

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0241

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

A Resolution authorizing the appropriation of real property for replacement of Memphis Road Bridge No. 00.62 over CSXT Railroad in the City of Brooklyn; 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.

WHEREAS, on May 14, 2019, this Council adopted Resolution No. R2019-0111, which authorized the County Executive to acquire the necessary Rights-of-Way to proceed with the construction of the Memphis Road Bridge Project in the City of Brooklyn; 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, O.R. Colan Associates, 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. 1 WD1, WD2, WD3, WD4, T (Warranty Deed & Temporary Easement)

Property Owner: USF Holland LLC

Address: 10720 Memphis Avenue, Brooklyn, Ohio 44144

Mailing Address: 10720 Memphis Avenue, Brooklyn, Ohio 44144

Fair Market Value Estimate: \$58,500.00

Parcel No. 2 WD1, WD2, WD3, T (Warranty Deed & Temporary Easement)
Property Owners: Cleveland American, LLC & Holdings Cleveland American
LLC
Address: American Road, Brooklyn, Ohio 44144
Mailing Address: 6675 Parkland Blvd., Suite 1100, Solon, Ohio 44139
Fair Market Value Estimate: \$41,250.00

WHEREAS, the project is located in Council District 3; and

WHEREAS, the Rights-of-Way cannot be certified to the Ohio Department of Transportation as being ready for construction unless and until all Rights-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 Rights-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 replacement of Memphis Road Bridge No. 00.62 over CSXT Railroad in the City of Brooklyn, 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. 1 WD1, WD2, WD3, WD4, T (Warranty Deed & Temporary Easement)
Property Owner: USF Holland LLC
Address: 10720 Memphis Avenue, Brooklyn, Ohio 44144
Mailing Address: 10720 Memphis Avenue, Brooklyn, Ohio 44144
Fair Market Value Estimate: \$58,500.00

Parcel No. 2 WD1, WD2, WD3, T (Warranty Deed & Temporary Easement)
Property Owners: Cleveland American, LLC & Holdings Cleveland American
LLC
Address: American Road, Brooklyn, Ohio 44144
Mailing Address: 6675 Parkland Blvd., Suite 1100, Solon, Ohio 44139
Fair Market Value Estimate: \$41,250.00

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 Michael Chambers, County Interim 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: Tuma, Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller and Brady

Nays: None


County Council President

11-13-19
Date


County Executive

11-14-19
Date


Clerk of Council

11/12/2019
Date

First Reading/Referred to Committee: October 22, 2019

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

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November 12, 2019