

1 RESOLUTION NO. 2014-343

2
3 SPONSOR Mr. Pry

4
5 DATE August 18, 2014

COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute with the State of Ohio,**
8 **Department of Transportation all necessary documents for its I-77 and I-76 Bridge**
9 **Replacement Project, SUM-76/77-11.27/12.12, including but not limited to: a Bill of Sale for**
10 **23 feet of chain link fence owned by the County on City of Akron property near the**
11 **intersection of Spicer Street and South Street, Permanent Parcel No. 67-61371, for \$230.00;**
12 **a Contract for Sale and Purchase of Real Property, Warranty Deed and Temporary**
13 **Easement for defined portions of the County's real property on Permanent Parcel Nos. 67-**
14 **09658 and 68-49171 located along South Street in the City of Akron for \$7,660.00; and a**
15 **Contract for Sale and Purchase of Real Property and Warranty Deed for defined portions**
16 **of the County's real property on Permanent Parcel Nos. 67-08887 located along South**
17 **Street in the City of Akron for \$3,540.00, in Council District 4, for the Executive's**
18 **Department of Administrative Services - Physical Plants, and declaring an emergency.**

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20 WHEREAS, the County owns real property on Permanent Parcel Nos. 67-09658, 68-
21 49171 and 67-08887 located along South Street in the City of Akron ("Parcels") where the
22 County Engineer operates certain facilities; and

23
24 WHEREAS, the State of Ohio, Department of Transportation ("ODOT"), in Project
25 SUM-76/77-11.27/12.12 ("Project"), plans to remove the I-77/I-76 bridges over Spicer and
26 Johnston Streets in the City of Akron, replacing them with embankment, and to rehabilitate the
27 bridge over Brown Street, located near the Parcels; and

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29 WHEREAS, part of the Project involves realigning Johnston Street, and terminating
30 South Street with a cul-de-sac west of the existing intersection with Johnston Street; and

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32 WHEREAS, to complete the Project, ODOT needs to acquire portions of the Parcels to
33 form the new cul-de-sac at the termination of South Street and to become part of the new
34 highway right-of-way, and a portion of the Parcels will be required for a 24 month Temporary
35 Easement for ODOT to construct the cul-de-sac on South Street; and

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37 WHEREAS, a chain link fence owned by the County situated on City of Akron property
38 near the intersection of Spicer Street and South Street must be removed as part of the Project;
39 and

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41 WHEREAS, a copy of the following documents are attached as Exhibits hereto and are
42 on file in the Office of the Clerk of Council: Exhibit 1 - Bill of Sale from Tenant (for the chain
43 link fence on Akron property); Exhibit 2- Contract for Sale and Purchase of Real Property on
44 portions of Permanent Parcel Nos. 67-09658 and 68-49171 (for South Street cul-de-sac); Exhibit
45 3 - Warranty Deed for defined portions of Permanent Parcel Nos. 67-09658 and 68-49171 (for
46 South Street cul-de-sac); Exhibit 4 - Temporary Easement for defined portions of Permanent
47 Parcel Nos. 67-09658 and 68-49171 (for South Street cul-de-sac); Exhibit 5 - Contract for Sale
48 and Purchase of Real Property on portions of Permanent Parcel No. 67-08887 (for highway
49 right-of-way); and Exhibit 6 Warranty Deed for defined portions of Permanent Parcel No. 67-
50 08887 (for highway right-of-way).

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4 WHEREAS, the Executive's Department of Administrative Services - Physical Plants
5 and the Engineer have determined that the Project will not unduly interfere with County
6 operations, and that the prices offered for the above referenced temporary easement, sales of
7 property and bill of sale are in accordance with ODOT methodology for property values; and
8

9 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
10 that it is in the best interest of the County of Summit to authorize the County Executive to
11 execute the above agreements, deeds, temporary easement and bill of sale, along with any other
12 required documents to effect those transactions, to ODOT;

13
14 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
15 of Ohio, that:

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17 SECTION 1

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19 The County Executive is hereby authorized to execute all necessary documents, including
20 but not limited to, the documents attached hereto as exhibits and incorporated herein as if fully
21 restated, to the State of Ohio, Department of Transportation for its SUM-76/77-11.27/12.12
22 Project: Exhibit 1 - Bill of Sale from Tenant (for the chain link fence on Akron property) for
23 \$230.00; Exhibit 2- Contract for Sale and Purchase of Real Property on portions of Permanent
24 Parcel Nos. 67-09658 and 68-49171 (for South Street cul-de-sac) for \$7,660.00; Exhibit 3 –
25 Warranty Deed for defined portions of Permanent Parcel Nos. 67-09658 and 68-49171 (for South
26 Street cul-de-sac); Exhibit 4 – Temporary Easement for defined portions of Permanent Parcel
27 Nos. 67-09658 and 68-49171 (for South Street cul-de-sac); Exhibit 5 - Contract for Sale and
28 Purchase of Real Property on portions of Permanent Parcel No. 67-08887 (for highway right-of-
29 way) for \$3,540.00; Exhibit 6 Warranty Deed for defined portions of Permanent Parcel No. 67-
30 08887 (for highway right-of-way); in Council District 4, with those changes that are not
31 substantially adverse to the County and approved by the Executive. The approval of those
32 changes by the County Executive and that those changes are not substantially adverse to the
33 County will be conclusively evidenced by the execution of each exhibit.
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35 SECTION 2

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37 This Resolution is hereby declared an emergency in the interest of the health, safety and
38 welfare of the citizens of the County of Summit, and for the further reason that it immediately
39 authorizes the execution of documents required by ODOT for a needed highway improvement in
40 the City of Akron.
41

42 SECTION 3

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44 Provided this Resolution receives the affirmative vote of eight members, it shall take
45 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
46 effect and be in force at the earliest time provided by law.
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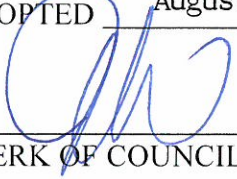
2 PAGE THREE

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4 SECTION 4

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6 It is found and determined that all formal actions of this Council concerning and relating
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

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13 INTRODUCED August 4, 2014

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15 ADOPTED August 18, 2014

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18 _____
19 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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21 APPROVED August 19, 2014

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23 
24 _____
25 EXECUTIVE

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27 ENACTED EFFECTIVE August 19, 2014

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