

1 RESOLUTION NO. 2017-535

First Reading Passage Requested
(H. Swindell)

2 SPONSOR Ms. Shapiro

3 DATE December 12, 2017

4 COMMITTEE Public Works

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6
7 **A Resolution authorizing appropriation proceedings of real property owned by Warren**
8 **Tool Corporation and Summit Tool Company necessary for the improvement of the Home**
9 **Avenue Bridge over the Little Cuyahoga-Bridge Improvement Project, located in the City**
10 **of Akron, in Council District 4, for the Engineer, and declaring an emergency.**

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12 WHEREAS, fees simple interests and temporary easements of right-of-way are needed
13 for the improvement by the replacement of the bridge over the Little Cuyahoga River SUM
14 CR11-0.02, Structure-AKR-011-0002, located in the City of Akron, in Council District 4 (the
15 "Project"); and

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17 WHEREAS, the County of Summit and Warren Tool Corporation and Summit Tool
18 Company, which are related companies under common control, are unable to agree upon the
19 purchase price of the fee simple interests and temporary easements of right-of-way on real
20 property owned by the Warren Tool Corporation and Summit Tool Company; and

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22 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all
23 of fee simple interest and temporary easements of right-of-way necessary for the Project; and

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25 WHEREAS, it is necessary to acquire said fee simple interests and temporary easements
26 of right-of-way by court proceedings under the provisions of Section 5555.09 and Chapter 163 of
27 the Ohio Revised Code; and

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29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
30 that it is necessary and in the best interest of the County of Summit to authorize appropriation
31 proceedings of real property owned by the Warren Tool Corporation and Summit Tool Company
32 needed for the Project;

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

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37 SECTION 1

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39 The County of Summit hereby declares its intention to appropriate fees simple interests
40 (Parcel Nos. 6-WDV, 7-WDV) and temporary easements (Parcel Nos. 6-T, 7-T1 and 7-T2) for
41 highway purposes in the real property described by Exhibit A, attached hereto, said purposes to
42 include the replacement of the bridge on Home Avenue Bridge over the Little Cuyahoga River
43 SUM CR11-0.02, Structure-AKR-011-0002, said properties being owned by the Warren Tool
44 Corporation and Summit Tool Company ("Owners"), located in the City of Akron, in Council
45 District 4, and designated as Parcels Nos. 6-WDV, 6-T, 7-WDV, 7-T1, and 7-T2.

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47 SECTION 2

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49 The County Prosecutor is hereby directed to prepare and file on behalf of the County of
50 Summit, Ohio, proceedings for appropriation, under the provisions of Chapter 163 of the Ohio
51 Revised Code, of said fees simple interests and temporary easements for road right-of-way.
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2 PAGE TWO

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4 SECTION 3

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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 real property and temporary easements of
9 right-of-way under the provisions of Chapter 163 of the Ohio Revised Code an amount not to
10 exceed \$12,141.00.

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12 SECTION 4

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14 This Resolution is hereby declared an emergency in the interest of the health, safety, and
15 welfare of the citizens of Summit County, and for the further reason that it will allow the
16 commencement of an immediately needed improvement to the County's highway system,
17 located in the City of Akron, in Council District 4.

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19 SECTION 5

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

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25 SECTION 6

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27 It is found and determined that all formal actions of this Council concerning and relating
28 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
29 deliberations of this Council and of any of its committees that resulted in such formal action,
30 were in meetings open to the public, in compliance with all legal requirements, including Section
31 121.22 of the Ohio Revised Code.

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34 INTRODUCED December 12, 2017

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36 ADOPTED December 12, 2017

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40 CLERK OF COUNCIL

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42 
PRESIDENT OF COUNCIL

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45 APPROVED December 13, 2017

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47 
EXECUTIVE

48 ENACTED EFFECTIVE December 13, 2017

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