

Resolution

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Stark County Commissioners

Journal
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Transcript

Adopted June 10, 2020

Subject **IN THE MATTER OF: RUDY FRIEDMAN DITCH AND NOBLES POND
IMPROVEMENT PETITION**

**ALLOWING A SECOND AMENDMENT OF THE PETITION FOR THE
PROPOSED DITCH IMPROVEMENT**

Commissioner Smith moved for the adoption of the following
Resolution which was seconded by Commissioner Creighton:

WHEREAS, pursuant to Revised Code § 6131.05, this Board has received a second amended petition requesting that should the County find that there is inadequate acreage available to add additional detention/retention to control the sedimentation of Nobles Pond, they implement EnviroScience Forebay Expansion & Restoration Plan, project number 11440 dated 08/22/18, and when necessary, dredge Nobles Pond to maintain a depth greater than a minimum 2-3 feet.

WHEREAS, R.C. § 6131.05 permits the amendment of a ditch improvement petition upon application of any benefiting owner and upon the allowance of the application by the board of county commissioners by order entered on its journal; and

WHEREAS, there appears to be no prejudice regarding time, notice, nor owners who may be involved in these proceedings;

NOW, THEREFORE, BE IT RESOLVED that the amendment to the petition applied for be, and is hereby, allowed.

BE IT FURTHER RESOLVED that the clerk is hereby instructed to enter this resolution in the board's journal and certify a copy hereof to the transcript of proceedings in this matter.

Upon roll call the vote resulted as follows:

Mr. Smith - yes Mrs. Creighton - yes Mr. Regula - yes

C-E-R-T-I-F-I-C-A-T-E

I, the undersigned, hereby certify the foregoing to be a true and correct record of the Resolution adopted by the Board.

Richard Flory

**SECOND AMENDED PETITION FOR THE CONSTRUCTION OF DITCH
IMPROVEMENTS**

PER ORC 6131.04

2020 JUN -8 PM 2:04

STARK COUNTY
COMMISSIONERS

TO: The Board of County Commissioners
Stark County, Ohio
110 Central Plaza, S., Ste, 240
Canton, Ohio 44702

Now comes the Noble's Pond Board of Directors, who are the representatives of The Villages Association, Inc., who is the owner of the 13 acres pond by Warranty Deed Instrument No. 200301160004612, Parcel No. 1627534, in the Stark County Records.

WHEREAS the petitioners state that the construction of the improvements for Noble's Pond are necessary, will benefit the petitioners, and will be conducive to the public welfare.

WHEREAS the County sanctioned Foxchase and Greenbrier developers in the 1970's to use Nobles Pond, a glacial moraine pond with only underground drainage, as their retention basin.

WHEREAS when The Villages of Nobles Pond, Carrington and the Meadowlands, all with runoff into the Rudy Friedman ditch, were being planned in the beginning of 1980's, the County provided a 40-inch outlet pipe from Nobles Pond to the Timken Farm Pond south of the Nobles Pond development to accommodate the increase water runoff that would come as these developments matured.

WHEREAS in the design of retention ponds to control storm water runoff from these developments the County failed to apply the United States Department of Agriculture's recommendation of 6 to 1 and not to exceed 40 to 1 desired watershed to retention/detention basins ratios, Nobles Pond/watershed ratio is 145 to 1, which is resulting in rapid sedimentation of Nobles Pond and also water quality enrichment causing algae blooms.

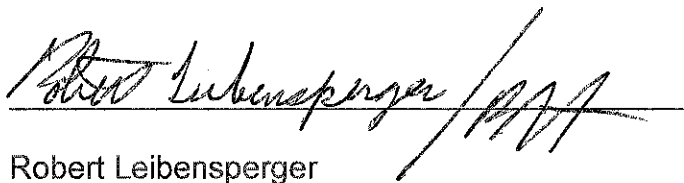
WHEREAS the retention/ watershed storm drainage system was not properly designed it requires constant maintenance by the Stark County Engineers in order for it to perform according to its intended use.

WHEREAS the ongoing use and abuse of the Rudy Friedman ditch and Nobles Pond for a storm water retention basin it is now necessary to take steps to construct and improve the Rudy Friedman ditch and Nobles Pond. This work includes, but is not limited to, flood prevention, maintenance of Rudy Friedman ditch, dredging the pond and installing adequate detention/retention basins to deal with the significant flows into the pond from the 1700 acres North of Nobles Pond.

WHEREAS, the course and termini of the proposed improvements are depicted in the map of the pond marked as **Exhibit 1**. The names and addresses of all the owners of the land that the petitioner or the county engineer claims will be benefited or damaged by the construction of the proposed improvement are included in **Exhibit 2**.

WHEREAS the petitioners state that all costs of engineering, construction, and future maintenance will be assessed to the benefitting parcels of land, which include members of the Nobles Pond Drainage Authority (300 acres south of Fulton Drive) and all properties north of Fulton Drive on the Rudy Freeman ditch which include Greenbrier Hills, Foxchase, Briarwood, a small portion of Carrington, Greenridge Place, Meadowlands and property owned by Jackson Schools and other commercial properties (1700 acres).

WHEREAS if the County finds that there is inadequate acreage available to add additional detention/retention to control the sedimentation of Nobles Pond, they implement EnviroScience Forebay Expansion & Restoration Plan, project number 11440 dated 08/22/18 (**Exhibit 3**). Also, when necessary, dredge Nobles Pond to maintain a depth greater than a minimum 2-3 feet.

A handwritten signature in black ink, appearing to read "Robert Leibensperger", is written over a horizontal line. To the right of the signature, there are several additional, less legible handwritten marks.

Robert Leibensperger

The Villages Association, Inc., President

This instrument was prepared by Robert J. Tscholl, Attorney at Law