

1 RESOLUTION NO. 2017-026

**First Reading Passage Requested**  
(H. Swindell)

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE January 30, 2017

COMMITTEE Public Works

6  
7 **A Resolution authorizing appropriation proceedings of real property owned by Butcher C**  
8 **& D LLC needed for the replacement of the Vanderhoof Road Bridge over the Tuscarawas**  
9 **River, located in the City of New Franklin, for the Engineer, and declaring an emergency.**

10  
11 WHEREAS, the County Engineer has concluded there is a public need to replace the  
12 existing Vanderhoof Road Bridge over the Tuscarawas River (FRA-215-0290), located in the  
13 City of New Franklin, in Council District 7; and

14  
15 WHEREAS, parcels of real property and temporary easements of right-of-way are needed  
16 for the Vanderhoof Road Bridge Replacement Project (herein the "Project"); and

17  
18 WHEREAS, the County of Summit and Butcher C & D LLC are unable to agree upon the  
19 purchase price of said parcels of real property or temporary easements of right-of-way on parcels  
20 of real property owned by Butcher C & D LLC; and

21  
22 WHEREAS, it is necessary to acquire said parcels of real property and temporary  
23 easements of right-of-way by court proceedings under the provisions of Section 5555.09 and  
24 Chapter 163 of the Ohio Revised Code; and

25  
26 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
27 that it is necessary and in the best interest of the County of Summit to proceed with said  
28 appropriation proceedings for the aforementioned reason;

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

32  
33 SECTION 1

34  
35 The County of Summit hereby declares its intention to appropriate parcels of real  
36 property and temporary easements of right-of-way for highway purposes on parcels of real  
37 property as described by Exhibit A, attached hereto, said purposes to include the replacement of  
38 the Vanderhoof Road Bridge over the Tuscarawas River, said property being owned by Butcher  
39 C & D LLC (herein the "Owners"), located in the City of New Franklin, Council District 7.

40  
41 SECTION 2

42  
43 The County Prosecutor is hereby directed to prepare and file on behalf of the County of  
44 Summit, Ohio, proceedings for appropriation under the provisions of Chapter 163 of the Ohio  
45 Revised Code of said parcels of real property and temporary easements of right-of-way on  
46 parcels of real property described by Exhibit A.

Voice Vote: YES 11-0 Crawford, Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite

1 RESOLUTION NO. 2017-026

2 PAGE TWO

3  
4 SECTION 3

5  
6 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw  
7 by voucher upon the County of Summit and pay into the Court of Common Pleas-Probate  
8 Division at the time of the filing of a complaint for the appropriation of said parcels of real  
9 property and temporary easements of right-of-way on parcels of real property, under the  
10 provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$495.00.

11  
12 SECTION 4

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14 This Resolution shall be published in accordance with Section 121.05 of the Codified  
15 Ordinances of the County of Summit.

16  
17 SECTION 5

18  
19 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
20 welfare of the citizens of Summit County, and for the further reason that it will immediately  
21 allow commencement of appropriation proceedings related to an improvement to the County's  
22 highway system.

23  
24 SECTION 6


25  
26 Provided this resolution receives the affirmative vote of eight (8) 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.

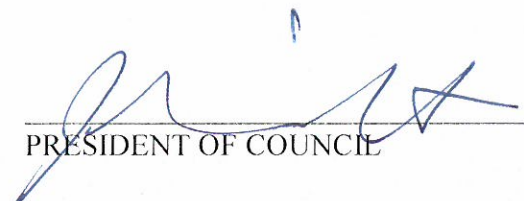
29  
30 SECTION 7

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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.

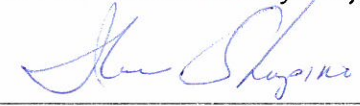
37  
38 INTRODUCED January 30, 2017

39  
40 ADOPTED January 30, 2017

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43 \_\_\_\_\_  
44 CLERK OF COUNCIL

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

45  
46 APPROVED January 31, 2017

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49 \_\_\_\_\_  
50 EXECUTIVE

51  
52 ENACTED EFFECTIVE January 31, 2017