

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0142

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive to approve an additional settlement in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road 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 Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,262 sq. ft. from property owners David L. and Leslie H. Granoff, Cuyahoga County Probate Court, Case No. 2009 ADV 0151476, 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 \$700.00, but the original value analysis failed to take into account the value of 14 sprinkler heads that would be taken as a result of the project. Using the value of \$150.00 per sprinkler head, a revised total amount due the owners was calculated to be \$2,800.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$2,800.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners requested an additional \$400.00 in compensation for the taking of property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$400.00 would lend to a total amount of \$3,200.00 as full payment for the public right of way taking.

**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 \$400.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court Case No. 2009 ADV 0151476 for the temporary taking of 1,262 sq. ft. from property owners David L. and Leslie H. Granoff, Cuyahoga County Probate Court, Case No. 2009 ADV 0151476, 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.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. 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 Ms. Conwell, the foregoing Resolution was duly adopted.

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

Nays: None

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County Council President

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Date

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County Executive

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Date

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Clerk of Council

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Date

First Reading/Referred to Committee: April 12, 2011

Committee Assigned: Public Works, Procurement & Contracting

Journal CC002

April 26, 2011