RESOLUTION NO. 2012-107

SPONSOR Mr. Pry

Date March 19, 2012

A Resolution authorizing proceedings for the appropriation of property owned by Norton Energy Storage, LLC., needed for the replacement of the Cleveland-Massillon Road Bridge No. BAR-017-0708 over Hudson Run, located in the City of Barberton, in Council District 7, for the Engineer, and declaring an emergency.

WHEREAS, utility and temporary right of way are needed for the replacement of the Cleveland-Massillon Road Bridge over Hudson Run, Ohio Department of Transportation project identification number PID 84395 SUM-CH 17, Section 07.08 ("Project"); and

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

WHEREAS, the County of Summit and PPG Industries, Inc., are unable to agree upon the purchase price for the right-of-way on property owned by Norton Energy Storage, LLC; 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 the aforementioned easement and temporary right-of-way are necessary and in the best interest of the County of Summit;

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 utility easement and, a temporary easement for highway purposes, in the real property described by Exhibit A attached hereto, said purposes to include the replacement of the Cleveland-Massillon Road Bridge and the widening of said bridge and roadway approaches thereto, said property being owned by Norton Energy Storage, LLC ("Owner"), located in the City of Barberton, in Council District 7, and designated as Parcel 3U and Parcel 3T.

SECTION 2

The Prosecuting Attorney is hereby directed to prepare and file on behalf of Summit County, Ohio, proceedings for appropriation, under the provisions of Chapter 163 of the Ohio Revised Code, of said easement and temporary right-of-way.

SECTION 3

The County 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 parcels, under the provisions of Chapter 163 of the Ohio Revised Code, a sum not to exceed $1,616.00.
RESOLUTION NO. 2012-107

SECTION 4

This Resolution shall be published in accordance with Section 121.071 of the Codified Ordinances of the County of Summit.

SECTION 5

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of Summit County, and for the further reason that it will immediately allow commencement of the Cleveland-Massillon Road Bridge No. BAR-017-0708 Project.

SECTION 6

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 7

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 March 19, 2012

ADOPTED March 19, 2012

CLERK OF COUNCIL

March 19, 2012

APPROVED

EXECUTIVE

ENACTED EFFECTIVE March 19, 2012

Voice Vote: 8-0 YES: Feeman, Kostandaras, Kurt, Lee Rodgers, Roemer, Schmidt, Shapiro. ABSENT: Comunale, Crawford, Prentice