

# County Council of Cuyahoga County, Ohio

## Resolution No. R2012-0080

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmember Germana</b>	<b>A Resolution</b> approving a Sanitary Sewer Line Vacation and Granting of Easement agreement with Wal-Mart Real Estate Business Trust, a Delaware statutory trust, in connection with property located in the City of Brooklyn; and authorizing the County Executive to execute all documents required in connection with said agreement.
---	--

WHEREAS, the County Executive FitzGerald/Department of Public Works/ Division of County Engineer has requested approval of the County's vacationing of the existing Sanitary Sewer Line Easement to Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, and to grant a replacement easement from Wal-Mart to the County in connection with property located in the City of Brooklyn; and

WHEREAS, Wal-Mart owns property in Brooklyn, Ohio that has been improved with a commercial retail facility, which it intends to expand; and

WHEREAS, there is currently an existing sanitary sewer line easement on the property, and in order for Wal-Mart to expand its retail facility, the existing sanitary sewer line had to be relocated; and

WHEREAS, at its own expense, Wal-Mart constructed a new sanitary sewer line on a different portion of its property to take the place of the existing sanitary sewer line; and the new sanitary sewer line is currently functioning; and

WHEREAS, both Cuyahoga County and the North East Ohio Regional Sewer District ("NEORS") oversaw the construction of the new sanitary sewer line; and

WHEREAS, in addition to relocating the existing sewer line for the expansion of its commercial facility, the existing sanitary sewer line easement must also be vacated; and

WHEREAS, Wal-Mart desires to grant to the County an easement for the purpose of maintaining the new sanitary sewer line and, in return, have the County vacate the easement on the original (existing) sanitary sewer line; and

WHEREAS, upon completion of this transaction, Cuyahoga County will donate the new sewer line and easement to the NEORS; and

WHEREAS, the NEORS D has approved the vacationing of the existing easement and the granting of the new easement; and

WHEREAS, there is no cost associated with approving the vacation of the sanitary sewer easement or in accepting the replacement sanitary sewer easement; and

WHEREAS, the contactor, project information and location are as follows:

Contractor

Linda H. Schaffer, Esq.,  
Wal-Mart Real Estate Business Trust,  
One East 4<sup>th</sup> Street, Suite 1400  
Cincinnati, Ohio 45202

Project Address

10000 Brookpark Road  
Brooklyn, Ohio 44130  
Council District 6.

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

**SECTION 1.** That the County Council hereby approves the County's vacationing of the existing Sanitary Sewer Line Easement to Wal-Mart Real Estate Business Trust, a Delaware statutory trust, located in the City of Brooklyn.

**SECTION 2.** That the County Council hereby accepts the grant of a replacement easement from Wal-Mart Real Estate Business Trust to Cuyahoga County in connection with property located in the City of Brooklyn.

**SECTION 3.** There is no cost associated with approving the vacationing of the sanitary sewer line easement or in accepting the replacement sanitary sewer line easement.

**SECTION 4.** That the County Executive is hereby authorized to enter into and execute the Sanitary Sewer Line Vacation and Granting of Easement agreement and all other documents required in connection with the project.

**SECTION 5.** 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 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. Jones, seconded by Ms. Simon, the foregoing Resolution was duly adopted.

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

Nays: None

\_\_\_\_\_  
County Council President                      Date

\_\_\_\_\_  
County Executive                                      Date

\_\_\_\_\_  
Clerk of Council                                      Date

First Reading/Referred to Committee: May 8, 2012

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

Additional Sponsorship Requested: May 10, 2012

Journal CC006

May 22, 2012