

1 RESOLUTION NO. 2020-151

2
3 SPONSOR Ms. Shapiro

4
5 DATE June 1, 2020

COMMITTEE: Public Works

6
7 **A Resolution authorizing the County Executive to execute an agreement for the acquisition**
8 **of a slope easement and a temporary easement as part of the West Bath Road Landslide**
9 **Repair Project, located in Bath Township, Council District 4, in a total amount not to**
10 **exceed \$6,021.16, for the Engineer, and declaring an emergency.**

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12 WHEREAS, there is a public need to stabilize the landslide affecting approximately 500
13 feet of West Bath Road near the North Revere Road intersection, and the County intends to
14 undertake the West Bath Road Landslide Repair Project, located in Bath Township, Council
15 District 4 (the "Project"); and

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17 WHEREAS, certain land must be acquired by the County to be utilized as public right-of-
18 way as part of the Project; and

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20 WHEREAS, acquisition of lands for public rights-of-way for the Project is considered a
21 local cost, which must be borne in whole by the local public agency performing the Project, in
22 this case being the County of Summit; and

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24 WHEREAS, County Council previously adopted Resolution 2020-058, which authorized
25 the filing of an appropriations case in the Summit County Probate Court as to the property owned
26 by Anthony J. and Amanda C. Caruso and known as 3047 W. Bath Rd., Akron, Ohio 44333; and

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28 WHEREAS, said appropriations case was filed as Case 2020-CV-00041, but the Carusos
29 subsequently requested to settle the case out-of-court upon the terms originally offered by the
30 County and have executed the easements required by the County; and

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32 WHEREAS, the County has dismissed the Case No, 2020-CV-00041 and has initiated the
33 refund of the money deposited with the Court, in the amount of \$6,021.16; and

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35 WHEREAS, the amount of \$6,021.16 is now due to Anthony J. and Amanda C. Caruso
36 for said easements; and

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38 WHEREAS, this Council has determined, after reviewing all pertinent information, that it
39 is necessary and in the best interest of the County of Summit to authorize the County Executive
40 to execute an agreement for the acquisition of a slope easement and a temporary easement from
41 the Carusos;

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

45
46 SECTION 1

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48 The County Executive is hereby authorized to execute an agreement for the acquisition of
49 a slope easement and a temporary easement with the owners, Anthony J. and Amanda C. Caruso,
50 of 3047 W. Bath Rd., Akron, Ohio 44333, in Bath Township, Council District 4, in a total
51 amount not to exceed \$6,021.16, as part of the West Bath Road Landslide Repair Project, and to
52 pay said amount to said owners for the easements.

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2 PAGE TWO

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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 residents of the County of Summit, and for the further reason that it immediately
8 authorizes a necessary agreement so that the West Bath Road Landslide Repair Project may
9 continue in an expeditious fashion.

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11 SECTION 3

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

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17 SECTION 4

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19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and of any of its committees that resulted in such formal action,
22 were in meetings open to the public, in compliance with all legal requirements, including Section
23 121.05 of the Ohio Revised Code.

24
25 INTRODUCED June 1, 2020

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28 ADOPTED June 1, 2020

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32 CLERK OF COUNCIL

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33 PRESIDENT OF COUNCIL

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35 APPROVED June 2, 2020

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39 EXECUTIVE

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38
39 June 2, 2020
ENACTED EFFECTIVE

Voice Vote YES: 11-0 Dickinson, Donofrio, Feeman, Koehler,
McKenney, Prentice, Rodgers, Schmidt, Sims, Walters, Wilhite