

1 RESOLUTION NO. 2011-139

First Reading Passage Requested

(D. White)

2  
3 SPONSOR Mr. Pry

4  
5 DATE April 4, 2011

COMMITTEE Public Works

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7 **A Resolution authorizing appropriation proceedings of property owned by Pittsburg Plate**  
8 **Glass Company, needed for the replacement of the Van Buren Road bridge over the**  
9 **Tuscarawas River, located in the City of Barberton and the City of New Franklin, Council**  
10 **District 7, for the Engineer, and declaring an emergency.**

11  
12 WHEREAS, permanent, temporary, and utility easements of right-of-way are needed for  
13 the replacement of the Van Buren Road Bridge over the Tuscarawas River, Ohio Public Works  
14 Commission project identification number PID CHT 01, SUM-CR 60-, Section 04.63 (herein the  
15 "Project"); and

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

19  
20 WHEREAS, the County of Summit and Pittsburgh Plate Glass Company are unable to  
21 agree upon the purchase price of a right-of-way on property owned by Pittsburgh Plate Glass  
22 Company; and

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

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

29  
30 SECTION 1

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32 The County of Summit hereby declares its intention to appropriate a Warranty Deed with  
33 Reservation of Access, a Temporary easement for highway purposes, and a Utility Easement in  
34 the real property described by Exhibit A, attached hereto, said purposes to include the  
35 replacement of the Van Buren Road Bridge and the widening of said bridge and roadway  
36 approaches thereto, said property being owned by Pittsburgh Plate Glass Company (herein the  
37 "Owner"), located in the City of Barberton and the City of New Franklin, Council District 7, and  
38 designated as Parcels 1-WD, 1-WD1, Parcel 1-U, and Parcels 1-T, 1-T1,1-T2.

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40 SECTION 2

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

45  
46 SECTION 3

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48 The Engineer, through the Fiscal Officer, is hereby authorized to drawn by voucher upon  
49 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a  
50 complaint for the appropriation of said parcels, under the provisions of Chapter 163 of the Ohio  
51 Revised Code, a sum not to exceed \$4,525.00 (Four Thousand Five-Hundred Twenty-Five  
52 Dollars and 00/100).