

1 RESOLUTION NO. 2020-058

First Reading Passage Requested
(H. Swindell)

2 SPONSOR Ms. Shapiro

3
4 DATE March 16, 2020

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings for a slope easement and temporary**
8 **easement over the real property known as Parcel No. 55861587, owned by Anthony J. and**
9 **Amanda C. Caruso, needed for the West Bath Road Landslide Project, located in Bath**
10 **Township, in Council District 4, for the Engineer, and declaring an emergency.**

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12 WHEREAS, slope easements and temporary easements of right-of-way are needed for
13 the West Bath Road Landslide Repair Project ("Project"), located in Bath Township, in Council
14 District 4; and

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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 Anthony J. and Amanda C. Caruso are unable to
20 agree upon the purchase price of rights-of-way on property known as Parcel No. 55861587,
21 owned by Anthony J. and Amanda C. Caruso; and

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

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26 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
27 that it is necessary and in the best interest of the County of Summit to authorize appropriation
28 proceedings of property owned by Anthony J. and Amanda C. Caruso; and

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

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33 SECTION 1

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35 The County of Summit hereby declares its intention to appropriate a slope easement and a
36 temporary easement for highway purposes (1-SL and 1-T) over the real property described by
37 Exhibit A, attached hereto and incorporated herein as if fully rewritten, for the West Bath Road
38 Landslide Repair Project, said property being owned by Anthony J. and Amanda C. Caruso,
39 located in Bath Township, in Council District 1.

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41 SECTION 2

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43 The County Prosecutor is hereby directed to prepare and file on behalf of the County of
44 Summit, Ohio, proceedings for appropriations of said easements, under the provisions of
45 Chapters 163 and 5555 of the Ohio Revised Code.
46

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2 PAGE TWO

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4 SECTION 3

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6 The County Engineer, through the County Fiscal Officer, is hereby authorized to draw by
7 voucher upon the County of Summit and pay into the Court of Common Pleas at the time of the
8 filing of a complaint for the appropriation of said slope easement and temporary easement, under
9 the provisions of Chapter 163 of the Ohio Revised Code, an amount not to exceed \$6,021.16.

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11 SECTION 4

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13 This Resolution is hereby declared an emergency in the interest of the health, safety, and
14 welfare of the residents of Summit County, and for the further reason that it will immediately
15 allow commencement of a needed improvement to the County's highway system.

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17 SECTION 5

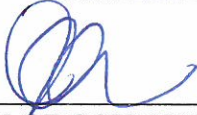
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19 Provided this Resolution receives the affirmative vote of eight members, it shall take
20 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
21 effect and be in force at the earliest time provided by law.


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23 SECTION 6

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25 It is found and determined that all formal actions of this Council concerning and relating
26 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
27 deliberations of this Council and of any of its committees that resulted in such formal action,
28 were in meetings open to the public, in compliance with all legal requirements, including Section
29 121.22 of the Ohio Revised Code.

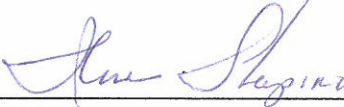
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31
32 INTRODUCED March 16, 2020

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34 ADOPTED March 16, 2020

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37 _____
38 CLERK OF COUNCIL

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41 _____
42 PRESIDENT OF COUNCIL

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44 APPROVED March 18, 2020

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48 EXECUTIVE

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50 ENACTED EFFECTIVE 3-18-2020

Voice Vote 10-0 YES: Dickinson, Donofrio, Feeman, Koehler,
McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSENT: Prentice