

County Council of Cuyahoga County, Ohio

Resolution No. R2022-0214

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

A Resolution authorizing the appropriation of real property for reconstruction of Stearns Road from Schady Road to Bagley Road in Olmsted Township; authorizing 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 November 23, 2021, this Council adopted Resolution No. R2021-0254, which authorized the County Executive to acquire the necessary Right-of-Way to proceed with the reconstruction of Stearns Road from Schady Road to Bagley Road in Olmsted Township; and,

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

WHEREAS, the County's agent, KMJM Land Services, 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 8 T (Temporary Easement)

Property Owner: Adam Schulz

Address: 8743 Stearns Road, Olmsted Township, OH 44138

Mailing Address: 8743 Stearns Road, Olmsted Township, OH

Fair Market Value Estimate: \$300.00

Parcel 9 T (Temporary Easement)

Property Owners: Nancy Key Smith
Address: 8725 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8725 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 10 T (Temporary Easement)
Property Owner: Robert M. Klimo & Deborah L. Klimo
Address: 8707 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8707 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 11 T (Temporary Easement)
Property Owner: Frank Parkison & Sherrie Grams
Address: 8689 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8689 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 12 T (Temporary Easement)
Property Owner: Elizabeth Safady
Address: 8671 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8671 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 13 T (Temporary Easement)
Property Owner: Daniel W. Piper, Jr. and Kathleen A. Piper
Address: 8655 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8655 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 16 T (Temporary Easement)
Property Owner: Katherine M. Casey-Romance FKA Katherine M. Casey
Address: 8599 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 83 Prospect Street, Berea, OH 44107
Fair Market Value Estimate: \$800.00

Parcel 17 T (Temporary Easement)
Property Owner: Rose Gasper
Address: 8581 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8581 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$500.00

Parcel 30 S, T (Standard and Temporary Easement)
Property Owner: Strike Zone
Address: 8501 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8501 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$15,950.00

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; 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.

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

SECTION 1. That certain real property as required for reconstruction of Stearns Road from Schady Road to Bagley Road in Olmsted Township; 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 8 T (Temporary Easement)

Property Owner: Adam Schulz

Address: 8743 Stearns Road, Olmsted Township, OH 44138

Mailing Address: 8743 Stearns Road, Olmsted Township, OH

Fair Market Value Estimate: \$300.00

Parcel 9 T (Temporary Easement)

Property Owners: Nancy Key Smith

Address: 8725 Stearns Road, Olmsted Township, OH 44138

Mailing Address: 8725 Stearns Road, Olmsted Township, OH 44138

Fair Market Value Estimate: \$300.00

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Fair Market Value Estimate: \$300.00

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Property Owner: Frank Parkison & Sherrie Grams

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Property Owner: Elizabeth Safady
Address: 8671 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8671 Stearns Road, Olmsted Township, OH 44138
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Property Owner: Daniel W. Piper, Jr. and Kathleen A. Piper
Address: 8655 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8655 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$300.00

Parcel 16 T (Temporary Easement)
Property Owner: Katherine M. Casey-Romance FKA Katherine M. Casey
Address: 8599 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 83 Prospect Street, Berea, OH 44107
Fair Market Value Estimate: \$800.00

Parcel 17 T (Temporary Easement)
Property Owner: Rose Gasper
Address: 8581 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8581 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$500.00

Parcel 30 S, T (Standard and Temporary Easement)
Property Owner: Strike Zone
Address: 8501 Stearns Road, Olmsted Township, OH 44138
Mailing Address: 8501 Stearns Road, Olmsted Township, OH 44138
Fair Market Value Estimate: \$15,950.00

SECTION 2. That the County Executive, through the Department of Public Works, be, and is, hereby authorized 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 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. Turner, the foregoing Resolution was duly adopted.


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

Nays: None



County Council President

8/5/22
Date



County Executive

8-8-22
Date



Clerk of Council

8/5/2022
Date

First Reading/Referred to Committee: July 5, 2022

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

[Clerk's Note: Technical correction made by Clerk to change "directing" to "authorizing" at the request of the Law Department July 5, 2022]

[Clerk's Note: Technical correction made by Clerk to add Parcel 30 – S, T at the request of the Department [July 27, 2022]

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