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RESOLUTION NO. 2023-109

SPONSOR Executive Shapiro

DATE April 24, 2023

COMMITTEE Public Works

**A Resolution authorizing appropriation proceedings for a drainage easement over the real property known as Parcel No. 0403043, owned by Scott E. Parker, needed for the Yellow Creek Road Culvert Replacement Project, located in Bath Township, in Council District 4, for the Engineer, and declaring an emergency.**

WHEREAS, a drainage easement is needed for the replacement of culvert #33-08845 on Yellow Creek Road (the "Project"), located in Bath Township, in Council District 4; and

WHEREAS, the County of Summit, despite multiple attempts, has been unable to contact the property owner of Parcel Number 0403043, Scott E. Parker, in order to acquire all of the right-of-way necessary for the Project; and

WHEREAS, it is necessary to acquire said right-of-way by court proceedings under the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to authorize appropriation proceedings of aforementioned property; and

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

SECTION 1

The County of Summit hereby declares its intention to appropriate a drainage easement over the real property described by Exhibit A, attached hereto and incorporated herein as if fully rewritten, for the Yellow Creek Road Culvert Replacement Project, said property being owned by Scott E. Parker, located in Bath Township, in Council District 5.

SECTION 2

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

SECTION 3

The Engineer, through the Fiscal Officer, is hereby authorized to draw by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of the filing of a complaint for the appropriation of said drainage easement, under the provisions of Chapter 163 of the Ohio Revised Code, in an amount not to exceed \$728.00 as follows:

1 RESOLUTION NO. 2023-109

2 PAGE TWO

<u>Property Owner</u>	<u>Amount</u>
Scott E. Parker Parcel No. 0403043	\$728.00

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9 SECTION 4

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

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15 SECTION 5

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

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21 SECTION 6

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23 It is found and determined that all formal actions of this Council concerning and relating  
24 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
25 deliberations of this Council and of any of its committees that resulted in such formal action,  
26 were in meetings open to the public, in compliance with all legal requirements, including Section  
27 121.22 of the Ohio Revised Code.

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29 INTRODUCED April 24, 2023

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31 ADOPTED May 1, 2023

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33 DocuSigned by:  
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35 \_\_\_\_\_  
36 EB020B132BE041B  
37 CLERK OF COUNCIL

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39 DocuSigned by:  
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42 CB5A946FE4BA42A  
43 PRESIDENT OF COUNCIL

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45 APPROVED May 1, 2023

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47 DocuSigned by:  
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49 \_\_\_\_\_  
50 CBDD99E40D267473...  
51 EXECUTIVE

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53 ENACTED EFFECTIVE May 2, 2023