, the right and permission to charge and collect three (3) times its standard applicable tap-in fees, plus all normal sewer rental charges and maintenance charges in accordance with Solon Codified Ordinance 1046 and shall further have the right to disconnect or terminate service to OWNER for nonpayment of applicable charges under the same terms and conditions as would apply if the property were located within the corporate limits of SOLON.

### IV. Single Access Connection

The OWNER does hereby specifically warrant and represent that only (1) single family residential unit will be connected to the SOLON sanitary sewer system pursuant to this Agreement. No other connection is permitted to the SOLON sanitary sewer system in the event further development of OWNER's property occurs without further agreement of the parties, including but not limited to any connection to OWNER's sanitary lateral line that runs from the house to the sewer connection. In the event of any additional unauthorized sanitary sewer connection, the City shall have the right to immediately disconnect OWNER's sanitary sewer connection. Further, OWNER represents that they shall not request any further connections of any kind relating to sewer lines from SOLON.

### V. OWNER'S Representation

The OWNER hereby represents, and SOLON hereby relies upon the representation of the OWNER per the OWNER's letter attached hereto and incorporated by reference herein and marked as Exhibit "A".

The OWNER fully releases and discharges the City of Solon from any and all claims, demands and/or causes of action of any nature whatsoever, known or unknown that pertains to the installation, maintenance and operation of this sewer connection. Further, OWNER fully holds harmless and indemnifies the City of Solon for all costs and expenses including attorney fees.

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be executed by their duly authorized officers on the dates indicated hereafter.

Dated: 5/5/18

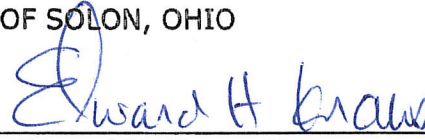
  
Peter Golden, OWNER

Dated: 5-9-18

  
Stacy Manila, OWNER

CITY OF SOLON, OHIO

Dated: 7/31/2018

By:   
Edward H. Kraus, Mayor

ORANGE VILLAGE, OHIO

Dated: 5/11/2018

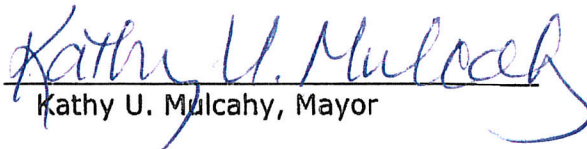
By:   
Kathy U. Mulcahy, Mayor

EXHIBIT A

John Busch - Request to tie into sewer lines

**From:** <smmanila@netscape.net>  
**To:** <jbusch@solonohio.org>  
**Date:** 4/17/2018 1:18 PM  
**Subject:** Request to tie into sewer lines  
**Cc:** <beezer34@att.net>, <andrew@keystatehomes.com>

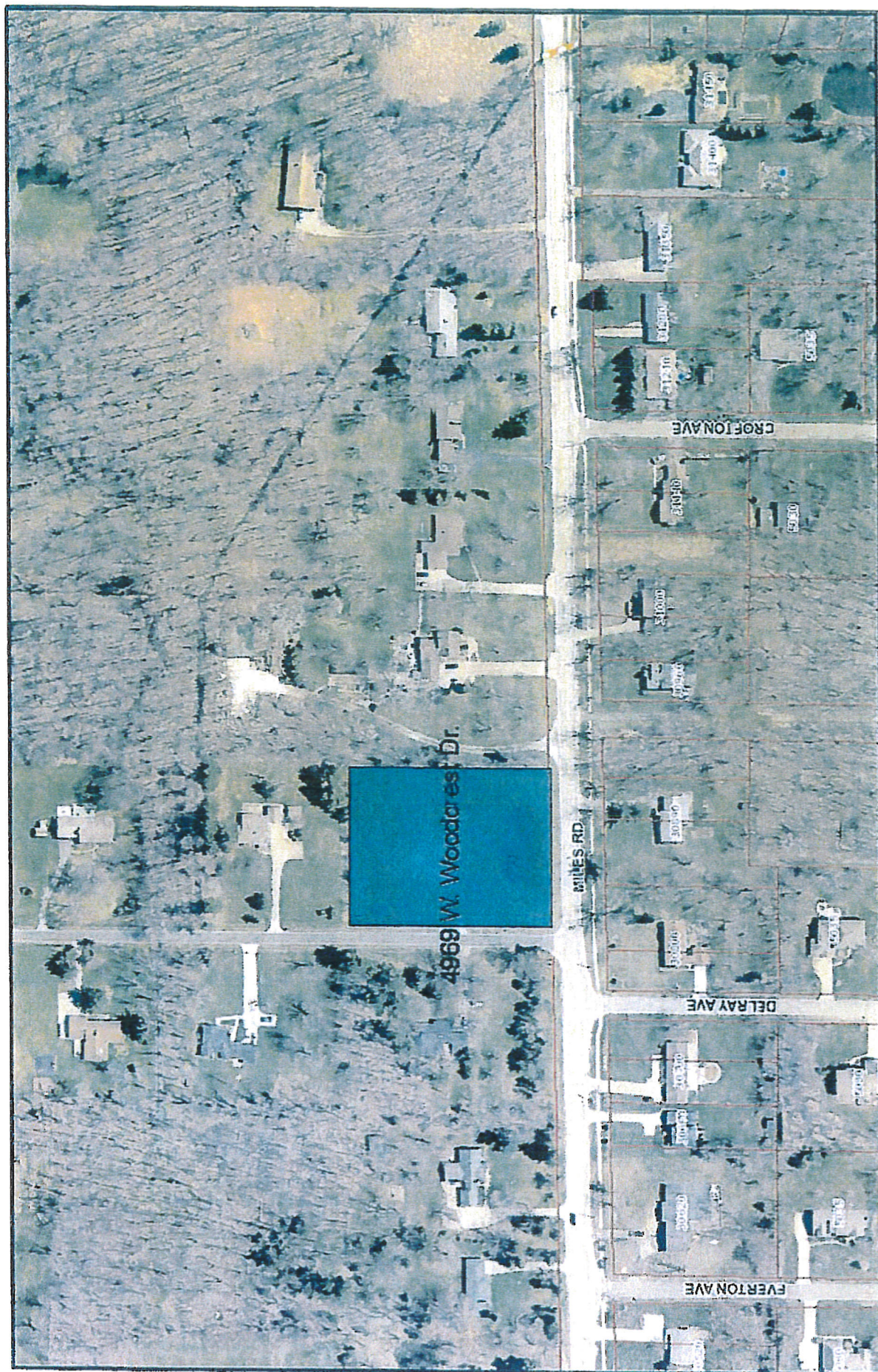
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Mr. Busch, I am writing to request approval to tie into the sewer lines in the city of Solon into our home that is requesting to be built in Orange. Our property borders Solon Ohio on Miles road. We are working with Keystate homes to build a new home at the property located at [4969 West Woodcrest Rd.](#) The parcel number is [901-39-018](#). Andrew Gotlieb will be presenting our plans to the Orange for approval today. If you have additional questions or other information is necessary, please contact me at [216-570-9169](#) or Andrew or Avner Gotlieb at [216-233-8652](#). We look forward to working with you.

Thank You,  
Stacy Manila & Peter Golden  
[216-570-9169](#)

Sent from my iPhone





**DISCLAIMER:** This map is a product of the City of Solon Department of Planning & Economic Development. The data depicted here have been developed with cooperation from other city departments, as well as county government. City of Solon expressly disclaims responsibility for damages or liability that may arise from the use of this map. This map is not intended to replace an actual field survey. All critical information should be independently verified.

Date: 4/26/2018

Author:

1 inch = 177 feet

25 130 200 FT

Solon GIS Map

**City of Solon**  
34200 Bainbridge Rd.  
Solon, Ohio 44139  
Phone: (440) 248-1155  
[www.solonchic.org](http://www.solonchic.org)







# Cuyahoga County, Ohio - Property Summary Report

## Parcel: 901-39-018



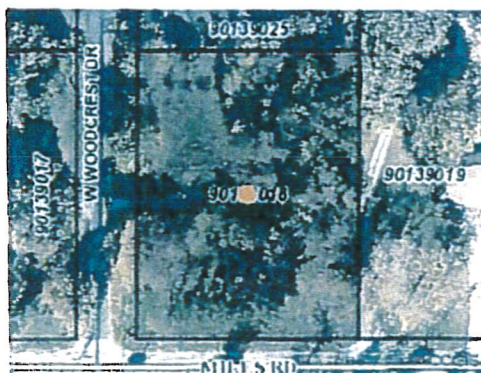
Owner GOLDEN, PETER & MANILA, STACY  
Address 4969 WEST WOODCREST DR  
ORANGE, OH. 44022  
Land Use (5000) R - RES VACANT LAND  
Legal Description TR#3-2&17 WOODCREST 009A ALL  
Neighborhood Code 10501

### SKETCH

Building 0

Sketch not available for this parcel.

### MAP VIEW



### BUILDING INFORMATION

#### LAND

Code	Frontage	Depth	Acreage	Sq Ft
PRM	222	307	1.6	69,696

#### VALUATION

2017 Values	Taxable Market Value	Exempt Market Value	Assessed Market Value	Assessed Taxable Value
Land Value	\$47,300	\$0	\$0	\$16,560
Building Value	\$0	\$0	\$0	\$0
Total Value	\$47,300	\$0	\$0	\$16,560
Land Use	5000			RESIDENTIAL VACANT LAND

### PERMITS

Year	Reason	Tax Change	Exempt Change	Percent Complete	Reinspect	Notes
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### IMPROVEMENTS

Type	Description	Size	Height/Depth
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### SALES

Date	Buyer	Seller	Price
10/12/2017	GOLDEN, PETER & MANILA, STACY	GOTLIEB, MINA	\$99,999
1/9/2013	GOTLIEB, MINA	Remaley Carol M	\$30,000
9/1/1977	Remaley Carol M	Wegmann Mary Helen	\$63,800
7/6/1976	Wegmann Mary Helen	Wegmann Carl E & Mary H	\$0
1/1/1975	Wegmann Carl E & Mary H		\$0

### Taxes

2017 Taxes	Changes	Payments	Balance Due
Tax Balance Summary	\$1,779.15	\$1,252.94	\$526.21

