

Resolution No. _____ Passed _____, 20____

RESOLUTION NO. 45-17

A Resolution authorizing the Mayor of the City of Orrville to enter into Settlement Agreement, Easements and other related documents as settlement in full by mutual agreement of Catalpadale Dairy, Ltd., John W. Douglass, Lois C. Douglass, City of Orrville, Ohio, Rails-to-Trails of Wayne County and CAT Land Co. Ltd., all parties to that certain lawsuit filed in Wayne County Common Pleas Court on or about June 6, 2014 as Case No. 2014-CVC-H 000285, and declaring an emergency.

WHEREAS The City of Orrville is the owner of certain property located in Baughman Twp., Wayne County, Ohio which is the proposed site of a certain trail to be built and maintained by Rails-to-Trails of Wayne County, Ohio; and

WHEREAS Rails-to-Trails of Wayne County is the owner of certain property located in Baughman Twp., Wayne County, Ohio, contiguous to property owned by the City of Orrville, which is the proposed site of a certain trail to be built and maintained by Rails-to-Trails of Wayne County, Ohio; and

WHEREAS adjoining property owners, Catalpadale Dairy, Ltd., John W. Douglass and Lois C. Douglass as plaintiffs filed suit against the City of Orrville, Ohio and Rails-to-Trails of Wayne County alleging ownership in the subject properties through prescriptive easements, lease and otherwise; and

WHEREAS the City of Orrville and Rails-to-Trails of Wayne County filed counterclaims against Plaintiffs for declaratory judgement; and


WHEREAS the parties have entered into extensive discussions and negotiations and have resolved all differences between them in settlement in full of the pending claims and counterclaims.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Ohio:

Section 1: That the Mayor, or his representative, is hereby authorized to enter into the Settlement Agreement and Mutual Release, Easement Agreement and Stipulation of Dismissal of All Claims with Prejudice as well as any other document or documents required by the Court for the settlement and resolution in full of the outstanding claims set forth above.

Section 2: That this Resolution is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Orrville, and for the further reason that it is necessary to finalize and fully resolve and settle for the recreational benefit and economic development of the City of Orrville, therefore, this Resolution shall be in effect immediately after its passage and approval by the Mayor.

Passed this 2nd day of Oct. 2017.



 President of Council Mayor