

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH BEAVER EXCAVATING REGARDING THE USE OF PARCEL 30-09781 AS A TEMPORARY CONSTRUCTION YARD.

WHEREAS, on July 3, 2023, Beaver Excavating leased a portion of a parcel at Stow Road and the Ohio Turnpike (Summit County Parcel #30-09781) for use as a temporary construction yard in connection with a project it was undertaking nearby; and

WHEREAS, since the foregoing lease date, the City of Hudson has purchased Summit County Parcel #30-09781, including the land leased by Beaver Excavating; and

WHEREAS, the City of Hudson is the successor in interest to the prior owner and lessor of the land leased to Beaver Excavating; and

WHEREAS, Beaver Excavating claims a need to utilize the current construction yard until July 5, 2026, the end date of the lease agreement; and

WHEREAS, Beaver Excavating was also required to secure a permit from the City for the operation of the site and was issued a one-year permit and has since received three (3) subsequent six-month extensions as permitted under the Land Development Code's allowances of 1206.04(c); and

WHEREAS, the current, final permit extension will expire on January 27, 2026, approximately five months before the lease expires; and

WHEREAS, a settlement agreement is in order, so long as it allows for Beaver Excavating's use of the property under the expired permit until the lease expires but also requires liquidated damages to ensure the company vacates the land and that the site be properly restored; and

WHEREAS, a settlement agreement is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hudson, Summit County, Ohio, as follows:

Section 1. The City Manager is authorized to enter into a settlement agreement with Beaver Excavating as set forth herein and, in particular, allowing the company to operate on the temporary construction yard at Stow Road and the Turnpike (Summit Parcel #30-09781) until July 5, 2026. The agreement shall be in a form acceptable to the City Manager and approved as to form by the City Solicitor.

Section 2. The City Manager and/or his designee, as well as the City Solicitor, are authorized to do all things necessary in order to ensure the proper use of the subject property for the designated time, to carry out the intentions of this Resolution, and to enforce the terms of the settlement agreement approved herein, including the institution of legal proceedings as may be required.

Section 3. The aforesaid agreement and its enforcement are in the City and its residents' best interest.

Section 4. The above recitals are fully incorporated as findings herein.

Section 5. 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 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 6. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

Jeffrey L. Anzevino, Mayor

ATTEST:

Aparna Wheeler, Clerk of Council

I certify that the foregoing Resolution No. 25-166 was duly passed by the Council of said Municipality on _____, 2025.

Aparna Wheeler, Clerk of Council