

1 RESOLUTION NO. 2012-107

**First Reading Passage Requested**  
(G. Kissos)

2  
3 SPONSOR Mr. Pry

4  
5 Date March 19, 2012

COMMITTEE Public Works

6  
7 **A Resolution authorizing proceedings for the appropriation of property owned by Norton**  
8 **Energy Storage, LLC., needed for the replacement of the Cleveland-Massillon Road Bridge**  
9 **No. BAR-017-0708 over Hudson Run, located in the City of Barberton, in Council District**  
10 **7, for the Engineer, and declaring an emergency.**

11  
12 WHEREAS, utility and temporary right of way are needed for the replacement of the  
13 Cleveland-Massillon Road Bridge over Hudson Run, Ohio Department of Transportation project  
14 identification number PID 84395 SUM-CH 17, Section 07.08 ("Project"); and

15  
16 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all  
17 of the rights-of-way necessary for the Project; and

18  
19 WHEREAS, the County of Summit and PPG Industries, Inc., are unable to agree upon  
20 the purchase price for the right-of-way on property owned by Norton Energy Storage, LLC; and

21  
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

24  
25 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
26 that the aforementioned easement and temporary right-of-way are necessary and in the best  
27 interest of the County of Summit;

28  
29 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
30 of Ohio, that;

31  
32 SECTION 1

33  
34 The County of Summit hereby declares its intention to appropriate a utility easement and,  
35 a temporary easement for highway purposes, in the real property described by Exhibit A attached  
36 hereto, said purposes to include the replacement of the Cleveland-Massillon Road Bridge and the  
37 widening of said bridge and roadway approaches thereto, said property being owned by Norton  
38 Energy Storage, LLC ("Owner"), located in the City of Barberton, in Council District 7, and  
39 designated as Parcel 3U and Parcel 3T.

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41 SECTION 2

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

46  
47 SECTION 3

48  
49 The County Engineer, through the County Fiscal Officer, is hereby authorized to drawn  
50 by voucher upon the County of Summit and pay into the Court of Common Pleas at the time of  
51 the filing of a complaint for the appropriation of said parcels, under the provisions of Chapter  
52 163 of the Ohio Revised Code, a sum not to exceed \$1,616.00.

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2 PAGE TWO

3  
4 SECTION 4

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

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9 SECTION 5

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

14  
15 SECTION 6


16  
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.

20  
21 SECTION 7

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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.

28  
29 INTRODUCED March 19, 2012

30  
31 ADOPTED March 19, 2012

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35 CLERK OF COUNCIL

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38   
39 PRESIDENT OF COUNCIL

40  
41 March 19, 2012  
42 APPROVED

43  
44   
45 EXECUTIVE

46 ENACTED EFFECTIVE March 19, 2012

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