

# County Council of Cuyahoga County, Ohio

## Resolution No. R2023-0120

<p>Sponsored by: <b>County Executive Ronayne/Department of Public Works/Division of County Engineer</b></p> <p>Co-sponsored by: <b>Councilmember Gallagher</b></p>	<p><b>A Resolution</b> authorizing an amendment to Resolution No. R2019-0034 dated 2/12/2019, which authorized 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; to change Parcel No. 90-WD, CH &amp; T(Warranty Deed, Channel Easement &amp; Temporary Easement) to Parcel 90WD, CH, A &amp; T (Warranty Deed, Channel Easement, Aerial Easement &amp; Temporary Easement); 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 February 12, 2019, Council adopted Resolution No. R2019-0034, which appropriated for public use certain real property necessary for the purpose of making or repairing roads open to the public, specifically 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 (the “Project”), and

**WHEREAS**, as the Project progressed, the Public Works Department revised the plans for the Project to reduce the size of the appropriation, however these changes necessitate adding an aerial easement to the necessary appropriation of Parcel No. 90, as referenced in Resolution No. R2019-0034, and

**WHEREAS**, Ohio Revised Code Section 163.05(A) & (B)(1), require a petition to appropriate real property filed in court to include an accurate description of the real

property interests and/or rights in the resolution stating that such appropriation is necessary for public use, and

**WHEREAS**, the Cuyahoga County Prosecutor's Office has requested that the County amend Resolution No. R2019-0034 to include an aerial easement for Parcel No. 90 to accurately describe the real property interests and rights are necessary for public use, 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 Resolution No. R 2019-0034 is amended to change each reference to Parcel No. 90, in the recitals and Section 1 thereof, to read as follows deletions are ~~stricken~~ and additions are **bolded and underlined**):

Parcel No.: WD, CH, & T **& A** (Warranty Deed, Channel Easement, ~~and~~ Temporary **and Aerial Easement**)  
Property Owner: BOA Investments LLC  
Address: 7908 West 130<sup>th</sup> Street, Strongsville, OH 44136  
Mailing Address: 14387 Detroit Avenue, #112, Lakewood, OH 44107  
Fair Market Value Estimate: \$35,150.00

**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 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: Turner, Simon, Kelly, Miller, Sweeney, Tuma, Gallagher, Schron, Conwell and Stephens

Nays: None

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County Council Vice-President                      Date

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County Executive    Date

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Clerk of Council    Date

First Reading/Referred to Committee: April 25, 2023  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: May 23, 2023

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