

1 RESOLUTION NO. 2015-539

2  
3 SPONSOR Mr. Pry

4  
5 DATE December 14, 2015

6 COMMITTEE Public Works

7 **A Resolution authorizing appropriation proceedings of property owned by Cole GC, LLC,**  
8 **needed for the improvement of the Arlington Road Roadway and Traffic Signal**  
9 **Improvement Project, located in the townships of Coventry and Springfield, for the**  
10 **Engineer, and declaring an emergency.**

11  
12 WHEREAS, temporary easements of rights-of-way are needed for the improvement of  
13 the Arlington Road Roadway and Traffic Signal Improvement Project (herein the "Project"),  
14 located in the township of Coventry and Springfield, in Council District 8; and

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

18  
19 WHEREAS, the County of Summit and Cole GC, LLC., a Delaware corporation, are  
20 unable to agree upon the purchase price of right-of-way on property owned by Cole GC, LLC.;  
21 and

22  
23 WHEREAS, it is necessary to acquire said right-of-way by court proceedings under the  
24 provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code;

25  
26 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
27 of Ohio, that;

28  
29 SECTION 1

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31 The County of Summit hereby declares its intention to appropriate a temporary (T-19)  
32 easement for highway purposes in the real property described by Exhibit A, attached hereto, said  
33 purposes to include the improvement of South Arlington Road, said property being owned by  
34 Cole GC, LLC (herein the "Owner"), located in Springfield Township, in Council District 8, and  
35 designated as Parcel T-19.

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37 SECTION 2

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

42  
43 SECTION 3

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45 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw by  
46 voucher upon the County of Summit and pay into the Court of Common Pleas at the time of the  
47 filing of a complaint for the appropriation of said parcels, under the provisions of Chapter 163 of  
48 the Ohio Revised Code, a sum not to exceed \$ 3,000.00.

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2 PAGE TWO

3  
4 SECTION 4

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

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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 allow  
13 commencement of the Arlington Road Roadway and Traffic Signal Improvement Project, in the  
14 townships of Coventry and Springfield, in Council District 8.

15  
16 SECTION 6

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18 Provided this Resolution receives the affirmative vote of eight (8) members, it shall take  
19 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
20 effect and be in force at the earliest time provided by law.

21  
22 SECTION 7

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24 It is found and determined that all formal actions of this Council concerning and relating  
25 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
26 deliberations of this Council and of any of its committees that resulted in such formal action,  
27 were in meetings open to the public, in compliance with all legal requirements, including Section  
28 121.22 of the Ohio Revised Code.

29  
30 INTRODUCED December 7, 2015

31  
32 ADOPTED December 14, 2015

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36 CLERK OF COUNCIL

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39 PRESIDENT OF COUNCIL

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41 APPROVED December 15, 2015

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44 EXECUTIVE

45 ENACTED EFFECTIVE December 15, 2015

46 Voice Vote: 8-0 YES: Comunale, Crawford, Donofrio, Kurt, Prentice,  
47 Rodgers, Schmidt, Shapiro

48 ABSENT: Feeman, Kostandaras, Lee