

1 RESOLUTION NO. 2023-017

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3 SPONSOR Executive Ilene Shapiro

4
5 DATE January 30, 2023 COMMITTEE Public Works

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7 **A Resolution authorizing appropriation proceedings for standard highway easements over**
8 **the real property known as Parcel No. 0405384, Parcel No. 0404880, and Parcel No.**
9 **0402338 needed for the Granger Road Bridge over Yellow Creek Replacement Project**
10 **located in Bath Township, in Council District 5, for the Engineer, and declaring an**
11 **emergency.**

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13 WHEREAS, a standard highway easement is needed for the Granger Road Bridge
14 Replacement Project (the "Project"), located in Bath Township, in Council District 5; and

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16 WHEREAS, the County, despite good faith negotiations, has been unable to acquire all of
17 the right-of-way necessary for the Project; and

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19 WHEREAS, the County and the owners of Parcel Numbers 0405384, 0404880, and
20 0402338 are unable to agree upon the purchase price of right-of-way; 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 5555.09 and Chapter 163 of the Ohio Revised Code; and

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25 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
26 that it is necessary and in the best interest of the County to authorize appropriation proceedings
27 of property owned by Susan M. Summerville Living Trust (Parcel 1-SH), Ashley D. Pignato
28 (Parcel 2-SH), and YaVa, LLC (Parcel 3-SH) needed for the Project; and

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

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33 SECTION 1

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35 The County hereby declares its intention to appropriate standard highway easements
36 (Parcel 1-SH, Parcel 2-SH, and Parcel 3-SH) over the real property described by Exhibit A,
37 attached hereto and incorporated herein as if fully rewritten, for the Granger Road Bridge
38 Replacement Project, said properties being owned by Susan M. Summerville Living Trust,
39 Ashley D. Pignato, and YaVa, LLC, located in Bath Township, in Council District 5.

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41 SECTION 2

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43 The Prosecutor is hereby directed to prepare and file on behalf of the County of Summit,
44 Ohio, proceedings for appropriations of said easements, under the provisions of Chapters 163
45 and 5555 of the Ohio Revised Code.
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4 SECTION 3

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6 The Engineer, through the Fiscal Officer, is hereby authorized to draw by voucher upon
7 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a
8 complaint for the appropriation of said highway easements, under the provisions of Chapter 163
9 of the Ohio Revised Code, in an amount not to exceed \$6,280.00, with the break down as
10 follows:

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12 <u>Property Owner</u>	13 <u>Amount</u>
14 Susan M. Summerville Living Trust 15 Parcel No. 0405384	\$1,680.00
16 17 Ashley D. Pignato 18 Parcel No. 0404880	\$1,150.00
19 20 YaVa, LLC 21 Parcel No. 0402338	\$3,450.00

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23 SECTION 4

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25 This Resolution is hereby declared an emergency in the interest of the health, safety, and
26 welfare of the residents of Summit County, and for the further reason that it will allow
27 commencement of an immediately needed improvement to a structurally deficient bridge.

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29 SECTION 5

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

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35 SECTION 6

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37 It is found and determined that all formal actions of this Council concerning and relating
38 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
39 deliberations of this Council and of any of its committees that resulted in such formal action,
40 were in meetings open to the public, in compliance with all legal requirements, including Section
41 121.22 of the Ohio Revised Code.

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2 PAGE THREE

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5 INTRODUCED January 30, 2023

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8 ADOPTED February 13, 2023

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10 *hauen marsh*

11 CLERK OF COUNCIL

Vernica Rom

PRESIDENT OF COUNCIL

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14 APPROVED February 13, 2023

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16 *Steve Depina*

17 EXECUTIVE

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19

ENACTED EFFECTIVE February 13, 2023

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite