

1 RESOLUTION NO. 2016-223

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3 SPONSOR Mr. Pry

4
5 DATE June 27, 2016 COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings for an easement on property owned**
8 **by Wells Fargo Bank, N.A., needed for the Columbine Service Area Sanitary Sewer**
9 **Improvement Project (Q-948), in Springfield Township, for the Executive's Department of**
10 **Sanitary Sewer 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), in Springfield Township, in Council District 8;
14 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 Nos. 51-04790 and 51-04786 because the owner of these contiguous
18 parcels, Wells Fargo Bank, N.A. has refused or failed to respond to the County's Notice of Intent
19 to Acquire and Good Faith Offer made on or around September 24, 2015, after numerous
20 attempts by the County's agent to obtain a response; and

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

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

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28 SECTION 1

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30 The County of Summit hereby declares its intention to appropriate an easement for
31 sanitary sewer purposes on the real property described by Exhibit A, attached to this Resolution,
32 said property being owned by Wells Fargo Bank, N.A., located in Springfield Township, in
33 Council District 8.

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35 SECTION 2

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37 The County Prosecutor is hereby directed to prepare and file on behalf of Summit
38 County, Ohio, proceedings for appropriation, under the provisions of Chapters 6117 and 163 of
39 the Ohio Revised Code, of said easement.

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41 SECTION 3

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43 The County Executive, through the County Fiscal Officer, is hereby authorized to draw
44 by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of
45 the filing of a complaint for the appropriation of an easement on said real property, under the
46 provisions of Chapter 163 of the Ohio Revised Code, an amount to exceed \$1,078.00.
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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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26 INTRODUCED June 13, 2016

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28 ADOPTED June 27, 2016

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32 CLERK OF COUNCIL


33 PRESIDENT OF COUNCIL

34 APPROVED June 28, 2016

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38 EXECUTIVE

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40 ENACTED EFFECTIVE June 28, 2016

Voice Vote: 10-0 YES: Crawford, Donofrio, Feeman, Kostandaras,
Prentice, Rodgers, Schmidt, Shapiro, Walters, Wilhite
ABSENT: Lee