

1 RESOLUTION NO. 2011-101

First Reading Passage Requested
(R. Sobnosky)

2
3 SPONSOR Mr. Pry

4
5 DATE March 7, 2011

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings of property owned by Jon C. and**
8 **Barbara P. Humphrey, Trustees, needed for the replacement of the Northampton**
9 **Road bridge over Mud Run, located in the City of Cuyahoga Falls, Council District 3,**
10 **for the Engineer, and declaring an emergency.**

11
12 WHEREAS, permanent, temporary, and slope easements of right of way are needed
13 for the replacement of the Northampton Road Bridge over Mud Run, Ohio Department of
14 Transportation project identification number PID 84446 SUM-CH27, Section 04.35
15 (“Project”); and

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

19
20 WHEREAS, the County of Summit and Jon C. and Barbara P. Humphrey, Trustees,
21 are unable to agree upon the purchase price of right of way on property owned by Jon C.
22 and Barbara P. Humphrey, Trustees; and

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

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

29
30 SECTION 1

31
32 The County of Summit hereby declares its intention to appropriate a Warranty Deed
33 with Reservation of Access, a temporary easement for highway purposes, and a slope
34 easement in the real property described by Exhibit A attached hereto; said purposes to
35 include the replacement of the Northampton Road Bridge and the widening of said bridge
36 and roadway approaches thereto; said property being owned by Jon C. and Barbara P.
37 Humphrey, Trustees (“Owner”), located in the City of Cuyahoga Falls, Council District 3,
38 and designated as Parcel 3WDV, Parcel 3SL, and Parcel 3T.

39
40 SECTION 2

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

45
46 SECTION 3

47
48 The County Engineer, through the County Fiscal Officer, is hereby authorized to
49 draw by voucher upon the County of Summit and pay into the Court of Common Pleas at
50 the time of the filing of a complaint for the appropriation of said parcels, under the
51 provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$1,430.00 (One
52 Thousand Four Hundred and Thirty Dollars and 00/100).

53

1 RESOLUTION NO. 2011-101

2 PAGE TWO

3
4 SECTION 4

5
6 This Resolution shall be published in accordance with the County of Summit
7 Council Rule 8.08.

8
9 SECTION 5

10
11 This Resolution is hereby declared an emergency in the interest of the health,
12 safety, and welfare of the citizens of Summit County, and for the further reason that it will
13 immediately allow commencement of an improvement to the County's highway system.

14
15 SECTION 6

16
17 Provided this Resolution receives the affirmative vote of eight members, it shall
18 take effect immediately upon its adoption and approval by the Executive; otherwise, it shall
19 take effect and be in force at the earliest time provided by law.

20
21 SECTION 7

22
23 It is found and determined that all formal actions of this Council concerning and
24 relating to the adoption of this Resolution were adopted in an open meeting of this Council,
25 and that all deliberations of this Council and of any of its committees that resulted in such
26 formal action, were in meetings open to the public, in compliance with all legal
27 requirements, including Section 121.22 of the Ohio Revised Code.

28
29 INTRODUCED March 7, 2011

30
31 ADOPTED March 7, 2011

32
33 
34 _____
35 CLERK OF COUNCIL

36
37 March 7, 2011



PRESIDENT OF COUNCIL

38 APPROVED

39
40 
41 _____
42 EXECUTIVE

43
44 ENACTED EFFECTIVE March 7, 2011

Voice Vote: 10-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Rodgers, Roemer, Schmidt, Shapiro, Smith ABSENT: Prentice

11-101

EXHIBIT A

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Rev. 06/09

RX 286 T

Ver. Date 02/04/11

PID 84446

**PARCEL 3-T
SUM-NORTHAMPTON RD. C.H. 27
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING WORK
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Summit, City of Cuyahoga Falls and known as being part of original Northampton Township Lot Nos. 37 & 38 and lying on the right side of a centerline of a survey performed for the Summit County Engineer for project No. SUM-Northampton Road (C.H.) and being more fully described as follows:

Beginning at a point 25.00 feet right of station 45+00.00 in the centerline of a survey of Northampton Road made for the Summit County Engineer in July 2008;

Thence N 00° 48'45" W along the east line of said Northampton Rd., 79.00 feet to a point 25.00 feet right of station 45+79.00;

Thence S 89° 24'01"E, 11.72 feet to a point 36.72 feet right of station 45+78.71;

Thence S 07° 41'03" E, 69.21 feet to a point 45.00 feet right of station 45+10.00;

Thence S 00° 48'45" E, 52.94 feet to a point 45.00 feet right of station 44+57.06;

Thence N 30° 07'50" W, 20.42 feet to a point 35.00 feet right of station 44+74.86;

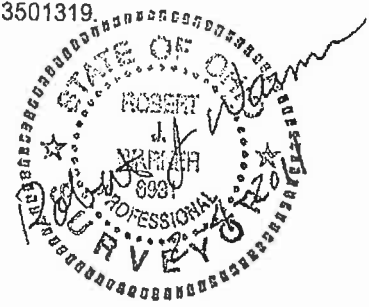
Thence N 00° 48'45" W, 25.14 feet to a point 35.00 feet right of 45+00.00;

Thence S 89° 11'15" W, 10.00 feet to the place of beginning and containing 0.0375 acres of land as surveyed by Robert J. Warner P.S. 6931 for Floyd Browne Group in July, 2009.

Bearing are based on Ohio State Plane Coordinate System North Zone NSRS (2007).

Grantor claims title through deed recorded in Reception No. 55074004 of Summit county records.

The above described tract is part of Summit County Auditor's Parcel No. 3501319.



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EXHIBIT A

RX 251 WDV

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Rev. 05/09

Ver. Date 02/04/11

PID 84446

**PARCEL 3-WDV
SUM-NORTHAMPTON RD. C.H. 27
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CUYAHOGA FALLS, SUMMIT COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Summit, City of Cuyahoga Falls and known as being part of original Northampton Township Lot Nos. 37 & 38 and lying on the right side of the centerline of a survey performed for the Summit County Engineer for project No. SUM-Northampton Road (C.H. 27) and being more fully described as follows:

Beginning at a gear spike set on the Centerline of Northampton Road (C.H. 27) at the southwest corner of Original Lot No. 37;

Thence, N 00° 48' 45" W along the said centerline of Northampton Road, 51.00 feet to a point at station 45+00.00 in the centerline of a survey of Northampton Road made for the Summit County Engineer in 2008;

Thence, N 89° 11' 15" E, 25.00 feet to a capped 5/8" rebar set on the east line of said Northampton Road at a point 25.00 feet right of station 45+00.00 and the True Place of Beginning for the parcel intended to be described herein;

Thence, N 89° 11' 15" E, 10.00 feet to a capped 5/8" rebar set at a point 35.00 feet right of station 45+00.00;

Thence, S 00° 48' 45" E parallel with and 10 feet easterly from the east line of said Northampton Road, 61.88 feet to a capped 5/8" rebar set on the Grantor's south line and also being in Mud Brook at a point 35.00 feet right of station 44+38.12 and passing over the south line of original lot N° 37 at 51.27 feet;

Thence, S 89° 37' 45" W, 10.00 feet along the Grantor's south line to the east line of said Northampton Road at a point 25.00 feet right of station 44+38.20;

Thence, N 00° 48' 45" W, along the east line of said Northampton Road, 61.80 feet to the true place of beginning and containing 0.0142 acres of land as surveyed by Robert J. Warner, P.S. 6931 for Floyd Browne Group in July 2008.

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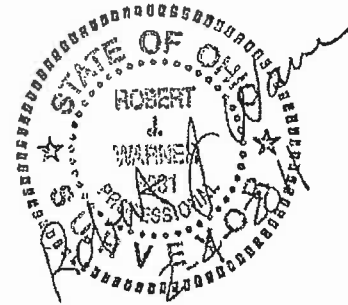
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Bearing are based on the Ohio State Plane Coordinate System North Zone NSRS (2007).

5/8" capped rebar are stamped "Floyd Browne Group, Akron, Ohio".

Grantor claims title through deed recorded in Reception No. 55074004 of Summit County records.

The above described tract is part of Summit County Auditor's Parcel No. 3501319.



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EXHIBIT A

RX 274 SL

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Ver. Date 02/04/11

PID 84446

**PARCEL 3-SL
SUM-NORTHAMPTON RD. C.H. 27
EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES**

An easement for the construction and maintenance of slopes over the within described real estate, until such time as the Grantor/Owner desires to remove said slopes or build thereon, provided however, in the removal of said slopes the proper preservation of the highway may not be impaired (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Summit, City of Cuyahoga Falls and known as being part of original Northampton Township Lot Nos. 37 & 38 and lying on the right side of a centerline of a survey performed for the Summit County Engineer for project No. SUM-Northampton Road (C.H.) and being more fully described as follows:

Beginning at a gear spike set on the centerline of Northampton Road (C.H. 27) at the southwest corner of Original Lot No. 37;

Thence S 00° 48' 45" E along the centerline of Northampton Road, 10.88 feet to a point at Station 44+38.12 in the centerline of a survey of Northampton Road made for the Summit County Engineer in July 2008;

Thence N 89° 11' 15" E, 35.00 feet to a point 35.00 feet right of Station 44+38.12 and the True place of beginning for the parcel intended to be described herein;

Thence N 00° 48' 45" W along the east line of Northampton Rd., 36.74 feet to a point 35.00 feet right of station 44+74.86;

Thence S 30° 07' 50" E, 30.10 feet to a point on the south line of Original Lot No. 37 at a point 49.74 feet right of station 44+47.62;

Thence N 89° 37' 45" E along the said south line, 76.79 feet to a point 126.53 feet right of station 44+48.04;

Thence S 01° 44' 48" W, 10.62 feet to a point on the grantor's south line at a point 126.06 feet right of station 44+37.42;

Thence S 89° 37' 45" W along the said south line, 91.06 feet to the place of beginning and containing 0.0266 acres of land as surveyed by Robert J. Warner P.S. 6931 for Floyd Browne Group in July, 2009.

Bearings are based on the Ohio State Plane Coordinate System North Zone NSRS (2007).

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