

1 RESOLUTION NO. 2011-139

First Reading Passage Requested

(D. White)

2
3 SPONSOR Mr. Pry

4
5 DATE April 4, 2011

COMMITTEE Public Works

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7 **A Resolution authorizing appropriation proceedings of property owned by Pittsburg Plate**
8 **Glass Company, needed for the replacement of the Van Buren Road bridge over the**
9 **Tuscarawas River, located in the City of Barberton and the City of New Franklin, Council**
10 **District 7, for the Engineer, and declaring an emergency.**

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12 WHEREAS, permanent, temporary, and utility easements of right-of-way are needed for
13 the replacement of the Van Buren Road Bridge over the Tuscarawas River, Ohio Public Works
14 Commission project identification number PID CHT 01, SUM-CR 60-, Section 04.63 (herein the
15 "Project"); and

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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

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20 WHEREAS, the County of Summit and Pittsburgh Plate Glass Company are unable to
21 agree upon the purchase price of a right-of-way on property owned by Pittsburgh Plate Glass
22 Company; and

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

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

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30 SECTION 1

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32 The County of Summit hereby declares its intention to appropriate a Warranty Deed with
33 Reservation of Access, a Temporary easement for highway purposes, and a Utility Easement in
34 the real property described by Exhibit A, attached hereto, said purposes to include the
35 replacement of the Van Buren Road Bridge and the widening of said bridge and roadway
36 approaches thereto, said property being owned by Pittsburgh Plate Glass Company (herein the
37 "Owner"), located in the City of Barberton and the City of New Franklin, Council District 7, and
38 designated as Parcels 1-WD, 1-WD1, Parcel 1-U, and Parcels 1-T, 1-T1,1-T2.

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40 SECTION 2

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

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46 SECTION 3

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48 The Engineer, through the Fiscal Officer, is hereby authorized to drawn by voucher upon
49 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a
50 complaint for the appropriation of said parcels, under the provisions of Chapter 163 of the Ohio
51 Revised Code, a sum not to exceed \$4,525.00 (Four Thousand Five-Hundred Twenty-Five
52 Dollars and 00/100).