

1 RESOLUTION NO. 2011-077

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 Joseph**
8 **Weatherby, III, needed for the replacement of the Northampton Road bridge over Mud**
9 **Run, located in the City of Cuyahoga Falls, Council District 3, for the Engineer, and**
10 **declaring an emergency.**

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

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

19
20 WHEREAS, the County of Summit and Joseph Weatherby, III, are unable to agree upon
21 the purchase price of the right of way on property owned by Joseph Weatherby, III; and

22
23 WHEREAS, it is necessary to acquire said right of way by court proceedings under the
24 provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code;

25
26 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
27 of Ohio, that;

28
29 SECTION 1

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31 The County of Summit hereby declares its intention to appropriate a Warranty Deed with
32 Reservation of Access, a temporary easement for highway purposes, and a slope easement in the
33 real property described by Exhibit A, attached hereto; said purposes to include the replacement
34 of the Northampton Road Bridge and the widening of said bridge and roadway approaches
35 thereto, said property being owned by Joseph Weatherby, III ("Owner"), located in the City of
36 Cuyahoga Falls, Council District 3, and designated as Parcel 4WD, Parcel 4SL, and Parcel 4T.

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38 SECTION 2

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

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44 SECTION 3

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46 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw by
47 voucher upon the County of Summit and pay into the Court of Common Pleas at the time of the
48 filing of a complaint for the appropriation of said parcels, under the provisions of Chapter 163 of
49 the Ohio Revised Code, a sum not to exceed \$ 3,102.76.
50

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2 PAGE TWO

3
4 SECTION 4

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6 This Resolution shall be published in accordance with Council Rule 8.08; published on
7 the internet and/or posted at 175 South Main Street, Akron, Ohio.

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9 SECTION 5

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11 This Resolution is hereby declared an emergency in the interest of the health, safety, and
12 welfare of the citizens of the County of Summit, 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


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17 Provided this Resolution receives the affirmative vote of eight members, it shall take
18 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
19 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 relating
24 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
25 deliberations of this Council and of any of its committees that resulted in such formal action,
26 were in meetings open to the public, in compliance with all legal requirements, including Section
27 121.22 of the Ohio Revised Code.

28
29 INTRODUCED February 14, 2011

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31 ADOPTED March 7, 2011

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33 
34 CLERK OF COUNCIL

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36 
37 PRESIDENT OF COUNCIL

38
39 
40 March 7, 2011

41 APPROVED

42
43 
44 EXECUTIVE

45 ENACTED EFFECTIVE March 7, 2011

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

11-077

EXHIBIT A

RX 251 WDV

Page 1 of 2

Rev. 05/09

Ver. Date 02/04/11

PID 84446

**PARCEL 4-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 No. 48 and lying on the right side of the centerline of a survey made for the Summit County 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 northwest corner of Original Lot No. 38;

Thence, S 00° 48' 45" E along the centerline of said Northampton Road and the west line of said Original Lot No. 38, 10.61 feet to the grantor's northwest corner at a point on said centerline at station 44+38.39;

Thence, N 89° 37' 45" E, along the grantor's north line, 25.00 feet to the east line of said Northampton Road at a point 25.00 feet right of station 44+38.20 and the True Place of Beginning for the parcel intended to be described herein;

Thence, N 89° 37' 45" E along the grantor's north line, 10.00 feet to a capped 5/8" rebar set in Mud Brook at a point 35.00 feet right of station 44+38.12;

Thence, S 00° 48' 45" E parallel with and 10 feet easterly from the east line of said Northampton Road, 68.12 feet to a capped 5/8" rebar set at a point 35.00 feet right of station 43+70.00;

Thence, S 89° 11' 15" W, 10.00 feet to a capped 5/8" rebar set on the east line of said Northampton Rd. at a point 25.00 feet right of station 43+70.00;

Thence, N 00° 48' 45" W along the east line of said Northampton Rd., 68.20 feet to the True Place of Beginning and containing 0.0156 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

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

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

Grantor claims title through deed recorded Volume 6578 Page 347 of Summit County records.

The above described tract is part of Summit County Auditor's Parcel No. 3500594



Robert J. Warner
May 24 2011

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EXHIBIT A

Page 1 of 1

RX 274 SL

Rev. 06/09

Ver. Date 02/04/11

PID 84446

**PARCEL 4-SL
SUM-NORTHAMPTON RD. C.H. 27
EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES**

An easement for the construction and maintenance of slopes over the within described real estate, until such time as the Grantor/Owner desires to remove said slopes or build thereon, provided however, in the removal of said slopes the proper preservation of the highway may not be impaired (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 No. 48 and lying on the right side of the centerline of a survey made for the Summit County 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 southwest corner of Original Lot No. 37;

Thence S 00° 48' 45" E along the centerline of Northampton Road, 10.88 feet to a point at Station 44+38.12 in the centerline of a survey of Northampton Road made for the Summit County Engineer in July 2008;

Thence N 89° 11' 15" E, 35.00 feet to a point 35.00 feet right of Station 44+38.12 and the True place of beginning for the parcel intended to be described herein;

Thence N 89° 37' 45" E along the north line of the grantor's lands, 91.06 feet to a point 126.06 feet right of station 44+37.42;

Thence S 01° 44' 48" W, 48.82 feet to a point 123.88 feet right of station 43+88.65;

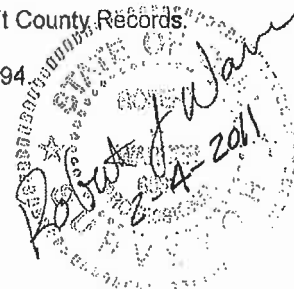
Thence S 89° 07' 57" W, 88.88 feet to a point 35.00 feet right of station 43+88.56;

Thence N 00° 48' 45" W, 49.56 feet to the place of beginning and containing 0.1015 acres of lands 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 NSRS (2007)

Grantor claims title through deed recorded in Volume 6578 Page 347 of Summit County Records.

The above described tract is part of Summit County Auditor's Parcel No. 3500594.



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EXHIBIT A

RX 286 T

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Rev. 06/09

Ver. Date 02/04/11

PID 84446

**PARCEL 4-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 No. 48 and lying on the right side of the centerline of a survey made for the Summit County Engineer for Project No. SUM-Northampton Road (C.H. 27) and being more fully described as follows:

Beginning at a point 35.00 feet right of station 43+88.56 in the centerline of a survey of Northampton Road made for the Summit County Engineer in July, 2008;

Thence N 89° 07'57" E, 10.00 feet to a point 45.00 feet right of station 43+88.57;

Thence S 00° 48'45" E, 28.57 feet to a point 45.00 feet right of station 43+60.00;

Thence S 89° 11'15" W, 10.00 feet to a point 35.00 feet right of station 43+60.00;

Thence S 10° 10'09" W, 52.50 feet to a point on the east line of said Northampton Rd. at a point 25.00 feet right of station 43+08.47;

Thence N 00° 48'45" W along the east line of said Northampton Rd., 61.53 feet to a point 25.00 feet right of station 43+70.00;

Thence N 89° 11'15" E, 10.00 feet to a point 35.00 feet right of station 43+70.00;

Thence N 00° 48'45" W, 18.56 feet to the place of beginning and containing 0.0148 acres of lands as surveyed by Robert J. Warner for Floyd Browne Group in July, 2009.

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

Grantor claims title through deed recorded in Volume 6578 Page 347 of Summit County Records.

The above described tract is part of Summit County Auditor's Parcel No. 3500594.

