

1 RESOLUTION NO. 2013-141

2
3 SPONSOR Mr. Pry and Mr. Crawford

4
5 DATE April 15, 2013 COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings of property owned by Rita Karolina**
8 **Glas, Trustee, needed for the improvement of the Cleveland-Massillon Road over Van**
9 **Hyning Bridge Improvement Project, located in the City of Norton, Council District 7, for**
10 **the Engineer, and declaring an emergency.**

11
12 WHEREAS, the County Engineer has identified a public need to replace the existing
13 cast-in-place concrete slab Cleveland Massillon Road Bridge over the Van Hyning Run with a
14 new precast concrete box culvert, cast-in-place wingwalls and cut-off walls; and

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16 WHEREAS, rights-of-way ("ROW") are needed for the project; and

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18 WHEREAS, the ROW acquisition is considered a local cost which must be borne in
19 whole by the local public agency performing a project (in this case, the County of Summit); and

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21 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all
22 the rights-of-way necessary for the project; and

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24 WHEREAS, the County of Summit and Rita Karolina Glas, Trustee, are unable to agree
25 upon the purchase price of the right-of-way on property owned by Rita Karolina Glas, Trustee;
26 and

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

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31 WHEREAS, acquisition of the subject warranty deeds will promote proceeding with the
32 project to bid; and

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34 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
35 that is necessary and in the best interest of the County of Summit to authorize appropriation
36 proceedings of the above-referenced property;

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

40
41 SECTION 1

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43 The County of Summit hereby declares its intention to appropriate a Warranty Deed
44 ("WD-1") and Warranty Deed ("WD-2") and a Temporary ("T-1") easement for highway
45 purposes in the real property described by Exhibit A attached; said purposes to include the
46 replacement of the bridge on Cleveland-Massillon Road over the Van Hyning Run, said property
47 being owned by Rita Karolina Glas, Trustee ("Owner"), located in the City of Norton, Council
48 District 7, and designated as Parcels 11-WD-1, 11-WD-2 ,and 11-T.
49

1 RESOLUTION NO. 2013-141

2 PAGE TWO

3
4 SECTION 2

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

9
10 SECTION 3

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12 The County Engineer, through the County Fiscal Officer, is hereby authorized to drawn
13 by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of
14 the filing of a complaint for the appropriation of said parcels, under the provisions of Chapter
15 163 of the Ohio Revised Code, a sum not to exceed \$ 8,480.00.

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17 SECTION 4

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19 This Resolution is hereby declared an emergency in the interest of the health, safety and
20 welfare of the citizens of the County of Summit, and for the further reason that it promotes the
21 Cleveland-Massillon Road over Van Hyning Bridge Improvement Project, which is immediately
22 needed in the City of Norton.

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24 SECTION 5

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

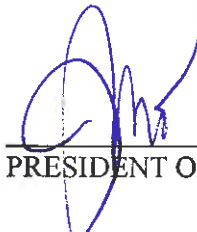
29
30 SECTION 6

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32 It is found and determined that all formal actions of this Council concerning and relating
33 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
34 deliberations of this Council and of any of its committees that resulted in such formal action,
35 were in meetings open to the public, in compliance with all legal requirements, including Section
36 121.22 of the Ohio Revised Code.

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38 INTRODUCED April 1, 2013

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40 ADOPTED April 15, 2013

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43 _____
44 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

45
46 APPROVED April 16, 2013

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48 
49 _____
50 EXECUTIVE

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52 ENACTED EFFECTIVE April 16, 2013

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