

1 RESOLUTION NO. 2011-100

First Reading Passage Requested
(R. Sobnosky)

2
3 SPONSOR Mr. Pry

4
5 DATE March 7, 2011

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings of property owned by Harold H.**
8 **and Lu Ann Nagel, needed for the replacement of the Northampton Road Bridge over**
9 **Mud Run, located in the City of Cuyahoga Falls, Council District 3, for the Engineer,**
10 **and declaring an emergency.**

11
12 WHEREAS, permanent and temporary easements of right of way are needed for the
13 replacement of the Northampton Road Bridge over Mud Run, Ohio Department of
14 Transportation project identification number PID 84446 SUM-CH27, Section 04.35
15 (“Project”); and

16
17 WHEREAS, the County of Summit, despite negotiations, has been unable to
18 acquire all of the right of way necessary for the Project; and

19
20 WHEREAS, the County of Summit and Harold H. and Lu Ann Nagel are unable to
21 agree upon the purchase price of right of way on property owned by Harold H. and Lu Ann
22 Nagel; and

23
24 WHEREAS, it is necessary to acquire said right of way by court proceedings under
25 the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code;

26
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit,
28 State of Ohio, that;

29
30 SECTION 1

31
32 The County of Summit hereby declares its intention to appropriate a Warranty Deed
33 with Reservation of Access and a temporary easement for highway purposes in the real
34 property described by Exhibit A, attached hereto; said purposes to include the replacement
35 of the Northampton Road Bridge and the widening of said bridge and roadway approaches
36 thereto; said property being owned by Harold H. and Lu Ann Nagel (“Owner”), located in
37 the City of Cuyahoga Falls, Council District 3, and designated as Parcel 1WDV and Parcel
38 1T.

39
40 SECTION 2

41
42 The County Prosecuting Attorney is hereby directed to prepare and file on behalf of
43 Summit County, Ohio, proceedings for appropriation, under the provisions of Chapter 163
44 of the Ohio Revised Code, of said easement and temporary right of way.

45
46 SECTION 3

47
48 The County Engineer, through the County Fiscal Officer, is hereby authorized to
49 draw by voucher upon the County of Summit and pay into the Court of Common Pleas at
50 the time of the filing of a complaint for the appropriation of said parcels, under the
51 provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$1,624.04 (One
52 Thousand Six Hundred and Twenty-Four Dollars and 04/100).

53

1 **RESOLUTION NO.** 2011-100

2 PAGE TWO

3
4 SECTION 4

5
6 This Resolution shall be published in accordance with the County of Summit
7 Council Rule 8.08.

8
9 SECTION 5

10
11 This Resolution is hereby declared an emergency in the interest of the health,
12 safety, and welfare of the citizens of Summit County, and for the further reason that it will
13 immediately allow commencement of an improvement to the County's highway system.

14
15 SECTION 6

16
17 Provided this Resolution receives the affirmative vote of eight members, it shall
18 take effect immediately upon its adoption and approval by the Executive; otherwise, it shall
19 take effect and be in force at the earliest time provided by law.

20
21 SECTION 7

22
23 It is found and determined that all formal actions of this Council concerning and
24 relating to the adoption of this Resolution were adopted in an open meeting of this Council,
25 and that all deliberations of this Council and of any of its committees that resulted in such
26 formal action, were in meetings open to the public, in compliance with all legal
27 requirements, including Section 121.22 of the Ohio Revised Code.

28
29 INTRODUCED March 7, 2011

30
31 ADOPTED March 7, 2011

32
33 Sharily F. Green
34 CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

35
36 March 7, 2011

37 APPROVED

38
39 [Signature]
40 EXECUTIVE

41
42 ENACTED EFFECTIVE March 7, 2011

Voice Vote: 10-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Rodgers, Roemer, Schmidt, Shapiro, Smith ABSENT: Prentice

11 - 100

EXHIBIT A

RX 286 T

Page 1 of 1

Rev. 06/09

Ver. Date 02/04/2011

PID 84446

**PARCEL 1-T
SUM-NORTHAMPTON RD. C.H. 27
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING WORK
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Summit, City of Cuyahoga Falls and known as being part of original Northampton Township Lot Nos. 47 & 48 and being on the left side of the centerline of a survey performed for the County of Summit Engineer for Project No. SUM-Northampton Road (C.H. 27) and being more fully described as follows:

Beginning at a point 25.00 feet left of station 43+70.00 in the centerline of a survey of Northampton Road made for the Summit County Engineer in July, 2008;

Thence S 00° 48'45" E along the west line of said Northampton Rd., 61.53 feet to a point 25.00 feet left of station 43+08.47;

Thence N 18° 49'03" W, 64.70 feet to a point 45.00 feet left of station 43+70.00;

Thence N 00° 48'45" W, 130.00 feet to a point 45.00 feet left of station 45+00.00;

Thence N 18° 28'46" E, 60.54 feet to a point on the west line of said Northampton Rd. at a point 25.00 feet left of station 45+47.14;

Thence S 00° 48'45" E along the said west line 57.14 feet to a point 25.00 feet left of station 45+00.00;

Thence S 89° 11'15"W, 10.00 feet to a point 35.00 feet left of station 45+00.00;

Thence S 00° 48'45" E, 130.00 feet to a point 35.00 feet left of station 43+70.00;

Thence N 89° 11'45"E, 10.00 feet to the place of beginning and containing 0.0571 acres of land as surveyed by Robert J. Warner P.S. 6931 for Floyd Browne Group in July, 2009.

Bearings are based on the Ohio State Plane Coordinate System North Zone NSDS (2007).

Grantor claims title through deed recorded in reception number 542015052 of Summit County records.

The above described tract is part of Summit County Auditor's Parcel No. 3505478.

11 - 100

EXHIBIT A

RX 251 WDV

Page 1 of 2

Rev. 05/09

Ver. Date 02/04/11

PID 84446

**PARCEL 1-WDV
SUM-NORTHAMPTON RD. C.H. 27
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Summit, City of Cuyahoga Falls and known as being part of original Northampton Township Lot Nos. 47 & 48 and being on the left side of the centerline of a survey performed for the County of Summit Engineer for Project No. SUM-Northampton Road (C.H. 27) and being more fully described as follows:

Beginning at a gear spike set on the Centerline of Northampton Road (C.H.27) at the southeast corner of Original Lot No. 47;

Thence, N 00° 48' 45" W along the centerline of said Northampton Road, 51.00 feet to a point at station 45+00.00 in the centerline of a survey of said Northampton Road made for the Summit County Engineer in 2008;

Thence, S 89° 11' 15" W, 25.00 feet to a capped 5/8" rebar set on the west line of said Northampton Road at a point 25.00 feet left of station 45+00.00 and the True Place of Beginning for the parcel intended to be described herein;

Thence, S 00° 48' 45" E along the said west line of Northampton Road, 130.00 feet to a capped 5/8" rebar set at a point 25.00 feet left of station 43+70.00;

Thence, S 89° 11' 15" W, 10.00 feet to a capped 5/8" rebar set at a point 35.00 feet left of station 43+70.00;

Thence, N 00° 48' 45" W parallel with and 10 feet westerly from the west line of said Northampton Road, 130.00 feet to a capped 5/8" rebar set at a point 35.00 feet left of station 45+00.00;

Thence, N 89° 11' 15" E, 10.00 feet to the true place of beginning and containing 0.0298 acres of land as surveyed by Robert J. Warner, P.S. 6931 for Floyd Browne Group in July 2009;

11 - 100

EXHIBIT A

RX 251 WDV

Page 2 of 2

Rev. 05/09

Bearing are based on the Ohio State Plane Coordinate System North Zone NSRS (2007).

5/8" capped rebar set are stamped "Floyd Browne Group, Akron, Ohio".

Grantor claims title through deed recorded in reception number 542015052 of Summit County records.

The above described tract is part of Summit County Auditor's Parcel No. 3505478.

