

1 RESOLUTION NO. 2017-509

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 Timothy L.**  
8 **Semelsberger, necessary for the replacement of the Home Avenue Bridge over the Little**  
9 **Cuyahoga River, located in the City of Akron, in Council District 4, for the Engineer, and**  
10 **declaring an emergency.**

11  
12 WHEREAS, real property and temporary easements of right-of-way are needed for the  
13 improvement by the replacement of the Home Avenue Bridge over the Little Cuyahoga River,  
14 Bridge No. AKR-011-0002, located in the City of Akron, in Council District 4 (“Project”); and

15  
16 WHEREAS, the County of Summit and Timothy L. Semelsberger are unable to agree  
17 upon the purchase price of real property owned by Mr. Semelsberger necessary for the Project;  
18 and

19  
20 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire said  
21 temporary easements of right-of-way necessary for the Project; and

22  
23 WHEREAS, it is necessary to acquire said real property and easements of right-of-way  
24 by court proceedings under the provisions of Section 5555.09 and Chapter 163 of the Ohio  
25 Revised Code; and

26  
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 authorize appropriation  
29 proceedings of real property owned by Timothy L. Semelsberger and temporary easements of  
30 right-of-way necessary for the Project;

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

34  
35 SECTION 1

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37 The County of Summit hereby declares its intention to appropriate the real property  
38 (Parcel 2-WDV) and two temporary (T-1 and T-2) easements for highway purposes in the real  
39 property, as described by Exhibit A, attached hereto. said purposes to include the replacement of  
40 the Home Avenue Bridge over the Little Cuyahoga River, Bridge No. AKR-011-0002, said  
41 property being owned by the Timothy L. Semelsberger, located in the City of Akron, in Council  
42 District 4, and designated as Parcels WD-2, T-1, and T-2.

43  
44 SECTION 2

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46 The County Prosecutor is hereby directed to prepare and file on behalf of the County of  
47 Summit, Ohio, proceedings for appropriation, under the provisions of Chapter 163 of the Ohio  
48 Revised Code, of said real property and temporary easements of right-of-way.  
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1 RESOLUTION NO. 2017-509

2 PAGE TWO

3  
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-ways under the provisions of Chapter 163 of the Ohio Revised Code, a sum not to  
10 exceed \$3,469.00.

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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  
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

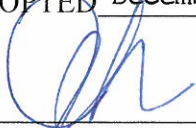
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21 Provided this Resolution receives the affirmative vote of eight members, it shall take  
22 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
23 effect and be in force at the earliest time provided by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

24  
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.

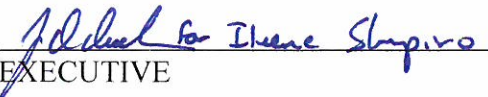
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34 INTRODUCED November 27, 2017

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36 ADOPTED December 12, 2017

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39 \_\_\_\_\_  
40 CLERK OF COUNCIL

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42   
43 \_\_\_\_\_  
44 PRESIDENT OF COUNCIL

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46 APPROVED December 13, 2017

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49 \_\_\_\_\_  
50 EXECUTIVE

51 ENACTED EFFECTIVE December 13, 2017

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