

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0240

Sponsored by: County Executive Budish/Department of Public Works	A Resolution authorizing the appropriation of real property for the construction of the Schady Road Culvert in Olmsted Township; 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.
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WHEREAS, the County Executive/Department of Public Works/ requires authorization for appropriation of real property for the construction of the Schady Road Culvert in Olmsted Township, located at 26973 Schady Road, Olmsted Township, Ohio 44138; and

WHEREAS, a fair market analysis was conducted and a fee appraisal was made; and

WHEREAS, the County endeavored to acquire the necessary parcel through voluntary negotiation and settlement efforts with the property owner, but has reported that equitable settlement agreements could not be reached on the property set forth below; and,

WHEREAS, the project is located in Council District 5; and

WHEREAS, this project will be funded 100% from County Road and Bridge Funds; 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 2T (Temporary Easement)
Property Owner: Ronald B. Stuhm

Address: 26973 Schady Road Olmsted Township, OH
44138
Fair Market Value Estimate: \$1,600.00

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 the County.

WHEREAS, the Right-of-Way cannot be certified 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.

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

SECTION 1. That certain real property as required for the construction of Schady Road Culvert in Olmsted Township, Ohio, 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 2T (Temporary Easement)
Property Owner: Ronald B. Stuhm
Address: 26973 Schady Road Olmsted Township, OH
44138
Fair Market Value Estimate: \$1,600.00

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 be, and she is, hereby instructed to transmit a certified copy of this Resolution to the Director of Public Works and to the County Fiscal Officer.

SECTION 5. 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. Brown, the foregoing Resolution was duly adopted.

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

Nays: None



11/24/2020

County Council President

Date



11/24/2020

County Executive

Date



11/24/2020

Clerk of Council

Date

First Reading/Referred to Committee: November 10, 2020

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

Legislation Substituted in Committee: November 18, 2020

Journal CC040

November 24, 2020

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]

EXHIBIT A

RX 286 T

Ver. Date 11/12/2019

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Rev. 12/16
PID #N/A

**PARCEL #2-T
CUY-SCHADY ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
CONSTRUCTION ACCESS
FOR 8 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in Olmsted Township, County of Cuyahoga, State of Ohio and known as being a part of Original Olmsted Township, Lot #3, and being a **0.0132 acres (575 sq.ft.) TEMPORARY EASEMENT #2-T for construction access** located within a 1.58 acre (Auditor) parcel of land as conveyed to Ronald B. Stuhm by deed dated March 05, 2012 as recorded in Document #201203050561 (PP #263-15-002) of Cuyahoga County Deed Records and being a parcel of land lying on the South side of the centerline of right-of-way of Schady Road (50 feet wide) and further bounded and described as follows;

Beginning at the point of intersection of the Westerly line of said Stuhm's land (PP #263-15-002) with the existing Southerly right-of-way line of said Schady Road and the **Place of Beginning** of the Premises herein intended to be described;

Course I Thence **South 89 degrees 25 minutes 15 seconds East**, along said existing Southerly right-of-way line of Schady Road, a distance of **57.50 feet** to a point;

Course II Thence **South 00 degrees 34 minutes 45 seconds West**, perpendicular to said existing Southerly right-of-way line of Schady Road, a distance of **10.00 feet** to a point;

Course III Thence **North 89 degrees 25 minutes 15 seconds West**, parallel with and at a perpendicular distance of 10.00 feet South of said existing Southerly right-of-way line of Schady Road, a distance of **57.54 feet** to a point on said Westerly line of Stuhm's land (PP #263-15-002);

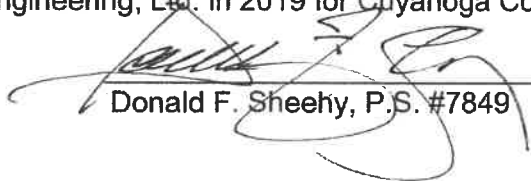
EXHIBIT A

Course IV Thence **North 00 degrees 49 minutes 40 seconds East**, along said Westerly line of Stuhm's land (PP #263-15-002), a distance of **10.00 feet** to the Place of Beginning and containing **0.0132 acres (575 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #263-15-002;

Basis of Bearing for this legal description is **North 89°25'15" West** as the centerline of Schady Road (50 feet wide) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network using Station GARF.

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in 2019 for Cuyahoga County, Ohio;

01/28/2020
Date:


Donald F. Sheehy, P.S. #7849

