

1 RESOLUTION NO. 2025-192**First Reading Passage Requested****(H. Swindell)**2
3 SPONSOR Executive Shapiro4
5 DATE June 30, 2025COMMITTEE Public Works

6
7 **A Resolution authorizing the Executive to enter into agreements for the acquisition and/or**
8 **appropriation proceedings for a standard highway easement, warranty deeds, and**
9 **temporary easements over portions of the real property known as Parcel Numbers**
10 **0117478, 0116875, 0113914, 0114009, and 0114912 needed for the Snyder Avenue Bridge**
11 **Replacement Project, located in the City of Barberton, in Council District 7, for the**
12 **Engineer, and declaring an emergency.**
13

14 WHEREAS, right-of-way consisting of a standard highway easement, warranty deeds,
15 and temporary easements are needed for the Snyder Avenue Bridge Replacement Project (the
16 “Project”), located in the City of Barberton, in Council District 7; and
17

18 WHEREAS, the County, through the Engineer’s Office, is in negotiations with four
19 owners, and, despite said negotiations, has been unable to acquire all of the right-of-way
20 necessary for the Project; and
21

22 WHEREAS, the Engineer’s Office believes that it may be able to come to an agreement
23 with one or more of the owners, but may require appropriation proceedings to be authorized as to
24 the other owners; and
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26 WHEREAS, in order to clear the right-of-way for the Project by the August 1, 2025
27 funding deadline, the Executive seeks authorization to initiate eminent domain proceedings to
28 accomplish the acquisition of the needed right-of-way should the Engineer’s Office be unable to
29 acquire such interests by agreement with the property owners; and
30

31 WHEREAS, it is necessary to acquire all of said right-of-way by court proceedings under
32 the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code, if further
33 negotiations are unsuccessful by August 1, 2025; and
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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
36 that it is necessary and in the best interest of the County of Summit to authorize appropriation
37 proceedings of property owned by 59 Snyder Avenue LLC (1-WDV, 1-T, 5-WDV, and 3-
38 WDV), City of Barberton (4-WDV), Akron Barberton Cluster Railway Company (6-SHV and 6-
39 T), and SJ Barberton Funding Company LLC and Barberton Community Foundation (7-WDV),
40 all of which are necessary for the Project;
41

42 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
43 of Ohio, that;
44

45 SECTION 1
46

47 The County hereby declares its intention to appropriate a standard highway easement,
48 warranty deeds, and temporary easements over the real property described by Exhibit A, attached
49 hereto and incorporated herein as if fully rewritten, for the Snyder Avenue Bridge Replacement
50 Project for the amounts set forth in Section 3, said properties being owned by 59 Snyder Ave
51 LLC (1-WDV, 1-T, 3-WDV, and 5-WDV), City of Barberton (4-WDV), Akron Barberton
52 Cluster Railway Company (6-SHV and 6-T), and SJ Barberton Funding Company LLC and

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SECTION 1 (Continued)

Barberton Community Foundation (7-WDV) located in the City of Barberton, in Council District 7. The Executive is hereby authorized to purchase any of the right-of-way interests identified herein prior to the filing of an appropriations proceeding, or to settle such a proceeding once filed, for amounts that they deem reasonable based on appraisals of the properties and that would otherwise be within their discretion without authorization by this Council.

SECTION 2

The Prosecutor is hereby directed to prepare and file on behalf of the County, proceedings for appropriations of the above identified interests as requested by the Executive under the provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code.

SECTION 3

The Engineer, through the County 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 interests and easements, under the provisions of Chapter 163 of the Ohio Revised Code, in an amount not to exceed \$11,650.00, plus applicable filing fees as required by the Court, with the break down as follows:

<u>Property Owner</u>	<u>Amount</u>
59 Snyder Ave LLC Parcel No. 0117478 and 0114912	\$3,700.00
City of Barberton Parcel No. 0114009	\$ 700.00
SJ Barberton Funding Company LLC Parcel No. 0116875	\$4,500.00
Akron Barberton Cluster Railway Company Parcel No. 0113914	\$2,750.00

Such amounts may also be paid to the property owner, subject to Section 1, where a sale is negotiated prior to the filing of a complaint with the Court.

SECTION 4

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the residents of Summit County, and for the further reason that it will allow commencement of the necessary replacement of the Snyder Avenue bridge.

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SECTION 5

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

SECTION 6

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

INTRODUCED June 30, 2025

ADOPTED June 30, 2025

Signed by:

Monique Willis

CLERK OF COUNCIL

DocuSigned by:

Rita S. Darrow

PRESIDENT OF COUNCIL

APPROVED June 30, 2025

Signed by:

Steve Shapiro

EXECUTIVE

Voice Vote – YES: 10 – 0: Darrow, Dickinson, Donofrio, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite
Absent: Ford

ENACTED EFFECTIVE July 1, 2025