

RESOLUTION #10-0719-10: Settling Litigation by Setting Aside Decision Made in Zoning Matter #08-22 and Refunding Deposit Made in Appeal

WHEREAS, several years ago the Liberty Township Board of Trustees rendered a decision in a Zoning Administrative Review matter #08-22, involving a disputed between the Apseloff and Swanson parties; and

WHEREAS, that decision was appealed to the Delaware County Common Pleas Court, and a second suit naming the Township as a defendant was also filed; and

WHEREAS, in anticipation of a trial counsel negotiated an agreement pursuant to which the appeal was dismissed, and the Township was dismissed as a defendant in the second action; and

WHEREAS, the Board wishes to ratify that settlement, and authorize a payment to return the fee paid to appeal the Boards' previous decision to the Township Board of Zoning Appeals (which appeal was never processed or heard).

NOW, THEREFORE BE IT RESOLVED, BY THE LIBERTY TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO, that actions taken by the agreed entry submitted by counsel William Loveland and approved in the related legal actions are ratified, and the decision previously made in Matter #08-22 is hereby set aside, and further the Board approves the \$600.00 warrant prepared by the fiscal officer to return Zoning Fees for hearings paid by Glen Apseloff to fulfill the settlement arrangements.

This Resolution shall be in force and become effective immediately upon its execution.

Motion made by Sybert and seconded by Carducci.

Vote: yes Ms. Carducci yes Mr. Mann yes Mr. Sybert

7-19-10
Date

Curtis J. Sybert
Curtis J. Sybert, Trustee

Robert Mann
Robert Mann, Trustee

CERTIFIED BY:

Mark S. Gerber
Mark S. Gerber, Fiscal Officer

Mary Carducci
Mary Carducci, Trustee