

1 RESOLUTION NO. 2015-541

2
3 SPONSOR Mr. Pry

4
5 DATE December 14, 2015

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings of property owned by BW RRIII**
8 **LLC, 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 right-of-way are needed for the improvement of the
13 Arlington Road Roadway and Traffic Signal Improvement Project (herein the "Project"), in the
14 townships of Coventry and Springfield, in Council District 8; 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 BW RRIII LLC, a Delaware limited liability
20 corporation, are unable to agree upon the purchase price of right-of-way on property owned by
21 BW RRIII LLC; 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;

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29 SECTION 1

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31 The County of Summit hereby declares its intention to appropriate a Temporary (T-13)
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 BW RRIII LLC (herein the "Owner"), located in Springfield Township, in Council District 8,
35 and designated as Parcel T-13.

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37 SECTION 2

38
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.

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43 SECTION 3

44
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 \$ 300.00.
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1 RESOLUTION NO. 2015-541

2 PAGE TWO

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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

10
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 an improvement to the Arlington Road Roadway and Traffic Signal
14 Improvement Project, in the townships of Coventry and Springfield, in Council District 8.

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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.

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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

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32 ADOPTED December 14, 2015

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36 CLERK OF COUNCIL

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36 PRESIDENT OF COUNCIL

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38 APPROVED December 15, 2015

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42 EXECUTIVE

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44 ENACTED EFFECTIVE December 15, 2015

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46 Voice Vote: 8-0 YES: Comunale, Crawford, Donofrio, Kurt, Prentice,
47 Rodgers, Schmidt, Shapiro
48 ABSENT: Feeman, Kostandaras, Lee