

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 039

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE LAW DEPARTMENT TO RESOLVE PENDING LITIGATION CONCERNING PPN 397-26-001 IN CONNECTION WITH THE PEARL ROAD WIDENING AND IMPROVEMENT PROJECT PHASE II (CUY-42-0.00), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Strongsville had reached an impasse in its good faith negotiations with the owners of Permanent Parcel No. 397-26-001, located at 19691 Pearl Road, to acquire various property interests (partial fee simple interest and temporary construction easement) by agreement in connection with the City's Pearl Road Widening and Improvement Project Phase II (CUY-42-0.00) (the "Project"); and

WHEREAS, as a result, the City of Strongsville had initiated a "quick take" action in the Probate Court of Cuyahoga County, Ohio, on or about March 28, 2013, styled as *City of Strongsville v. The James H. Jerome Living Trust Dated April 23, 2007, et al.*, Cuyahoga County Common Pleas Probate Division Case No. 2013-ADV-187570; and

WHEREAS, on December 30, 2013, the City obtained title to the appropriated property by Journal Entry of the Court; and

WHEREAS, through subsequent discussions, the property owner and the City have proposed a resolution providing for an agreed value of the take and the resolution of all issues before the Court.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Law Department be and is hereby authorized to execute and implement a resolution in Case No. 2013-ADV-187570, in the Cuyahoga County Court of Common Pleas, Probate Division, captioned: *City of Strongsville v. James H. Jerome Living Trust Dated April 23, 2007, et al.*, with a total agreed value of the take to be \$80,000.00 (\$21,450.00 increase), and installation by the City of some additional pavement improvements, all to be documented in a form approved by the City's Law Department; and this Council further authorizes the Mayor, City Engineer, Law Director, Assistant Law Director and other appropriate officers of the City to do all things necessary to carry out the terms and conditions of said final resolution.

Section 2. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Pearl Road Capital Improvement Fund.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the immediate execution of the aforesaid Court Entry is necessary to resolve pending litigation, facilitate completion of the Pearl Road Project, and to conserve public funds. Therefore, provided this Ordinance 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.

Michael Daymut
President of Council

Approved: Thomas B. Bruer
Mayor

Date Passed: March 3, 2014

Date Approved: March 4, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maloney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Aimee Pienka
ACTING Clerk of Council

ORD. No. 2014-039 Amended: _____
 1st Rdg. Suspended Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
 Adopted: 03-03-14 Defeated: _____