

1 RESOLUTION NO. 2012-106

First Reading Passage Requested
(G. Kissos)

2 SPONSOR Mr. Pry

3 Date March 19, 2012

COMMITTEE Public Works

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7 **A Resolution authorizing proceedings for the appropriation of property owned by PPG**
8 **Industries, Inc., needed for the replacement of the Cleveland-Massillon Road Bridge No.**
9 **BAR-017-0708 over Hudson Run, located in the City of Barberton, in Council District 7,**
10 **for the Engineer, and declaring an emergency.**

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12 WHEREAS, utility and temporary right of way are needed for the replacement of the
13 Cleveland-Massillon Road Bridge over Hudson Run, Ohio Department of Transportation project
14 identification number PID 84395 SUM-CH 17, Section 07.08 ("Project"); and

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

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19 WHEREAS, the County of Summit and PPG Industries, Inc. are unable to agree upon the
20 purchase price of right-of-way on property owned by PPG Industries, Inc.; and

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

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25 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
26 that the aforementioned easement and right-of-way are necessary and in the best interest of the
27 County of Summit;

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

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32 SECTION 1

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34 The County of Summit hereby declares its intention to appropriate a utility easement and,
35 a temporary easement for highway purposes, in the real property described by Exhibit A attached
36 hereto, said purposes to include the replacement of the Cleveland-Massillon Road Bridge and the
37 widening of said bridge and roadway approaches thereto, said property being owned by PPG
38 Industries, Inc. ("Owner"), located in the City of Barberton, in Council District 7, and designated
39 as Parcel 4U and Parcel 4T.

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41 SECTION 2

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

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47 SECTION 3

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49 The Engineer, through the Fiscal Officer, is hereby authorized to draw by voucher upon
50 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a
51 complaint for the appropriation of said parcels, under the provisions of Chapter 163 of the Ohio
52 Revised Code, a sum not to exceed \$ 300.00.

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2 PAGE TWO

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4 SECTION 4

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6 This Resolution shall be published in accordance with Codified Ordinance of Summit
7 County section 121.071.

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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 Summit County, and for the further reason that it will immediately
13 allow commencement of an improvement to the County's highway system.

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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.

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21 SECTION 7

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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.

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30 INTRODUCED March 19, 2012

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32 ADOPTED March 19, 2012

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

March 19, 2012

APPROVED

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EXECUTIVE

ENACTED EFFECTIVE March 19, 2012

Voice V
Voice Vote: 8 - 0 YES: Feeman, Kostandaras, Kurt, Lee
Rodgers, Roemer, Schmidt, Shapiro. ABSENT: Comunale, Crawford, Prentice