

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0168

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> authorizing the appropriation of real property in connection with right-of-way plans for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130 <sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale; 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 warrant 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.
<b>Co-sponsored by: Councilmember Miller</b>	

WHEREAS, on December 11, 2012, County Council adopted Resolution R2012-0244, which authorized the County Executive to acquire the necessary Right-of-Way to proceed with the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130<sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale; and,

WHEREAS, upon receiving the necessary authorization to proceed with acquisition of Right-of-Way, a fair market value analysis was conducted; 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 owner, but equitable settlement agreements could not be reached on the property 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 No(s): 13WD & T, warranty deed and temporary easement  
Owner(s): Clear Channel Outdoor, Inc., a Delaware Corporation fka Eller Media Company  
Approved Appraisal (Fair Market Value Estimated): \$2,794.00; 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 certain real property as required for the replacement of Bellaire Road Bridge No. 24 over Big Creek and the replacement of West 130<sup>th</sup> Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale, 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 No(s): 13WD & T, warranty deed and temporary easement  
Owner(s): Clear Channel Outdoor, Inc., a Delaware Corporation fka Eller Media Company  
Approved Appraisal (Fair Market Value Estimated): \$2,794.00.

**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 the monetary warrant in the amount of the Fair Market Value Estimates listed above, made payable to the Cuyahoga County Probate Court, said warrant to be deposited with the Probate Court at the time of filing the petitions to appropriate.

**SECTION 4.** That the Clerk of Council his 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.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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: Germana, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady and Connally

Nays: None

  
County Council President

8-13-13  
Date

  
County Executive

8/15/13  
Date

  
Clerk of Council

8/13/2013  
Date

First Reading/Referred to Committee: July 23, 2013

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

Additional Sponsorship Requested on the Floor: July 23, 2013

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