

1 RESOLUTION NO. 2019-058

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3 SPONSOR Ms. Shapiro

4
5 DATE March 4, 2019

COMMITTEE Public Works

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7 **A Resolution authorizing appropriation proceedings for an easement over the real**
8 **property known as Permanent Parcel No. 3303665, owned by SEG Commercial, LLC, a**
9 **California limited liability company, needed for the Indian Creek Exposed Sewers Project**
10 **(Q-180), located in the City of Macedonia, in Council District 1, for the Executive's**
11 **Department of Sanitary Sewer Services, and declaring an emergency.**

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13 WHEREAS, sanitary sewer easements are needed for the Indian Creek Exposed Sewers
14 Project (Q-180) ("Project"), located in the City of Macedonia, in Council District 1; and

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16 WHEREAS, the County of Summit has been unable to acquire the easement necessary
17 for the Project over the real property known as Permanent Parcel No. 3303665 (5E1 & 5E2)
18 because the owner of this parcel, SEG Commercial, LLC, a California limited liability company,
19 has refused or failed to respond to the County's Notice of Intent to Acquire and Good Faith Offer
20 made on or around November 13, 2018, after numerous attempts by the County's agent to obtain
21 a response; and

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23 WHEREAS, it is necessary to acquire said right-of-way by court proceedings under the
24 provisions of Section 6117.39 and Chapter 163 of the Ohio Revised Code; and

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

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29 SECTION 1

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31 The County of Summit hereby declares its intention to appropriate an easement for
32 sanitary sewer purposes over the real property known as Permanent Parcel No. 3303665 (5E1 &
33 5E2), and described on Exhibit A, attached hereto and incorporated herein as if fully rewritten,
34 said property being owned by SEG Commercial, LLC, a California limited liability company,
35 located in the City of Macedonia, in Council District 1.

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37 SECTION 2

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39 The County Prosecutor is hereby directed to prepare and file on behalf of Summit
40 County, Ohio, proceedings for appropriations of said easement, under the provisions of Chapters
41 6177 and 163 of the Ohio Revised Code.

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43 SECTION 3

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45 The County Executive, through the County Fiscal Officer, is hereby authorized to draw
46 by voucher upon the County and pay into the Court of Common Pleas at the time costs of the
47 filing of a complaint for the appropriation of an easement on said real property, under the
48 provisions of Chapter 163 of the Ohio Revised Code, in an amount not to exceed \$520.00.
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2 PAGE TWO

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4 SECTION 4

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the residents of the County of Summit, and for the further reason that it will allow the
8 County to timely complete the Indian Creek Exposed Sewers Project.
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10 SECTION 5

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12 Provided this Resolution receives the affirmative vote of eight members, it shall take
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
14 effect and be in force at the earliest time provided by law.
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16 SECTION 6

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18 It is found and determined that all formal actions of the Council concerning and relating
19 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.
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25 INTRODUCED February 11, 2019

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27 ADOPTED March 4, 2019

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31 CLERK OF COUNCIL

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39 PRESIDENT OF COUNCIL

33 APPROVED March 5, 2019

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37 EXECUTIVE

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39 ENACTED EFFECTIVE March 5, 2019

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