

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0196

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p> <p>Co-sponsored by: <b>Councilmember Gallagher</b></p>	<p><b>A Resolution</b> authorizing the appropriation of real property in connection with 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; 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.</p>
---	---

WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has authorized the appropriation of real property in connection with 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 as follows:

1. Parcel No(s): 2-WD  
Owner(s): HPCP I, LLC, an Ohio limited liability company  
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
2. Parcel No(s): 9-WD & T  
Owner(s): G. & D. Moyse  
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
3. Parcel No(s): 12-S & T  
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc., an Ohio Corporation  
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
4. Parcel No(s): 22-T  
Owner(s): R.T. Gilchrist  
Approved Appraisal (Fair Market Value Estimate): \$350.00

- 5. Parcel No(s): 23-T  
 Owner(s): T.J.A. & J.Q. Cooley  
 Approved Appraisal (Fair Market Value Estimate): \$450.00
- 6. Parcel No(s): 26-WD, S & T  
 Owner(s): G.E., D. & G. Moyse  
 Approved Appraisal (Fair Market Value Estimate): \$2,350.00
- 7. Parcel No(s): 29-S & T  
 Owner(s): G.J. Moyse  
 Approved Appraisal (Fair Market Value Estimate): \$700.00

~~8. Parcel No(s): 31-S, S1 & T  
 Owner(s): TC Pinnacle Properties, Ltd., an Ohio limited liability company  
 Approved Appraisal (Fair Market Value Estimate): \$1,450.00~~

- 8. Parcel No(s): 41-WD, S & T  
 Owner(s): P.W. Oberc  
 Approved Appraisal (Fair Market Value Estimate): \$400.00
- 9. Parcel No(s): 54-S & T  
 Owner(s): E.C. & R.L. Siwek  
 Approved Appraisal (Fair Market Value Estimate): \$450.00; and

WHEREAS, the primary goal of this project is to equitably pay for right-of-way acquired in connection with the construction of a grade separation of Stearns Road over the Norfolk Southern Railroad tracks on a new alignment, including the reconstruction and widening of Stearns Road from Bagley road to 0.14 miles south of Cook Road, drainage improvements and the installation of anew sanitary sewer.

WHEREAS, this project is funded as follows: (a) 80% or \$3,276,000.00 of the the project will be reimbursed to the County by ODOT from Federal Funds, and (b) 20% from the County Road and Bridge Fund; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by the 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 the appropriation of real property in connection with 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 as follows:

1. Parcel No(s): 2-WD  
Owner(s): HPCP I, LLC, an Ohio limited liability company  
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
2. Parcel No(s): 9-WD & T  
Owner(s): G. & D. Moyse  
Approved Appraisal (Fair Market Value Estimate): \$3,500.00
3. Parcel No(s): 12-S & T  
Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc.,  
an Ohio Corporation  
Approved Appraisal (Fair Market Value Estimate): \$5,500.00
4. Parcel No(s): 22-T  
Owner(s): R.T. Gilchrist  
Approved Appraisal (Fair Market Value Estimate): \$350.00
5. Parcel No(s): 23-T  
Owner(s): T.J.A. & J.Q. Cooley  
Approved Appraisal (Fair Market Value Estimate): \$450.00
6. Parcel No(s): 26-WD, S & T  
Owner(s): G.E., D. & G. Moyse  
Approved Appraisal (Fair Market Value Estimate): \$2,350.00
7. Parcel No(s): 29-S & T  
Owner(s): G.J. Moyse  
Approved Appraisal (Fair Market Value Estimate): \$700.00
- ~~8. Parcel No(s): 31-S, S1 & T  
Owner(s): TC Pinnacle Properties, Ltd., an Ohio limited liability company  
Approved Appraisal (Fair Market Value Estimate): \$1,450.00~~
8. Parcel No(s): 41-WD, S & T  
Owner(s): P.W. Oberc  
Approved Appraisal (Fair Market Value Estimate): \$400.00
9. Parcel No(s): 54-S & T  
Owner(s): E.C. & R.L. Siwek  
Approved Appraisal (Fair Market Value Estimate): \$450.00

*gma*

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

**SECTION 3.** 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 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. Jones, seconded by Mr. Gallagher, the foregoing Resolution was duly adopted.

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

Nays: None

  
County Council President

8-26-14  
Date

  
County Executive

9/2/14  
Date

  
Clerk of Council

8/26/2014  
Date

First Reading/Referred to Committee: August 12, 2014

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

Legislation Amended on the Floor: August 26, 2014

Additional Sponsorship Requested on the Floor: August 26, 2014

Journal CC015  
August 26, 2014