

1 RESOLUTION NO. 2016-054

2
3 SPONSOR Mr. Pry

4
5 DATE February 29, 2016

6 COMMITTEE Public Works

7 **A Resolution authorizing appropriation proceedings for an easement on property owned**
8 **by Thomas A. Kintz, needed for the Columbine Service Area Sanitary Sewer Improvement**
9 **Project Q-948, in Springfield Township, for the Executive's Department of Sanitary Sewer**
10 **Services, and declaring an emergency.**

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12 WHEREAS, sanitary sewer easements are needed for the Columbine Service Area
13 Sanitary Sewer Improvement Project Q-948 ("Project"), in Springfield Township, in Council
14 District 8; and

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16 WHEREAS, the County of Summit, has been unable to acquire the easement necessary
17 for the Project on PPN No. 51-07157 because the owner Thomas A. Kintz has refused or failed
18 to respond to the County's Notice of Intent to Acquire and Good Faith Offer made on or around
19 September 11, 2015, after numerous attempts by the County's agent to make contact; and

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21 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
22 that it is necessary and in the best interest of the County of Summit to acquire said right-of way
23 by Court proceedings under provisions of Section 6117.39 and Chapter 163 of the Ohio Revised
24 Code;

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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 on the real property described by Exhibit A, attached to this Resolution,
33 said property being owned by Thomas A. Kintz, located in Springfield Township, in Council
34 District 8.

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36 SECTION 2

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38 The County Prosecutor is hereby directed to prepare and file on behalf of Summit
39 County, Ohio, proceedings for appropriation, under the provisions of Section 6117.39 and
40 Chapter 163 of the Ohio Revised Code, of said easement.

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42 SECTION 3

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44 The County Executive, through the County Fiscal Officer, is hereby authorized to draw
45 by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of
46 the filing of a complaint for the appropriation of an easement on said real property, under the
47 provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed \$300.00.
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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 citizens of the County of Summit, and for the further reason that it will allow the
8 County to construct a needed improvement, abate a nuisance and comply with an Ohio
9 Environmental Protection Agency Director's Findings and Orders.

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11 SECTION 5

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

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17 SECTION 6

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19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and any of its committees that resulted in such formal action, were
22 in meetings open to the public, in compliance with all legal requirements, including Section
23 121.22 of the Ohio Revised Code.

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27 INTRODUCED February 8, 2016

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29 ADOPTED February 29, 2016

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33 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED March 1, 2016


EXECUTIVE

ENACTED EFFECTIVE March 1, 2016

Voice Vote: 9-0 YES: Crawford, Donofrio, Feeman, Kostandaras,
Prentice, Schmidt, Shapiro, Walters, Wilhite
ABSENT: Lee, Rodgers