

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0022

Sponsored by: **County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmembers Gallagher and Greenspan**

A Resolution approving Right-of-Way plans as set forth in the Right-of-Way Legend Sheet for Permanent Parcel No. 264-21-020, Project Parcel No. 15, located at 7931 Stearns Road for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; authorizing the County Executive through the Department of Public Works to acquire said Project Parcel as necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the Department of Public Works/County Engineer has prepared and submitted preliminary Right-of Way plans for Permanent Parcel No. 264-21-020 located at 7931 Stearns Road, Project Parcel No. 15 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; and,

WHEREAS, the portion of the Right-of-Way required is the property located at 7931 Stearns Road, Olmsted Township, Ohio consisting of a total take of the single-family residential property owned by Berry G. Smith, described as Project Parcel No. 15, in Council District 1; and,

WHEREAS, the Department of Public Works intends to acquire the remainder of the Right-of-Way in approximately one year; and

WHEREAS, both the Ohio Department of Transportation ("ODOT") and the Federal Highway Administration have authorized the acquisition of this parcel; and,

WHEREAS, special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and,

WHEREAS, ODOT will reimburse to the County 80 percent of the eligible costs of this acquisition in Federal Funds; and,

WHEREAS, this action would authorize the County Executive and the Department of Public Works to begin the acquisition process and have an acquisition consultant negotiate with the owner for the purchase of his property after an ODOT pre-qualified appraiser together with a separate ODOT pre-qualified review appraiser, and an ODOT pre-qualified relocation expert together with a separate ODOT pre-qualified review relocation expert, have determined the cost of the take and relocation, in accordance with Resolution No. R2011-0144 passed by Council on April 26, 2011; and,

WHEREAS, there will be a subsequent, separate request to execute an agreement between the owner of the property and the County and to actually pay for the take and relocation of the owner and his family after negotiations have been completed; and,

WHEREAS, Resolution 060501, adopted February 2, 2006 declared the public convenience and welfare for this project, and EA2011-1085 authorized entering into a Local Public Agency Agreement with ODOT, and Cuyahoga County (Agreement No. 24174) for the reimbursement of engineering, Right-of-Way acquisition and construction costs eligible for Federal participation for the construction of the grade separation of Stearns Road at the Norfolk Southern Railroad (PID 80729) in Olmsted Township; and,

WHEREAS, it is necessary that this Resolution becomes immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

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

SECTION 1. The County Council hereby approves Right-of-Way plans as set forth in the Right-of-Way Legend Sheet for Permanent Parcel No. 264-21-020, Project Parcel No. 15, located at 7931 Stearns Road for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township.

SECTION 2. The County Executive through the Department of Public Works is hereby authorized to acquire the property described as Project Parcel 15 as a portion of the Right-of Way required for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township.

SECTION 3. That special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement.

SECTION 4. That all proceedings relative to Right-of-Way Plat are hereby ordered copied into the Road Record of the County by the Department of Public Works and copied into all other proper records of the County by the Fiscal Officer as required by law.

SECTION 5. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members of council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 6. 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. Gallagher, seconded by Mr. Jones, the foregoing Resolution was duly adopted.

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

Nays: None


County Council President

2-28-12
Date


County Executive

2/28/12
Date


Clerk of Council

2/28/2012
Date

First Reading/Referred to Committee: February 14, 2012

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

Additional Sponsorship Requested on the Floor: February 28, 2012

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