

1 RESOLUTION NO. 2024-055

2

3 SPONSOR Executive Shapiro

4

5 DATE March 11, 2024 COMMITTEE Public Works

6

7 **An Amended Resolution authorizing appropriation proceedings for warranty deeds and**
8 **temporary easements over the real property known as Parcel No. 0500823, Parcel No.**
9 **0500524, and Parcel No. 0500589, ~~and Parcel No. 0500484~~ needed for the Cleveland-**
10 **Massillon Road Sidewalk Project, located in Bath Township, in Council District 5, for the**
11 **Engineer, and declaring an emergency.**

12

13 WHEREAS, warranty deeds and temporary easements are needed to install a five-foot
14 wide walkway on the west side Cleveland-Massillon Road from State Route 18 to the north side
15 of Springside Drive, known as the Cleveland-Massillon Road Sidewalk Project (the “Project”),
16 located in Bath Township, in Council District 5; and

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18 WHEREAS, Cleveland-Massillon Road is a County Highway, and the warranty deeds and
19 temporary easements will be County deeds and easements, with the Engineer’s Office
20 administering the Project on behalf of Bath Township and the walkway will be funded and
21 maintained by Bath Township by agreement; and

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

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26 WHEREAS, the County of Summit and the owners of Parcel Numbers 0500823, 050024,
27 and 0500589, ~~and 0500484~~ are unable to agree upon the purchase price of right-of-way; and

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

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
33 that it is necessary and in the best interest of the County of Summit to authorize appropriation
34 proceedings of property owned by Taco Bell of America, West market Plaza, LLC, and Akron
35 Warwick Exchange, LLC, ~~and Charles E. Sekeres, Trustee~~ needed for the Project; and

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

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40 SECTION 1

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42 The County of Summit hereby declares its intention to appropriate warranty deeds and
43 temporary easements over the real property described by Exhibit A, attached hereto and
44 incorporated herein as if fully rewritten, for the Cleveland-Massillon Road Sidewalk Project, said
45 properties being owned by Taco Bell of America, West market Plaza, LLC, and Akron Warwick
46 Exchange, LLC, ~~and Charles E. Sekeres, Trustee~~, located in Bath Township, in Council District
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4 SECTION 2

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6 The Prosecutor is hereby directed to prepare and file on behalf of the County of Summit,
7 Ohio, proceedings for appropriations of said deeds and easements, under the provisions of
8 Chapters 163 and 5555 of the Ohio Revised Code.

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10 SECTION 3

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12 The Engineer, through the Fiscal Officer, is hereby authorized to draw by voucher upon
13 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a
14 complaint for the appropriation of said deeds and easements, under the provisions of Chapter 163
15 of the Ohio Revised Code, in an amount not to exceed \$20,620.00, with the break down as
16 follows:

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<u>Property Owner</u>	<u>Amount</u>
18 Taco Bell of America (1-T)	\$ 6,270.00
19 Parcel No. 0500823	
22 West Market Plaza, LLC (2-T)	\$ 955.00
23 Parcel No. 0500524	
24 Akron Warwick Exchange, LLC (3-WD, T1, T2)	\$10,795.00
25 Parcel No. 0500589	
26 Charles E. Sekeres, Trustee (4 WD, T1, T2)	\$ 2,600.00
27 Parcel No. 0500484	
30 TOTAL:	\$20,620.00 <u>18,020.00</u>

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32 SECTION 4

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34 This Resolution is hereby declared an emergency in the interest of the health, safety, and
35 welfare of the residents of Summit County, and for the further reason that it will allow
36 commencement of an immediately needed walkway for pedestrian safety.

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38 SECTION 5

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

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44 SECTION 6

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46 It is found and determined that all formal actions of this Council concerning and relating
47 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
48 deliberations of this Council and of any of its committees that resulted in such formal action,
49 were in meetings open to the public, in compliance with all legal requirements, including Section
50 121.22 of the Ohio Revised Code.

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5 INTRODUCED March 4, 2024

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7 ADOPTED March 18, 2024

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9 DocuSigned by:
10 *Marije Willis*

11 5560BE400F5451
CLERK OF COUNCIL

12

13 APPROVED March 18, 2024

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15 DocuSigned by:
16 *Executive Ilene Shapiro*

17 CBD33E40D287473...
EXECUTIVE

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19 ENACTED EFFECTIVE March 19, 2024

DocuSigned by:
Rita S. Darrow

132A45B69D28443...
PRESIDENT OF COUNCIL

Voice Vote – YES: 11 – 0: Darrow, DeVitis,
Dickinson, Donofrio, Ford, McKenney, Rodgers,
Schmidt, Walters, Wiedie Higham, Wilhite