

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0208

Sponsored by: **County Executive Budish/Department of Public Works**

Co-sponsored by: **Councilmembers Brown and Jones**

A Resolution approving the vacation of a certain portion of Warrensville Center Road to the City of Shaker Heights in connection with the Van Aken Project; authorizing the County Executive to execute all documents required in connection with said transaction; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the County Executive/Department of Public Works has requested approval of the County's vacationing of that certain portion of Warrensville Center Road located in the City of Shaker Heights, Ohio (the "Property") as more particularly shown on the "Vacation Plat" dated June 24, 2016 and prepared by GPD Group, a copy of which is attached hereto as Exhibit A (the "Vacation Plat"), to the City of Shaker Heights in connection with a mixed-use real estate development project (the "Van Aken Project"); and

WHEREAS, pursuant to the authority granted under Ohio Revised Code §5553.02, County Council is authorized to vacate a public road, or a portion thereof, when it is of the opinion that it will be for the public convenience or welfare to do so; and

WHEREAS, pursuant to Ohio Revised Code §5553.05, County Council held a public hearing and viewed the proposed vacation on or about November 16, 2016, and held a final hearing on the proposed vacation on or about November 29, 2016 in Cuyahoga County Council Chambers; and

WHEREAS, in accordance with Ohio Revised Code §5553.06, the County Engineer has certified the accuracy of the attached Vacation Plat, has furnished an accurate and detailed description of each tract of land for the proposed vacation, and has made a report in writing to County Council on or before the November 29, 2016 final hearing; and

WHEREAS, County Council has determined that the vacation of the Property is for the public convenience or welfare and therefore should be properly vacated pursuant to §5553.04 of the Ohio Revised Code; 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 certain portion of Warrensville Center Road located in the City of Shaker Heights, Ohio, as more particularly shown on the Vacation Plat dated June 24, 2016 and prepared by GPD Group, a copy of which is attached hereto as Exhibit A, is hereby vacated to the City of Shaker Heights, and that such Vacation Plat shall be recorded by the Cuyahoga County Department of Public Works upon receipt of a certified copy of this Resolution.

SECTION 2. That the County Executive is authorized to execute and record the Vacation Plat and to execute any other documents required to effectuate such vacation consistent with this Resolution.

SECTION 3. 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 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 Ms. Brown, seconded by Mr. Hairston, the foregoing Resolution was duly adopted.

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

Nays: None

Don R. Beatty
County Council President

11/30/2016
Date

Wes Bell
County Executive

12-1-16
Date

Janet M. Schmitz
Clerk of Council

11/29/2016
Date

First Reading/Referred to Committee: November 15, 2016
Committee(s) Assigned: Public Works, Procurement & Contracting

Legislation Amended in Committee: November 16, 2016

Additional Sponsorship Requested on the Floor: November 29, 2016

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