

1 RESOLUTION NO. 2024-136

2

3 SPONSOR Executive Shapiro

4

5 DATE April 29, 2024

COMMITTEE Public Works

6

7 **A Resolution authorizing appropriation proceedings for warranty deeds and temporary**
8 **easements over the real property known as Parcel No. 0500484 needed for the Cleveland-**
9 **Massillon Road Sidewalk Project, located in Bath Township, in Council District 5, for the**
10 **Engineer, and declaring an emergency.**

11

12 WHEREAS, warranty deeds, temporary easements and standard highway easements are
13 needed to install a five-foot wide walkway on the west side Cleveland-Massillon Road from
14 State Route 18 to the north side of Springside Drive, known as the Cleveland-Massillon Road
15 Sidewalk Project (the “Project”), located in Bath Township, in Council District 5; and

16

17 WHEREAS, Cleveland-Massillon Road is a County Highway, and the warranty deeds
18 and easements will be County deeds and easements, with the Engineer’s Office administering the
19 Project on behalf of Bath Township and the walkway will be funded and maintained by Bath
20 Township by agreement; and

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22 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all
23 of the right-of-way necessary for the Project; and

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25 WHEREAS, the County of Summit and the owners of Parcel Number 0500484 are
26 unable to agree upon the purchase price of right-of-way; and

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

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that it is necessary and in the best interest of the County of Summit to authorize appropriation
33 proceedings of property owned by Springside Holdings LLC needed for the Project; and

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

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38 SECTION 1

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40 The County of Summit hereby declares its intention to appropriate warranty deeds,
41 temporary easements and standard highway easements and temporary easements over the real
42 property described by Exhibit A, attached hereto and incorporated herein as if fully rewritten, for
43 the Cleveland-Massillon Road Sidewalk Project, said property being owned by Springside
44 Holdings LLC, located in Bath Township, in Council District 5.

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46 SECTION 2

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48 The Prosecutor is hereby directed to prepare and file on behalf of the County of Summit,
49 Ohio, proceedings for appropriations of said deed and easement, under the provisions of
50 Chapters 163 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 \$2,600.00, with the break down as
10 follows:

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<u>Property Owner</u>	<u>Amount</u>
Springside Holdings LLC (4-WD, T1, T2) Parcel No. 0500484	\$2,600.00

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17 SECTION 4

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19 This Resolution is hereby declared an emergency in the interest of the health, safety, and
20 welfare of the residents of Summit County, and for the further reason that it will allow
21 commencement of an immediately needed walkway for pedestrian safety.

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23 SECTION 5

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

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29 SECTION 6

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31 It is found and determined that all formal actions of this Council concerning and relating
32 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
33 deliberations of this Council and of any of its committees that resulted in such formal action,
34 were in meetings open to the public, in compliance with all legal requirements, including Section
35 121.22 of the Ohio Revised Code.

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37 INTRODUCED April 29, 2024

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39 ADOPTED _____

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43 CLERK OF COUNCIL

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46 APPROVED _____

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49 _____

50 EXECUTIVE

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52 ENACTED EFFECTIVE _____

PRESIDENT OF COUNCIL