

1 RESOLUTION NO. 2011-323

First Reading Passage Requested

(M. Evans)

2
3 SPONSOR Mr. Pry

4
5 DATE August 15, 2011

COMMITTEE Rules

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7 **A Resolution revising the property to be acquired, and the amount to be paid for the same,**
8 **in the appropriation proceedings of property owned by Jon C. and Barbara P. Humphrey,**
9 **Trustees, needed for the replacement of the Northampton Road bridge over Mud Brook,**
10 **located in the City of Cuyahoga Falls, Council District 3, and directing the Prosecutor to**
11 **amend the appropriation proceedings accordingly, for the Engineer, and declaring an**
12 **emergency.**

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14 WHEREAS, permanent and temporary rights of way are needed for the replacement of
15 the Northampton Road Bridge over Mud Brook, Ohio Department of Transportation project
16 identification number PID 84446 SUM-CH27, Section 04.35 ("Project"); and

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18 WHEREAS, the County, despite negotiations, has been unable to acquire all of the right
19 of ways necessary for the Project; and

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

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

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28 WHEREAS, appropriation proceedings pursuant to Chapter 163 of the Ohio Revised
29 Code were previously authorized by Resolution No. 2011-101; and

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31 WHEREAS, a Petition for Appropriation was filed in the Summit County Court of
32 Common Pleas, Probate Division, Case Number 2011 CV 44; and

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34 WHEREAS, the construction plans for the area surrounding the Project have been
35 modified since the filing of the Petition for Appropriation; and

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37 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
38 that it is necessary to amend the Petitions for Appropriation to revise the property to be taken by
39 appropriation and the amount that should be paid for the same;

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41 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
42 State of Ohio, that:

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4 SECTION 1

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6 The County of Summit hereby declares its intention to appropriate a Warranty Deed with
7 Reservation of Access and a temporary easement for highway purposes in the real property
8 described by Exhibit A attached hereto; said purposes to include replacement of the
9 Northampton Road bridge and the widening of said bridge and roadway approaches thereto; said
10 property being owned by Jon C. and Barbara P. Humphrey, Trustees, located in the City of
11 Cuyahoga Falls, Council District 3, and designated as Parcel 3WDV and Parcel 3TV. The
12 property identified in this Section and on the attached Exhibit A shall replace the property
13 identified in Resolution No. 2011-101 as the property being subject to appropriation.

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15 SECTION 2

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17 The Prosecutor is hereby directed to amend the previously filed Petition for
18 Appropriation that was filed in Case No. 2011 CV 44 to be consistent with the property
19 identified in Section 1, herein, and the Exhibit A, attached hereto and the revised fair-market
20 value of the property to be taken through appropriation.

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22 SECTION 3

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24 The fair market value of the property to be taken by appropriation as set forth in Section
25 1 and attached Exhibit A is determined to be \$842.52. The amount of \$1,430.00 was previously
26 deposited with the Probate Court pursuant to Resolution No. 2011-101, and the difference
27 between these amounts should be disposed of and returned to the County pursuant to an order of
28 the Probate Court.

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30 SECTION 4

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32 This Resolution is hereby declared an emergency in the interest of the health, safety, and
33 welfare of the citizens of the County of Summit and for the further reason of immediately
34 providing for the amendment of the Petition for Appropriation with the Probate Court.

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36 SECTION 5

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

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42 SECTION 6

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44 It is found and determined that all formal actions of this Council concerning and relating
45 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
46 deliberations of this Council and of any of its committees that resulted in such formal action,
47 were in meetings open to the public, in compliance with all legal requirements, including Section
48 121.22 of the Ohio Revised Code.
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1 RESOLUTION NO. 2011-323

2 PAGE THREE

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5 INTRODUCED August 15, 2011

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ADOPTED August 15, 2011

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11 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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APPROVED August 16, 2011

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17 EXECUTIVE

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ENACTED EFFECTIVE August 16, 2011

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