

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-35

INTRODUCED BY: Antoskiewicz, Petrusky, Willey, Marnecheck,  
Kasaris

AN ORDINANCE AMENDING ORDINANCE 12-10 AUTHORIZING THE PAYMENT OF A MORAL CLAIM FOR DAMAGE TO PROPERTY OWNED BY ROBERT AND SHERRY MATUSEK IN THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY

WHEREAS: Robert and Sherry Matusek of the City of North Royalton incurred monetary expenses as a result of a sanitary sewer backup on October 11, 2011 at 11759 Beckenham Road, North Royalton, Ohio; and

WHEREAS: Council adopted Ordinance 12-10 authorizing the payment of a moral claim for an amount not to exceed \$25,000; and

WHEREAS: The reimbursement received from the insurance company did not include the \$500.00 deductible and \$376.46 for dwelling recovery depreciation; and

WHEREAS: This deduction and corresponding shortfall should have been included in the city's payment to the Matusek's; and

WHEREAS: It is therefore necessary to amend Ordinance 12-10 to include this additional \$876.46 payment; and

WHEREAS: Council desires to provide for this amended amount.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends Ordinance 12-10 to include payment of the \$500.00 deductible and \$376.46 for dwelling recovery depreciation, for a new total not to exceed \$25,876.46 for monetary expenses incurred as a result of a sanitary sewer backup at 11759 Beckenham Road, North Royalton, Ohio, to be apportioned as follows: \$20,127.64 payable to Robert and Sherry Matusek; \$290.93 payable to Danny Vegh's Billiards and Home; and \$5,457.89 payable to ServiceMaster by AmeriSteam upon terms and conditions as approved and reviewed by the Director of Law.

Section 2. The Finance Director is hereby authorized and directed to provide for payment of this moral claim.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to provide for this reimbursement.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: February 7, 2012

DATE APPROVED: February 8, 2012

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading February 7, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey  
Marnecheck, Muller, Kasaris

NAYS: none