

JACKSON TOWNSHIP BOARD OF TRUSTEES, STARK COUNTY, OHIO

RESOLUTION

RESOLUTION NO. 14-034

ADOPTED: 5-27-14

SUBJECT: Street Lighting Petition Procedure Amendment

The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 27th day of May, 2014 with the following members present:

Todd J. Hawke
James N. Walters
John E. Pizzino

Trustee HAWKE moved for the adoption of the following resolution:

WHEREAS, the Board of Trustees of Jackson Township, Stark County, Ohio last amended the Street Lighting Petition Procedure on May 22, 2006, pursuant to Resolution Number 06-036.

BE IT RESOLVED THAT, pursuant to Ohio Revised Code Sections 515.01, 515.02, and 515.03, we hereby amend, adopt and approve the attached amended Street Lighting Petition Procedure.

Trustee PIZZINO seconded the motion and upon roll call the vote resulted as follows:

Mr. Hawke	<u>YES</u>
Mr. Walters	<u>YES</u>
Mr. Pizzino	<u>YES</u>

The foregoing is a true and correct counterpart of Resolution Number 14- 034, duly adopted on May 27, 2014 and filed with me as the Township Fiscal Officer on May 28, 2014.



Randy Gonzalez, Fiscal Officer

The foregoing resolution is approved as to form:



Michael B. Vaccaro, Law Director

STREET LIGHTING PETITION PROCEDURE

OPTION 1: (RECOMMENDED)

A PETITION CAN BE FILED WITH THE BOARD OF TRUSTEES IF THE INVOLVED POWER COMPANY WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LIGHTS. THE AEP COMPANY WILL MAINTAIN THE LIGHTS IF THE COMPANY INSTALLS AND OWNS THE LIGHTS. THE OHIO EDISON COMPANY WILL MAINTAIN THE LIGHTS IF THE COMPANY INSTALLS THE LIGHTS OR THE STREET LIGHTING REQUEST IS PURSUANT TO THE ESIP CONTRACT AND THE CONTRACTOR CONSTRUCTS THE LIGHTS IN ACCORDANCE WITH COMPANY SPECIFICATIONS.

OPTION 2: (LIMITED DISTRICT-ELECTRICITY ONLY)

A PETITION CAN BE FILED WITH THE BOARD OF TRUSTEES BY A HOME OWNERS ASSOCIATION USING LIGHTS THAT WILL NOT BE MAINTAINED BY AEP, THE OHIO EDISON COMPANY AND JACKSON TOWNSHIP. A PETITION PURSUANT TO THIS OPTION REQUIRES ADDITIONAL DOCUMENTATION AND INVOLVEMENT FROM THE PROPERTY OWNERS.

This option is only available for those subdivisions marked, numbered and distinguished (recorded) on the Plat records of the Stark County Recorder after July 1, 2011.

1. Circulation of Petition

a. Signed by owners only. If there is more than one owner of a property, all must sign the petition. If choosing option two in addition to obtaining the appropriate number of signatures on the petition, each signing property owner must also sign a Statement of Understanding and Release which shall be filed concurrent with the petition.

b. Must contain signatures of owners of more than half of the feet of lots and lands abutting streets of the district.

c. A legal description of the proposed district must be attached to the petition. A Stark County tax map will fulfill this requirement.

d. If choosing option one a drawing is required from the Power Company specifying the number, location and lumen power of the lights, describing the lighting support and any other technical specifications for the lights. Need drawing, installation costs and operating costs before hearing. Developers obtain this from the Power Company or other installer. For established allotments, the Power Company may request the Township assist in obtaining this information.

e. If choosing option two the Petition must indicate the President / Chairperson of Homeowners Association's name, address, telephone number and email address of who will be responsible for all inquiries regarding the number, location and lumen power of the lights, describing the lighting support and any other technical specifications for the lights. The allotment/neighborhood association will also be responsible for receiving and resolving all inquiries as to maintenance, repair, wiring, line placement and replacement

parts.

- f. If choosing option one, include the following information in the petition:
 - Who will pay the installation and/or connection costs?
 - Will the lights be located in the road right of way?
 - Will the lights be constructed in accordance with the Power Company's required standards?
 - State number of lights and poles.

- g. If choosing option two
 - Who will pay the installation and/or connection costs?
 - Will the lights be located in the road right of way?
 - Who will be responsible for all inquires?
 - State number of lights and poles.

2. Petition filed with Township Fiscal Officer.

3. Fiscal Officer notifies Trustees of the filing of the petition and provides a copy of petition and map. A copy of this with copy of petition and map is provided to the Township Administrator, Law Director and Legal Assistant/Secretary so they can prepare the resolution; Legal Assistant/Secretary needs Power Company name and number and type of lights information.

4. Fiscal Officer sets date for a hearing which shall not be more than thirty (30) days after the notification. The Trustees will set the date and time the petition will receive a hearing at the Trustees' Meeting prior to the hearing date established by the Township Administrator.

5. Fiscal Officer prepares notice of hearing for landowners and delivers to the petitioners.

6. Signers deliver copy of notice to every landowner at least 15 days before hearing date.

7. Signers who served notices file affidavits of service provided by the Fiscal Officer.

8. Fiscal Officer has notice of hearing published in newspaper one time at least two weeks before hearing. This is to notify non-resident owners.

9. Proof of publication filed with Fiscal Officer before date of hearing.

10. Hearing is held by Township Trustees

- a. Each Board member shall travel the proposed lighting district streets and make actual view thereof and of the properties along and adjacent thereto and to be

lighted and benefited by the improvement. At the hearing upon the street lighting petition, the Board of Trustees shall receive and hear any and all evidence or testimony by any of the parties affected by such improvement. After conclusion of the hearing, the Board shall determine the necessity of the improvement. In making this determination, the Board of Trustees will consider the percentage of the affected property owners who signed the petition. A petition containing 70 percent or more of the affected property owners shall be considered favorable towards a determination that the proposed improvement is necessary. The Board of Trustees may also determine that the improvement will result in general as well as special benefits.

b. If the Board of Trustees determines that the proposed improvement is necessary, the attached resolution will be adopted. Law Director needs a copy of the petition, map and the cost information to prepare the resolution for the hearing date, place the item on the agenda and provides to the Township Administrator.

11. If applicable, the Fiscal Officer will post notices asking for bids at least 30 days before bids are to be received.

12. If applicable, pursuant to ORC Section 515.07, the Board of Trustees will award the contract to the lowest and best bidder.

Adopted: February 28, 1995

Amended: October 11, 1995, May 22, 2006 and May 27, 2014

PETITION FOR LIGHTING DISTRICT

(Option One-Recommended)

Name of Allotment: _____

Phase Number of Allotment (if applicable) _____

The undersigned represent to the Board of Township Trustees of Jackson Township, Stark County, Ohio, the following:

1. They own in the aggregate more than one-half of the front feet of the lots and lands abutting on the streets and public ways in an unincorporated district in this township hereinafter described.
2. Such unincorporated district is bounded and described in the attached description.
3. No lands are included which are more than 660 feet from, nor any lands not abutting on, the streets and public ways in such district.
4. The undersigned waive all claims for compensation and damages for lands necessarily appropriated for the purpose of supporting and maintaining such lights.

Wherefore, your petitioners pray that the board of township trustees will take all lawful and proper proceedings to light artificially the streets and public ways in the aforesaid district.

_____ will pay the installation and connection costs.

Will the lights be constructed in accordance with the power companies required standards?

Yes or No (circle one)

Will the lights be located in the road right of way? Yes or No (circle one)

Number of lights: _____

Number of poles: _____

The names of your petitioners and brief descriptions of the lots and lands owned by them are as follows:

<u>Name/Signature</u>	<u>Street Address</u>	<u>Front Feet Owned...</u>	<u>Date Signed</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

PETITION FOR LIGHTING DISTRICT

(Option Two)

Name of Allotment: _____ (This option is only available for those subdivisions marked, numbered and distinguished (recorded) on the Plat records of the Stark County Recorder after July 1, 2011.) Date subdivision was recorded: _____.

Phase Number of Allotment (if applicable) _____

The undersigned represent to the Board of Township Trustees of Jackson Township, Stark County, Ohio, the following:

1. They own in the aggregate more than one-half of the front feet of the lots and lands abutting on the streets and public ways in an unincorporated district in this township hereinafter described.
2. Such unincorporated district is bounded and described in the attached description.
3. No lands are included which are more than 660 feet from, nor any lands not abutting on, the streets and public ways in such district.
4. The undersigned waive all claims for compensation and damages for lands necessarily appropriated for the purpose of supporting and maintaining such lights.
5. The Lot Owners and/or the Homeowners Association petition and request that the **cost of electricity for the electrical service ONLY of the lighting district** be assessed against the properties of the beneficiaries thereof in accordance with the applicable laws of the State of Ohio and Jackson Township. The Lot Owners and the Association shall be and remain jointly and severally fully responsible for the maintenance, repair and replacement of the street lights, bulbs and electrical service for the same.

Wherefore, your petitioners pray that the board of township trustees will take all lawful and proper proceedings to light artificially the streets and public ways in the aforesaid district.

_____ will be responsible for all inquiries regarding the number, location and lumen power of the lights, describing the lighting support and any other technical specifications for the lights. Additionally, _____ will be responsible for receiving all inquiries as to maintenance, repair, wiring, line placement and replacement parts, and handling the response to such inquires.

Will the lights be located in the road right of way? Yes or No (circle one)

Number of lights: _____ Number of poles: _____

_____ will pay the installation and connection costs.

STATEMENT OF UNDERSTANDING AND RELEASE

The undersigned owners represent that they have read and understand the following and in so doing are accepting certain responsibilities for themselves and subsequent owners of the effected real estate:

1. The lights, poles and other equipment currently or subsequently erected and used for street lighting and/or entrance lighting to my allotment is not recommended equipment and lighting as recommended by the Board of Trustees of Jackson Township, Stark County, Ohio.
2. I as the property owner and/or the homeowners association shall be and remain jointly and severally fully responsible for the maintenance, repair and replacement of the street lights, entrance lights and bulbs and electrical service (above and below ground).
3. I will disclose that as a property owner, I and/or the homeowners association shall be and remain jointly and severally fully responsible for the maintenance, repair and replacement of the street lights, bulbs and electrical service (above and below ground), should I sell and/or transfer ownership of my real estate. Further, I understand I shall disclose the exact rules and regulations regarding the lighting district for my allotment.
4. Jackson Township or its successors in interest will not assume responsibility for the maintenance, repair and replacement of the street lights, bulbs and electrical service (above and below ground), should the homeowners association become inactive or fail to operate. Each individual property owner and successor owners will be responsible for such issues.
5. The Jackson Township Board of Trustees and its employees or its successors in interest will not be responsible for informing residents within this proposed lighting district on who to contact in the event maintenance, repair and replacement of the street lights, bulbs and electrical service (above and below ground) is needed.
6. I as the property owner and/or the homeowners association shall provide the name of the contact person and contact information for inquiries and resolution of all maintenance problems on a semi-annual basis to all residents in the proposed lighting district. The contact person will be responsible for handling the maintenance, repair and replacement of the street lights, bulbs and electrical service (above and below ground).
7. I as the property owner and/or the homeowners association shall provide to the Township's Fiscal Office on a yearly basis the name and contact information of the person responsible for approving payment of repair bills to the Fiscal Office of the Township.

I have had the opportunity to read and comprehend the contents of this statement of understanding and release. I understand that by signing this form I am waiving and releasing the Board of Trustees of Jackson Township Stark County, Ohio, (including its elected and appointed officials in their individual and official capacities) its employees, volunteers, principals, agents, insures, attorneys, officers, directors, assigns and successor entities in interest from any liability, claims, demands, charges, complaints, controversies, actions, causes of action, and suits at law or in equity, of any kind, in any jurisdiction whatsoever associated with the maintenance,

COUNTY OF STARK)
SS: STATE OF OHIO)

Sworn to before me and subscribed by the said Releasors who signed the foregoing Statement of Understanding and Release and acknowledged to me on the date indicated it was voluntarily signed this _____ day of _____, 2014.

Notary Public
My commission expires on _____