

1 RESOLUTION NO. 2011-164

2
3 SPONSOR Mr. Pry

4
5 DATE May 2, 2011

COMMITTEE: Public Works

6
7 **A Resolution authorizing the Executive to enter into agreements for the acquisition of a**
8 **right-of-way for the improvement of the Northampton Road Bridge over Mud Run, located**
9 **in the City of Cuyahoga Falls, Council District 3, at a cost not to exceed \$1,624.04, for the**
10 **Engineer, and declaring an emergency.**

11
12 WHEREAS, by Resolution No. 2011-073, this Council authorized agreements with the
13 State of Ohio Department of Transportation ("ODOT"), for the improvement of the Northampton
14 Road Bridge over Mud Run, Bridge No. CUY-027-0435, located in the City of Cuyahoga Falls
15 (said improvement being referenced herein as the "Project"); and, also known by Ohio
16 Department of Transportation Project ID number ("PID") 84446, and

17
18 WHEREAS, a right-of-way ("ROW") is needed for the Project; and

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20 WHEREAS, a ROW acquisition is considered a "local cost" which must be borne in
21 whole by the local public agency performing a project, in this case being the County of Summit;
22 and

23
24 WHEREAS, acquisition of the subject ROW will promote proceeding with the Project to
25 bid; and

26
27 WHEREAS, this Council has determined by reviewing all pertinent information that the
28 acceptance and approval of the aforementioned right-of-way acquisition is necessary and in the
29 best interest of the County of Summit;

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31 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
32 of Ohio, that;

33
34 SECTION 1

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36 In return for certain warranty deeds, temporary highway right-of-way easements
37 ("ROW") are needed for the improvement of the Northampton Road Bridge over Mud Run,
38 located in the City of Cuyahoga Falls, Council District 3, ODOT PID 84446. The County
39 Executive is hereby authorized to execute agreements of purchase of said right-of-way, under
40 which the owners of said right-of-way will be paid an amount not to exceed \$1,624.04, said
41 owners and their respective payments (the negotiated value of their warranty deeds and
42 temporary highway right-of-way being as follows:

43
44 Property Owners

Negotiated Value

45
46 Harold H. and Lu Ann Nagel-Parcel# \$ 1,624.04
47 1WDV, 1-T

1 RESOLUTION NO. 2011-164

2 PAGE TWO

3
4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit, and for the further reason that it immediately
8 allows the acquisition of a necessary right-of-way for a county highway improvement project.

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10 SECTION 3

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

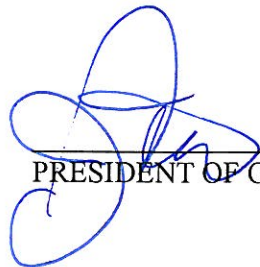
15
16 SECTION 4

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

23
24
25 INTRODUCED April 18, 2011


26
27 ADOPTED May 2, 2011

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29 
30 _____
31 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

32
33 APPROVED May 4, 2011

34
35 
36 _____
37 EXECUTIVE

38
39 ENACTED EFFECTIVE May 4, 2011

Voice Vote: 11-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Prentice, Rodgers, Roemer, Schmidt, Shapiro, Lee

11 - 184

EXHIBIT A

RX 286 T

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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.

A circular surveyor's seal for Robert J. Warner, Summit County Auditor. The seal contains the text "SUMMIT COUNTY" and "Auditor". A handwritten signature "Robert J. Warner" and the date "2-4-2011" are written over the seal.

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EXHIBIT A

RX 251 WDV

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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;

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EXHIBIT A

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RX 251 WDV

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.

