

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0059

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p> <p>Co-sponsored by: <b>Councilmember Jones</b></p>	<p><b>A Resolution</b> approving Right-of-Way plans as set forth in Plat No. M-5012 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 necessary Rights-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.</p>
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WHEREAS, the County Executive FitzGerald/Department of Public Works/ Division of County Engineer has recommended approval of the Right-of-Way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; and

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

WHEREAS, the Ohio Department Of Transportation ("ODOT") will reimburse the County 80% of the eligible costs, up to a maximum of \$3,276,000 in Federal funds for preliminary engineering, detail design, Right-of-Way acquisition, and/or construction and construction engineering/inspection; and

WHEREAS, the balance of the cost will be paid from the County's Road and Bridge Fund, and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

**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 Plat No. M-5012 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 Right-of Way necessary for said improvement.

**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 for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**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. Jones, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

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

Nays: None

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County Council President

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Date

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

\_\_\_\_\_  
Date

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

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Date

First Reading/Referred to Committee: March 27, 2013

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

Additional Sponsorship Requested: March 29, 2013

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April 9, 2013