

# County Council of Cuyahoga County, Ohio

## Resolution No. R2019-0034

<p>Sponsored by: <b>County Executive Budish/Department of Public Works/Division of County Engineer</b></p>	<p><b>A Resolution</b> authorizing the appropriation of real property for reconstruction and widening of Sprague Road – Phase 1 from Webster Road to West 130<sup>th</sup> Street in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville; directing the County Executive, through the Department of Public Works, to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrants 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>
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WHEREAS, on June 26, 2018, Council adopted Resolution No. R2018-0127, which authorized the County Executive, through the Department of Public Works, to acquire the necessary Rights-of-Way to proceed with the reconstruction and widening of Sprague Road – Phase 1 from Webster Road to West 130<sup>th</sup> Street in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville; and

WHEREAS, upon receiving the necessary authorization to proceed with acquisition of Rights-of-Way, a fair market analysis was conducted and fee appraisals were made; and

WHEREAS, the County's agent, Charles P. Braman & Co., Inc., endeavored to acquire the necessary parcels through voluntary negotiation and settlement efforts with the property owners, but has reported that equitable settlement agreements could not be reached on the properties 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.: 20-T (Temporary Easement)  
Property Owner: Isabel Mercado  
Address: 14511 Sprague Road, Strongsville, OH 44136

Mailing Address: 14511 Sprague Road, Strongsville, OH 44136  
Fair Market Value Estimate: \$300.00

Parcel No.: 31-T (Temporary Easement)  
Property Owner: Linda M. Winn  
Address: 14102 W. Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: P.O. Box 44253, Cleveland, OH 44144  
Fair Market Value Estimate: \$300.00

Parcel No.: 34-T (Temporary Easement)  
Property Owners: Kevin M. Filko and Patricia L. Filko  
Address: 14062 W. Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 14062 W. Sprague Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$300.00

Parcel No.: 50-T (Temporary Easement)  
Property Owner: Dewayne J. Thomas  
Address: 13960 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 13960 Sprague Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$300.00

Parcel No.: 55-T (Temporary Easement)  
Property Owners: Bill and Kathrin Markos  
Address: 7844 Montgomery Road, Middleburg Heights, OH 44130  
Mailing Address: 14062 Sprague Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$500.00

Parcel No.: 58-T (Temporary Easement)  
Property Owner: John D. Szoly  
Address: 13677 W. Sprague Road, Strongsville, OH 44136  
Mailing Address: 13677 W. Sprague Road, Strongsville, OH 44136  
Fair Market Value Estimate: \$300.00

Parcel No.: 61-WD & T (Warranty Deed and Temporary Easement)  
Property Owners: Carl and Frances Leamer  
Address: 13574 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 13574 Montgomery Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$2,900.00

Parcel No.: 64-T (Temporary Easement)  
Property Owners: Mario and Linda Cappetto  
Address: 13504 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 13504 Montgomery Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$400.00

Parcel No.: 68-T (Temporary Easement)  
Property Owner: Robert M. Cangemi, Trustee  
Address: 13444 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 3070 Bramblewood Drive, Broadview Heights, OH 44147  
Fair Market Value Estimate: \$500.00

Parcel No.: 77-T (Temporary Easement)  
Property Owners: Lottie, Brenda and Linda Banks  
Address: 13344 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 13344 Montgomery Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$300.00

Parcel No.: 84-T (Temporary Easement)  
Property Owner: Donald Greene Sr.  
Address: 13160 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 13160 Montgomery Road, Middleburg Heights, OH 44130  
Fair Market Value Estimate: \$800.00

Parcel No.: 89-WD & T (Warranty Deed and Temporary Easement)  
Property Owner: Sprague Square Center, LLC  
Address: 13030 Sprague Road, Middleburg Heights, OH 44130  
Mailing Address: 22736 Vanowen Street, Suite 100-B, West Hills, CA 91307  
Fair Market Value Estimate: \$160,350.00

Parcel No.: 90-WD, CH & T (Warranty Deed, Channel Easement and Temporary Easement)  
Property Owner: BOA Investments LLC  
Address: 7908 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Mailing Address: 14837 Detroit Avenue, #112, Lakewood, OH 44107  
Fair Market Value Estimate: \$35,150.00

Parcel No.: 91-WD & T (Warranty Deed and Temporary Easement)  
Property Owner: Hyuns LLC  
Address: 7891-7893 W. 130th Street, Parma, OH 44130  
Mailing Address: 8501 Timber Trails, Brecksville, OH 44141  
Fair Market Value Estimate: \$41,950.00

Parcel No.: 93-T (Temporary Easement)  
Property Owners: Zivica and Deborah Beljin  
Address: 12972 W. Sprague Road, Parma, OH 44130  
Mailing Address: 12972 W. Sprague Road, Parma, OH 44130  
Fair Market Value Estimate: \$300.00

Parcel No.: 94-WD & T (Warranty Deed and Temporary Easement)  
Property Owner: WED 99D-27 LLC (CVS)  
Address: 8001 West 130<sup>th</sup> Street, North Royalton, OH 44133

Mailing Address: One CVS Drive, Mail Code 1105, Woonsocket, RI 02895  
Fair Market Value Estimate: \$53,100.00

Parcel No.: 204-T (Temporary Easement)  
Property Owner: Eric McCain  
Address: 8130 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Mailing Address: 8130 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Fair Market Value Estimate: \$300.00

Parcel No.: 210-T (Temporary Easement)  
Property Owner: Brian Graziani  
Address: 8043 West 130<sup>th</sup> Street, North Royalton, OH 44133  
Mailing Address: 8043 West 130<sup>th</sup> Street, North Royalton, OH 44133  
Fair Market Value Estimate: \$300.00

Parcel No.: 211-T (Temporary Easement)  
Property Owner: BKON Properties  
Address: 8021 West 130<sup>th</sup> Street, North Royalton, OH 44133  
Mailing Address: 7844 Montgomery Road, Middleburg Heights, Ohio 44130  
Fair Market Value Estimate: \$500.00

Parcel No.: 214-WD & T (Warranty Deed and Temporary Easement)  
Property Owner: Zsolt Tohati  
Address: 7817 West 130<sup>th</sup> Street, Parma, OH 44130  
Mailing Address: 7817 West 130<sup>th</sup> Street, Parma, OH 44130  
Fair Market Value Estimate: \$750.00

WHEREAS, the project is located in Council Districts 4 and 5; and

WHEREAS, this project will be funded as follows: 50% from Issue I Funds, 25% County Road and Bridge Funds, 25% from the City of Middleburg Heights, City of North Royalton, City of Parma or City of Strongsville depending upon property location; and

WHEREAS, the Right-of-Way cannot be certified to the Ohio Department of Transportation as being ready for construction unless and until all Right-of-Way parcels have been acquired either by agreement or by the filing of a petition for appropriation together with a check in the amount of the Fair Market Value Estimate made payable to the Cuyahoga County Probate Court, in the Cuyahoga County Probate Court; and

WHEREAS, the necessity for the immediate effectiveness of this Resolution is established because federal funds are being utilized for Right-of-Way acquisition on this project and the County is required to progress on schedule for the project in order to maintain project funding deadlines.

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

**SECTION 1.** That certain real property as required for the reconstruction and widening of Sprague Road – Phase 1 from Webster Road to West 130<sup>th</sup> Street in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, 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:

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Mailing Address: 14511 Sprague Road, Strongsville, OH 44136  
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Property Owners: Kevin M. Filko and Patricia L. Filko  
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Property Owner: Dewayne J. Thomas  
Address: 13960 Sprague Road, Middleburg Heights, OH 44130  
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Fair Market Value Estimate: \$800.00

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Property Owner: Eric McCain  
Address: 8130 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Mailing Address: 8130 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Fair Market Value Estimate: \$300.00

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Property Owner: Brian Graziani  
Address: 8043 West 130<sup>th</sup> Street, North Royalton, OH 44133  
Mailing Address: 8043 West 130<sup>th</sup> Street, North Royalton, OH 44133  
Fair Market Value Estimate: \$300.00

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Mailing Address: 7817 West 130<sup>th</sup> Street, Parma, OH 44130  
Fair Market Value Estimate: \$750.00

**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 monetary warrants in the amount of the Fair Market Value Estimates listed above, made payable to the Cuyahoga County Probate Court, said warrants to be

deposited with the Probate Court at the time of filing the petitions to appropriate.

**SECTION 4.** That the Clerk of Council is hereby directed to transmit copies of this Resolution upon its approval by the County Executive to Michael Dever, Director of Public Works and to Dennis Kennedy, County Fiscal Officer.

**SECTION 5.** That it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to assure that work on the improvement can commence during the prime construction season. Otherwise, any delay in commencement of the work may cause delay to the work and result in significant cost increases to the County. 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 6.** That 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. Tuma, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma and Brady

Nays: None

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County Council President

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



First Reading/Referred to Committee: January 22, 2019  
Committee(s) Assigned: Public Works, Procurement & Contracting

Legislation Substituted in Committee: February 6, 2019

Journal CC033  
February 12, 2019