

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

RESOLUTION NO. 06-63

INTRODUCED BY: Mayor Luks

A RESOLUTION DECLARING THE NECESSITY OF APPROPRIATION OF A PERMANENT HIGHWAY EASEMENT (QUICK-TAKE PROCEDURE) IN REAL PROPERTY AND SUCH TEMPORARY EASEMENTS AS ARE NECESSARY IN REAL PROPERTY FOR THE PUBLIC PURPOSE OF EXPANSION AND WIDENING OF THE INTERSECTION OF STATE ROAD (STATE ROUTE 94) WITH WALLINGS ROAD (CR-57) IN THE CITY OF NORTH ROYALTON AND DECLARING AN EMERGENCY

WHEREAS: The City is working with Cuyahoga County and the State of Ohio to improve this intersection in the City of North Royalton; and

WHEREAS: The City has employed an engineer and acquisition consultant who have worked to identify all property for which the City has found it necessary to acquire permanent highway easement and such temporary easements for work areas as are deemed necessary for this intersection widening project; and

WHEREAS: It is necessary for the City to appropriate permanent highway easement interests by quick-take procedure in and to each permanent parcel number listed in the exhibits attached hereto and incorporated herein fully by reference in order to purchase the necessary permanent highway easement for widening the intersection of State Road (State Route 94) with Wallings Road (CR-57) in the City of North Royalton in accordance with the United States Constitution, the Ohio Constitution and R.C. Chapters 163 and 719; and

WHEREAS: This resolution of necessity and intent is necessary and required by ORC 719.04 in order to obtain the necessary interests in each property or parcel required to establish the necessary public right-of-way for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO THAT:

Section 1. This Council hereby deems it necessary and declares its intention to appropriate Permanent Highway easement interests and such temporary easement interests for work areas in and to each permanent parcel no. listed in Exhibit A which provides a summary of each permanent parcel number including the type of interest and amount of property to be appropriated and in Exhibits B through T which provides a legal description and map of each such property to be appropriated, said exhibits being attached hereto and made a part hereof by reference for the public purpose of adding said property to existing right-of-way to the intersection of State Road (State Route 94) with Wallings Road (CR-57) in the City of North Royalton in accordance with the requirements.

Section 2. Pursuant to ORC 719.05, the Mayor be and hereby is authorized to cause written notice of the passage of this Resolution to be given to each of the owner(s), person(s) in possession of, or person(s) having an interest in of record in or their authorized Agent, requiring a notice by law, in the above-described premises and said Notice shall be served according to law by certified mail, signature required, and with return of service of Notice or signed receipt of certified mail in the manner provided by law. When the owner(s) or his authorized Agent cannot be located and/or the resident or his Agent is unknown and cannot be determined by reasonable diligence, Notice shall be by publication at least once a week for two (2) successive weeks in a newspaper of general circulation in the County.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for the improvement of State Road (State Route 94) with Wallings Road (CR-57) in the City of North Royalton.

THEREFORE, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: April 18, 2006

DATE APPROVED: April 18, 2006

First reading suspended
Second reading suspended
Third reading April 18, 2006

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

YEAS: Stefanik, Gentile, Willey,
McKee, Zaccardelli Uffman-Kirsch
NAYS: none
ABSENT: Bobulsky