

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0115

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution authorizing the County Executive to approve an additional settlement for property rights for the temporary taking of 3,870 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in 2009, the Ohio Department of Transportation had filed an appropriation proceeding for the temporary taking of 3,870 sq. ft. from property owners Edith C. and Donald L. Stamps, Cuyahoga County Probate Court, Case No. 2009 ADV 0151017, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the taking was originally appraised on 11/24/08 at \$3,950.00, which amount was originally deposited with the Probate Court upon filing of the action; and

WHEREAS, after filing the appropriation proceeding and in preparation for trial, an updated Summary Right of Way appraisal was obtained on May 18, 2010 increasing the value of the appraisal based upon the inclusion of replacement of three large trees; and

WHEREAS, based upon settlement negotiations conducted by the Cuyahoga County Probate Court, in conjunction with the Ohio Department of Transportation's Real Estate Administrator, the total amount of \$5,280.00 has been approved as full payment for the public right of way taking; and

WHEREAS, the difference between the initial deposit with the Court and the subsequent negotiated value is an additional \$1,300.00 compensation value for the taking which the Department of Public Works now requests authorization to pay; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$1,300.00 in settlement of the appropriation proceedings filed in Cuyahoga County Probate Court Case No. 2009 ADV 0151017 based upon the

summary analysis and negotiations conducted by the Ohio Department of Transportation and the Cuyahoga County Probate Court.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion in compliance with the Probate Court's order. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schron, seconded by Mr. Jones, the foregoing Resolution was duly adopted.

Yeas: Jones, Connally, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron and Conwell

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: March 22, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

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April 12, 2011