

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0157

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmember Germana	A Resolution authorizing the appropriation of real property for the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrants to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, on April 12, 2011, this Council adopted Resolution No. R2011-0163, which authorized the County Executive to acquire the necessary Right-of-Way to proceed with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn, Ohio; and,

WHEREAS, upon receiving the necessary authorization to proceed with acquisition of Right-of-Way, a fair market analysis was conducted and fee appraisals were made; and

WHEREAS, the County's agent, O.R. Colan Associates, endeavored to acquire the necessary parcels through voluntary negotiation and settlement efforts with the property owners, but has reported that equitable settlement agreements could not be reached on the properties set forth below; and,

WHEREAS, the Department of Public Works has requested that the County appropriate certain property rights required for highway purposes for the above described improvement, identified as the following parcels of land:

Parcel 6-SH, standard highway (permanent) easement over 173 sq. ft. to construct a public sidewalk and install traffic signal box
Owner: Northcliff I-480 LLC, an Ohio Limited liability Company
Fair Market Value Estimate: \$18,970.00

Parcels 8-SH standard highway (permanent) easement over 81 sq. ft. to construct a public sidewalk and replace a private walk, and T1 and T2, temporary easements over 30 sq. ft. and 29 sq. ft., respectively, to construct a public sidewalk and replace a private walk
Owner: Ava L. Woody and unknown spouse, if any

Fair Market Value Estimate: \$420.00

Parcel 13-SH, a standard highway (permanent) easement over 129 sq. ft. to construct a public sidewalk

Owner: Ridge Park Square LLC, an Ohio Limited Liability Company

Fair Market Value Estimate: \$22,300.00

Parcel Nos.: 22-T1 and T2, temporary easements over 120 and 45 sq. ft., respectively, both of which easements are to replace private driveways

Owner: McDonald's USA, LLC, a Delaware Limited Liability Company

Fair Market Value Estimate: \$ 300.00

Parcel No.: 36-SH, a standard highway (permanent) easement over 114 sq. ft. to install ADA curb ramps and reconstruct the public sidewalk with a reconfigured turn radius

Owners: Wladimir Kolomizew a/k/a Walter Kolomizew, and, Anna Kolomizew (deceased, widow), and Anna Kolomizew, spouse of Wladimir

Fair Market Value Estimate: \$ 430.00

Parcel No.: 101-SH, a standard highway (permanent) easement over 27 sq. ft. to install ADA curb ramps and reconstruct the public sidewalk with a reconfigured turn radius

Owner: D-Xtramile, LLC, an Ohio Limited Liability Company

Fair Market Value Estimate: \$300.00, and

WHEREAS, the necessity for the immediate effectiveness of this Resolution is established because federal funds are being utilized for Right-of-Way acquisition on this project and the County is required to progress on schedule for the project in order to maintain project funding deadlines; and,

WHEREAS, the Right-of-Way cannot be certified to the Ohio Department of Transportation as being ready for construction unless and until all Right-of-Way parcels have been acquired either by agreement or by the filing of a petition for appropriation together with a check in the amount of the Fair Market Value Estimate made payable to the Cuyahoga County Probate Court, in the Cuyahoga County Probate Court.

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

SECTION 1. That certain real property as required for the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn, Ohio, as described below be, and the same is, hereby declared necessary to appropriate for public use, more specifically for the purpose of making or repairing roads which shall be open to the public, without charge. Such property is described as follows:

Parcel 6-SH, standard highway (permanent) easement over 173 sq. ft. to construct a public sidewalk and install traffic signal box
Owner: Northcliff I-480 LLC, an Ohio Limited liability Company
Fair Market Value Estimate: \$18,970.00

Parcels 8-SH standard highway (permanent) easement over 81 sq. ft. to construct a public sidewalk and replace a private walk, and T1 and T2, temporary easements over 30 sq. ft. and 29 sq. ft., respectively, to construct a public sidewalk and replace a private walk
Owner: Ava L. Woody and unknown spouse, if any
Fair Market Value Estimate: \$420.00

Parcel 13-SH, a standard highway (permanent) easement over 129 sq. ft. to construct a public sidewalk
Owner: Ridge Park Square LLC, an Ohio Limited Liability Company
Fair Market Value Estimate: \$22,300.00

Parcel Nos.: 22-T1 and T2, temporary easements over 120 and 45 sq. ft., respectively, both of which are to replace private driveways
Owners: McDonald's USA, LLC, a Delaware Limited Liability Company
Fair Market Value Estimate: \$ 300.00

Parcel No.: 36-SH, a standard highway (permanent) easement over 114 sq. ft. to install ADA curb ramps and reconstruct the public sidewalk with a reconfigured turn radius
Owners: Wladmimir Kolomizew a/k/a Walter Kolomizew, and, Anna Kolomizew (deceased,widow), and Anna Kolomizew, spouse of Wladmimir
Fair Market Value Estimate: \$ 430.00

Parcel No.: 101-SH, a standard highway (permanent) easement over 27 sq. ft. to install ADA curb ramps and reconstruct the public sidewalk with a reconfigured turn radius
Owner: D-Xtramile, LLC, an Ohio Limited Liability Company
Fair Market Value Estimate: \$300.00

SECTION 2. That the County Executive, through the Department of Public Works, be, and is, hereby directed to proceed with filing the necessary action to acquire the property as described above.

SECTION 3. That the County Fiscal Officer be, and is, hereby authorized to issue monetary warrants in the amount of the Fair Market Value Estimates listed above, made payable to the Cuyahoga County Probate Court, said warrants to be deposited with the Probate Court at the time of filing the petitions to appropriate.

SECTION 4. That the Clerk of Council is hereby directed to transmit copies of this Resolution upon its approval by the County Executive to Bonita Teeuwen, P.E., Director of Public Works and to Wade Steen, County Fiscal Officer.

SECTION 5. That it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to assure that work on the improvement can commence during the prime construction season. Otherwise, any delay in commencement of the work may cause delay to the work and result in significant cost increases to the County. 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. That 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. Germana, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

County Executive

Date

Deputy Clerk of Council

Date

First Reading/Referred to Committee: August 14, 2012

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

Additional Sponsorship Requested: August 16, 2012

Journal CC007
August 28, 2012