

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

RESOLUTION NO. 20-57

INTRODUCED BY: Mayor Antoskiewicz
Co-Sponsor: Langshaw, Marnecheck

A RESOLUTION DECLARING THE NECESSITY FOR APPROPRIATION AND ACQUISITION OF PERMANENT HIGHWAY AND ANCILLARY EASEMENTS AND RIGHT-OF-WAY INTERESTS (QUICK TAKE PROCEDURE) ON PORTIONS OF PERMANENT PARCEL NUMBERS 485-25-009, 485-25-011, 485-25-013 AND 485-25-015 IN THE CITY OF NORTH ROYALTON, FOR THE PUBLIC PURPOSE OF ROAD REPAIR, PRESERVATION AND STREAMBANK RESTORATION ON STATE ROUTE 3, RIDGE ROAD, AND DECLARING AN EMERGENCY

WHEREAS: The Ohio Department of Transportation has determined that a section of State Route 3, Ridge Road adjacent to the permanent parcels noted herein is in danger of collapse and requires emergency attention to protect the traveling public; and

WHEREAS: The city is obligated by law to maintain the public roads within the municipal limits and boundaries; and

WHEREAS: It is necessary for the city to appropriate certain real property located on Ridge Road, Permanent Parcel Numbers 485-25-009 and 485-25-015 (presently owned by Tom and Karin Wojcik), 485-25-011 (presently owned by Michael and Jacqueline Hanna) and 485-25-013 (presently owned by John and Donna Turner II) in order to improve, repair, reconstruct and preserve that section of roadway and relocate the adjacent stream which is eroding the roadway, all in conjunction with the Northeast Ohio Regional Sewer District, on the real properties at 18850, 18950, and 18900 Ridge Road in the City of North Royalton in accordance with the United States Constitution, the Ohio Constitution and R.C. Chapter 163 and 719; and

WHEREAS: It is necessary for the city to appropriate a permanent highway right-of-way and ancillary easement interests by quick-take procedure in and to each permanent parcel number listed herein in order to purchase the necessary easements for preserving and repairing Ridge Road in the City of North Royalton in accordance with the United States Constitution, the Ohio Constitution, and R.C. Chapter 163 and 719; and

WHEREAS: This resolution of necessity and intent is necessary and required by ORC 719.04 and Chapter 163 in order to obtain the necessary interest in each property or parcel required to establish the necessary easements. Appropriation of a portion of the above described parcels is necessary in order to fulfill the city's statutory obligations and to protect the traveling public upon that roadway.

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 a permanent easement in specific portions of Permanent Parcel Numbers 485-25-009, 485-25-011, 485-25-013, and 485-25-015 as more fully described in Exhibit A attached hereto and made a part hereof by reference, for the public purpose of improving, repairing, reconstructing, and preserving that section of roadway and relocating the adjacent stream which is eroding the roadway, all in conjunction with the Northeast Ohio Regional Sewer District, on State Route 3, Ridge Road, North Royalton, Ohio.

Section 2. The Mayor be and hereby is authorized to cause written notice of the passage of this Resolution to be given to the owner(s), person(s) in possession of, or person(s) having an interest in of record 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/her authorized agent cannot be located and/or the resident or his/her 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 avoid imminent collapse of the roadway and consequent danger to the safety of the citizens of North Royalton and the traveling public thereon.

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/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: March 3, 2020

DATE APPROVED: March 4, 2020

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading March 3, 2020

YEAS: Marnecheck, Fenos, Barath, Langshaw
Dietrich, Weimer, Wos

NAYS: none