

# County Council of Cuyahoga County, Ohio

## Resolution No. R2012-0247

Sponsored by: **Council Executive FitzGerald/Department of Public Works and Councilmembers Gallagher and Greenspan**

**A Resolution** authorizing an award to a property owner in the amount of \$135,000.00 as settlement for property rights in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township for Parcel No. 15WD, S & T; authorizing the County Executive to execute the contract and all other documents required in connection with said award and consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the County Executive/Department of Public Works has recommended an award to a property owner as settlement for property rights in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township in the amount of \$135,000.00 for Parcel No. 15WD (Warranty Deed including .6642 acres of land), S (Sewer Easement consisting of .0013 acres) & T (Temporary Easement consisting of .0214 acres); and,

WHEREAS, the Stearns Grade Separation project consists of the construction of a grade separation/bridge over the Norfolk Southern Railroad lines which cross Stearns Road in Olmsted Township; and,

WHEREAS, the County Engineer has negotiated a settlement with the property owner, Linda Smith, for \$135,000.00, an amount that exceeds the approved appraisal fair market value estimate as determined by the Ohio Department of Transportation (ODOT) pre-qualified appraisers; and,

WHEREAS, the excess amount to be paid is based on the payoff of the property owner's current mortgage; and,

WHEREAS, ODOT and the Federal Highway Administration authorized the early acquisition of this parcel pursuant to R2012-0022, and the Department of Public Works intends to acquire the remainder of the required Right-of-Way in approximately 1 year; and,

WHEREAS, as with the remainder of the right-of-way to be acquired, ODOT will reimburse to the County 80 percent of the eligible costs of this acquisition in Federal Funds; and,

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

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

**SECTION 1.** That the Cuyahoga County Council hereby authorizes an award to property owner, Linda Smith, as settlement for property rights in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township in the amount of \$135,000.00 for Parcel No. 15WD, S & T.

**SECTION 2.** That the County Executive is authorized to execute a contract and all documents consistent with this Resolution.

**SECTION 3.** 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 a County entity. 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 4.** 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.

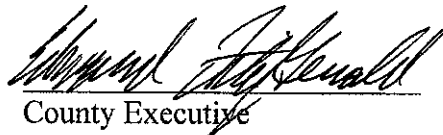
On a motion by Mr. Germana, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None

  
County Council President

12-11-12  
Date

  
County Executive

12/13/12  
Date

  
Clerk of Council

12/11/2012  
Date

First Reading/Referred to Committee: November 27, 2012  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: November 27, 2012

Additional Sponsorship Requested on the Floor: December 11, 2012

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