

RESOLUTION NO. 17-45  
INTRODUCED BY: Mr. Henderson

**A RESOLUTION**  
**ACCEPTING SETTLEMENT FUNDS RECEIVED BY THE CITY OF BAY VILLAGE  
IN CONNECTION WITH A CLASS ACTION INVOLVING THE OHIO DEPARTMENT  
OF NATURAL RESOURCES (ODNR),  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, there was a class action matter (*State ex rel. Robert Merrill, Trustee, et al v. State of Ohio Department of Natural Resources, et al.* Case No. 04CV001080 filed in connection with the Ohio Department of Natural Resources (ODNR) which action involves an issue concerning alleged taking of property as to the determination as to ownership of property adjacent to Lake Erie; and

**WHEREAS**, a dispute existed between the high water mark and property to water's edge and the definition thereof as to ownership; and

**WHEREAS**, a class action settlement was reached in connection with this dispute;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bay Village, Ohio;

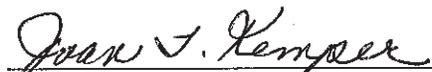
**SECTION 1.** That the City received as a result of the class action suit two checks, one in the sum of Three Thousand Five Hundred Seventy-Six Dollars and Thirty-Eight Cents (\$3,576.38) and a second in the sum of One Thousand Seven Hundred Eight- Eight Dollars and Nineteen Cents (\$1,788.19) which is the City's settlement proportion in connection with submerged land leases for property owned by the City of Bay Village.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL



APPROVED:

MAYOR

6/8/17 LL

City of  
Council of the City of Bay Village, Ohio  
The above Designated Posting Place  
is hereby  
and posted for a period of fifteen days  
to hereby certify that

I, JOANT KEMPER, Clerk of  
Council of the City of Bay Village, Ohio,  
hereby certify that AES 17-45  
was posted for a period of fifteen days,  
Beginning June 13 2017, at  
the three Designated Posting Places.