

1 RESOLUTION NO. 2018-102

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3 SPONSOR Ms. Shapiro

4
5 DATE April 2, 2018

COMMITTEE Public Works

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7 **A Resolution authorizing appropriation proceedings of property owned by Warren Tool**
8 **Corporation (Parcel 6-U) and Summit Tool Company (Parcel 7-U), needed for the**
9 **improvement of the Home Avenue Bridge over the Little Cuyahoga-Bridge Improvement**
10 **Project, located in the City of Akron, in Council District 4, for the Engineer, and declaring**
11 **an emergency.**

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13 WHEREAS, this Council previously approved the acquisition by appropriation of certain
14 property interests and temporary easements from Warren Tool Corporation and Summit Tool
15 Company in Resolution 2017-535. Said appropriation cases were filed by the Summit County
16 Prosecutor; and

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18 WHEREAS, this Council previously approved the payment of the sum of \$12,141.00 in
19 Resolution 2017-535; and

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21 WHEREAS, it was subsequently determined that two additional utility easements are
22 needed for the improvement by the replacement of the bridge over the Little Cuyahoga River
23 SUM CR11-0.02, Structure number AKR-011-0002 (“Project”); and

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25 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire the
26 said utility easements necessary for the Project; and

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28 WHEREAS, the County of Summit and Warren Tool Corporation and Summit Tool
29 Company are unable to agree upon the purchase price of utility easements over the property
30 owned by the Warren Tool Corporation and Summit Tool Company; and

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32 WHEREAS, it is necessary to acquire said utility easements by court proceedings under
33 the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code; and

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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
36 that it is necessary and in the best interest of the County of Summit to authorize appropriation
37 proceedings of additional property owned by the Warren Tool Corporation and Summit Tool
38 Company needed for the Project;

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

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43 SECTION 1

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45 The County of Summit hereby declares its intention to appropriate two utility easements
46 (U-6 and U-7) for highway purposes in the real property described by Exhibit A, attached hereto,
47 said purposes to include the replacement of the bridge on Home Avenue Bridge over the Little
48 Cuyahoga, said property being owned by the Warren Tool Corporation and Summit Tool
49 Company (“Owners”), located in the City of Akron, in Council District 4, and designated as
50 Parcels U-6 and U-7. Said easements are in addition to those interests previously authorized to
51 be appropriated in Resolution 2017-535.

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2 PAGE TWO

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4 SECTION 2

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6 The County Prosecutor is hereby directed to amend the proceedings for appropriation
7 previously filed on behalf of the County of Summit, Ohio, under the provisions of Chapter 163
8 of the Ohio Revised Code, to include the said utility easements.

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10 SECTION 3

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12 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw by
13 voucher upon the County of Summit and pay into the Court of Common Pleas - Probate Division
14 at the time of the filing an amended complaint for the appropriation of said utility easements,
15 under the provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$2,404.00
16 for said utility easements.

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18 SECTION 4

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

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24 SECTION 5

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

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30 SECTION 6

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32 It is found and determined that all formal actions of this Council concerning and relating
33 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
34 deliberations of this Council and of any of its committees that resulted in such formal action,
35 were in meetings open to the public, in compliance with all legal requirements, including Section
36 121.22 of the Ohio Revised Code.

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38 INTRODUCED March 19, 2018

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40 ADOPTED April 2, 2018

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44 CLERK OF COUNCIL

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50 PRESIDENT OF COUNCIL

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52 APPROVED April 3, 2018

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54 EXECUTIVE

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56 ENACTED EFFECTIVE April 3, 2018

Voice Vote: 10-0 YES: Dickinson, Donofrio, Feeman, Hamilton, Koehler,
Rogers, Schmidt, Soyars, Walters, Wilhite
ABSENT: Prentice