

1 RESOLUTION NO. 2017-194

2
3 SPONSOR Ms. Shapiro

4
5 DATE June 5, 2017

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings for a drainage easement on property**
8 **owned by Connie E. Elrod, Trustee, identified as Parcel No. 5105408, needed for the**
9 **replacement of a catch basin and culvert located in Springfield Township, for the Engineer,**
10 **and declaring an emergency.**

11
12 WHEREAS, a permanent drainage easement is needed for the replacement of the catch
13 basin and culvert that is located at 3071 Albrecht Avenue, Akron, Ohio 44312, in Springfield
14 Township, in Council District 8, further identified as Culvert #44-05052 (the "Project"); and

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16 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire the
17 drainage easement necessary for the Project; and

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19 WHEREAS, the County of Summit and Connie E. Elrod, Trustee, are unable to agree
20 upon the purchase price of the drainage easement on property owned by Connie E. Elrod,
21 Trustee, that is located at 3071 Albrecht Avenue, Akron, Ohio 44312, identified as Parcel No.
22 5105408; and

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

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

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

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34 SECTION 1

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36 The County of Summit hereby declares its intention to appropriate a drainage easement
37 on the real property, identified as Parcel No. 5105408 and described by Exhibit A, attached
38 hereto, said purposes to include the replacement of the catch basin and culvert located on said
39 real property, said real property being owned by Connie E. Elrod, Trustee, located in Springfield
40 Township, in Council District 8.

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42 SECTION 2

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44 The County Prosecutor is hereby directed to prepare and file on behalf of the County of
45 Summit, Ohio, proceedings for appropriation, under the provisions of Chapter 163 of the Ohio
46 Revised Code, of said drainage easement on the parcel of real property as described by Exhibit
47 A.

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

1 RESOLUTION NO. 2017-194

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
7 by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of
8 the filing of a complaint for the appropriation of said parcels, under the provisions of Chapter
9 163 of the Ohio Revised Code, a sum not to exceed \$300.00.

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11 SECTION 4

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

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16 SECTION 5

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

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23 SECTION 6


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25 Provided this Resolution receives the affirmative vote of eight (8) members, it shall take
26 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
27 effect and be in force at the earliest time provided by law.

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29 SECTION 7

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31 It is found and determined that all formal actions of this Council concerning and relating
32 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
33 deliberations of this Council and of any of its committees that resulted in such formal action,
34 were in meetings open to the public, in compliance with all legal requirements, including Section
35 121.22 of the Ohio Revised Code.

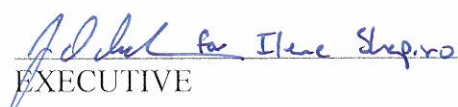
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37 INTRODUCED May 15, 2017

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39 ADOPTED June 5, 2017

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43 CLERK OF COUNCIL

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47 PRESIDENT OF COUNCIL

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49 APPROVED June 6, 2017

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51 
52 EXECUTIVE

ENACTED EFFECTIVE June 6, 2017