

1 RESOLUTION NO. 2013-512

2  
3 SPONSOR Mr. Pry

4  
5 DATE December 10, 2013

COMMITTEE Public Works

6  
7 **A Resolution authorizing appropriation proceedings of property owned by Timothy L. Semelsberger, needed for the improvement of the East North Street Bridge over the Little Cuyahoga-Bridge Improvement Project, located in the City of Akron, in Council District 4, for the Engineer, and declaring an emergency.**

8  
9  
10  
11  
12 WHEREAS, warranty deed and temporary easements of right of way are needed for the improvement by the replacement of the bridge over the Little Cuyahoga River SUM CR10-2.08-Structure-AKR-010-02081 ("Project"); and

13  
14  
15  
16 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all of the right-of-way necessary for the Project; and

17  
18  
19 WHEREAS, the County of Summit and Timothy L. Semelsberger are unable to agree upon the purchase price of right-of-way on property owned by Timothy L. Semelsberger; and

20  
21  
22 WHEREAS, it is necessary to acquire said right-of-way by court proceedings under the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code; and

23  
24  
25 WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to authorize appropriation proceedings of property owned by Timothy L. Semelsberger needed for the Project;

26  
27  
28  
29 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that;

30  
31  
32 SECTION 1

33  
34 The County of Summit hereby declares its intention to appropriate a Warranty Deed (WD-6) and Temporary (T-6) easement for highway purposes in the real property described by Exhibit A, attached hereto, said purposes to include the replacement of the bridge on East North Street over the Little Cuyahoga, said property being owned by the Timothy L. Semelsberger ("Owner"), located in the City of Akron, in Council District 4, and designated as Parcels WD-6 and T-6.

35  
36  
37  
38  
39  
40 SECTION 2

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

1 RESOLUTION NO. 2013-512

2 PAGE TWO

3  
4 SECTION 3

5  
6 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw by  
7 voucher upon the County of Summit and pay into the Court of Common Pleas at the time of the  
8 filing of a complaint for the appropriation of said easement and temporary right-of-way, under  
9 the provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$300.00.

10  
11 SECTION 4

12  
13 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
14 welfare of the citizens of Summit County, and for the further reason that it will allow  
15 commencement of an immediately needed improvement to the County's highway system.

16  
17 SECTION 5

18  
19 Provided this Resolution receives the affirmative vote of eight members, it shall take  
20 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
21 effect and be in force at the earliest time provided by law.

22  
23 SECTION 6

24  
25 It is found and determined that all formal actions of this Council concerning and relating  
26 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
27 deliberations of this Council and of any of its committees that resulted in such formal action,  
28 were in meetings open to the public, in compliance with all legal requirements, including Section  
29 121.22 of the Ohio Revised Code.

30  
31  
32 INTRODUCED November 25, 2013

33  
34 ADOPTED December 10, 2013

35  
36  
37  
38 CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

39 APPROVED December 11, 2013

40  
41  
42  
43  
44 EXECUTIVE

45  
46 ENACTED EFFECTIVE December 11, 2013

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