

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 123

By: Mayor Perciak and All Members of Council

A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY TO APPROPRIATE A FEE SIMPLE INTEREST AND VARIOUS TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 11062 PROSPECT ROAD (PART OF PPNS 392-10-022 & 392-10-023), IN CONNECTION WITH THE CITY'S ALBION AND PROSPECT ROADS INTERSECTION IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY. [Hahn]

WHEREAS, the City of Strongsville desires to promote the public health, safety and welfare of the community through undertaking and completion of the Albion and Prospect Roads Intersection Improvements Project for public purposes, which is supported with City funds; and

WHEREAS, a fee simple property interest and various temporary work easements on part of Permanent Parcel Nos. 392-10-022 and 392-10-023 (located at 11062 Prospect Road) (Parcels 3 T, and 4 WD, T-1, T-2) must be appropriated so that the intersection improvements project can be timely undertaken and completed, in order to assure the public free access to City roads; and

WHEREAS, the City of Strongsville has been unable to engage in good faith negotiations with the owner(s) of Permanent Parcel Nos. 392-10-022 and 392-10-023, and/or has reached an impasse in negotiations, in an attempt to acquire the required property interests by agreement.

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

Section 1. That this Council considers it necessary for public purpose and declares its intention to appropriate for Albion and Prospect Roads Intersection improvements purposes a fee simple interest and various temporary construction easements in and to the premises known as part of Permanent Parcel Nos. 392-10-022 and 392-10-023, and as specifically described in Exhibits A and B-1, B-2 and B-3, respectively, attached hereto and incorporated herein by reference.

Section 2. That the Mayor be and is hereby authorized and directed to cause written notice of the passage of this Resolution to be given to the owners and persons in possession or having an interest of record in the premises. The notice shall be served and returned according to law.

Section 3. That the funds for the purposes of this Resolution have been appropriated and shall be paid from the General Capital Improvement Fund.

Section 4. That 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 actions were in meetings open to the public, in compliance with all legal requirements.

Section 5. That 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 necessary to obtain the aforesaid property interests and in order to make improvements to the Albion and Prospect Roads intersection, to ensure safety in movement of vehicles and traffic within the City, and conserve public funds. 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.

Michael Daymut
President of Council

Approved: Thomas B. Suwer
Mayor

Date Passed: June 16, 2014

Date Approved: June 17, 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 Pien+ka
Clerk of Council

RES
ORD. No. 2014-123 **Amended:** _____
 1st Rdg. _____ **Ref:** _____
 2nd Rdg. _____ **Ref:** _____
 3rd Rdg. _____ **Ref:** _____

 Pub Hrg. _____ **Ref:** _____
 Adopted: _____ **Defeated:** _____

PROSPECT ROAD (S.R. 237) / ALBION ROAD
Intersection Improvement
Auditor's Parcel No. 392-10-022
PARCEL No. 3-T



Description of land over which temporary easement is required for grading and construction of walk.

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of subplot No. 6 in the Prospect Road Subdivision and being part of original Strongsville Township Lot No. 88, as shown by the recorded plat in Volume 152 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 237, Prospect Road (80.00 feet wide) and the centerline of Albion Road (60.00 feet wide) at an iron pin set in a monument assembly. Said centerline intersection being located at Station 68+11.20 (Prospect Road) and Station 100+00.00 (Albion Road);

Thence S 00°12'06" W, along said centerline of Prospect Road, a distance of 124.20 feet to a point;

Thence N 89°47'54" W to the westerly Right-of-Way line of said Prospect Road and the northeast corner of land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn by deed recorded in Volume 7158, Page 51 recorded in Cuyahoga County Deed Records, a distance of 30.00 feet to a point, said point being located 30.00 feet LEFT of Prospect Road Station 66+87.00 and being the **Principal Point of Beginning** of the parcel herein described;

Thence S 00°12'06" W, along said westerly Right-of-Way line of Prospect Road to the southeasterly corner of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn and the northeasterly corner of land conveyed to Kevin J. Ohmer by Instrument Number 200906260781 recorded in Cuyahoga County Deed Records, a distance of 86.00 feet to a point;

Thence S 88°45'11" W, along northerly line of said land conveyed to Kevin J. Ohmer and southerly line of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn, a distance of 5.00 feet to a point;

Thence N 00°12'06" E to the northerly line of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn, a distance of 86.00 feet to a point;

Thence N 88°45'11" E, along the northerly line and southerly line of said lands conveyed to Sang Ki Hahn and Junga Ja Kim Hahn, a distance of 5.00 feet to the **Principal Point of Beginning** enclosing 430.00 square feet, (0.010 acres) of land, more or less, but subject to all legal highways and easements of record.

The basis of bearings is the centerline of Prospect Road as aforementioned. This description is based on a survey by Alex Marks, Professional Surveyor #8616, in February, 2014.

Prior Deed Record: Volume 823, Page 51 recorded in Cuyahoga County Deed Records.

PROSPECT ROAD (S.R. 237) / ALBION ROAD
Intersection Improvement
Auditor's Parcel Nos. 392-10-022 & 392-10-023
PARCEL No. 4-WD

Description of land over which permanent easement is required for grading and construction of roadway, traffic signals and walk.

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of subplot Nos. 5 and 6 in the Prospect Road Subdivision and being part of original Strongsville Township Lot No. 88, as shown by the recorded plat in Volume 152 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 237, Prospect Road (80.00 feet wide) and the centerline of Albion Road (60.00 feet wide) at an iron pin set in a monument assembly. Said centerline intersection being located at Station 68+11.20 (Prospect Road) and Station 100+00.00 (Albion Road);

Thence S 00°12'06" W, along said centerline of Prospect Road, a distance of 76.76 feet to a point;

Thence N 89°47'54" W to the westerly Right-of-Way line of said Prospect Road and in the easterly line of land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn by deed recorded in Volume 7158, Page 51 of Cuyahoga County Deed Records, a distance of 30.00 feet to a point, said point being located 30.00 feet LEFT of Prospect Road Station 67+34.44 where set a capped iron pin (A.E. Marks S-8616) and the **Principal Point of Beginning** of the parcel herein described;

Thence N 03°37'11" W, a distance of 1.50 feet where set a capped iron pin (A.E. Marks S-8616);

Thence northwesterly along a curve deflecting to the left, radius of 43.50 feet, a delta angle of 88°35'17", an arc distance of 67.26 feet, and a chord bearing N 47°54'49" W and a distance of 60.76 feet where set a capped iron pin (A.E. Marks S-8616);

Thence N 73°37'50" W to the southerly Right-of-Way line of said Albion Road, a distance of 4.71 feet where set a capped iron pin (A.E. Marks S-8616);

Thence N 87°47'26" E, along the southerly Right-of-Way line of said Albion Road, a distance of 49.90 feet to a point;

Thence S 00°12'06" W along westerly Right-of-Way line of said Prospect Road, a distance of 45.47 feet to the **Principal Point of Beginning** enclosing 519.18 square feet (0.012 acres) of land, more or less, but subject to all legal highways and easements of record.

The basis of bearings is the centerline of Prospect Road as N 00°12'06" E. This description is based on a survey by Alex Marks, Professional Surveyor #8616, in February, 2014.

Capped iron pins set are 5/8" in diameter rebar with a yellow R.E. Warner PS 8616 plastic cap.

Prior Deed Record: Volume 823, Page 51 recorded in Cuyahoga County Deed Records.



PROSPECT ROAD (S.R. 237) / ALBION ROAD
Intersection Improvement
Auditor's Parcel No. 392-10-023
PARCEL No. 4-T1

Description of land over which temporary easement is required for grading and construction of driveway and walk.

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of subplot No. 5 in the Prospect Road Subdivision and being part of original Strongsville Township Lot No. 88, as shown by the recorded plat in Volume 152 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 237, Prospect Road (80.00 feet wide) and the centerline of Albion Road (60.00 feet wide) at an iron pin set in a monument assembly. Said centerline intersection being located at Station 68+11.20 (Prospect Road) and Station 100+00.00 (Albion Road);

Thence S 00°12'06" W, along said centerline of Prospect Road, a distance of 76.76 feet to a point;

Thence N 89°47'54" W to the westerly Right-of-Way line of said Prospect Road and in the easterly line of land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn by deed recorded in Volume 7158, Page 51 recorded in Cuyahoga County Deed Records, a distance of 30.00 feet to a point, said point being located 30.00 feet LEFT of Prospect Road Station 67+34.44 where set a capped iron pin (A.E. Marks S-8616) and the **Principal Point of Beginning** of the parcel herein described;

Thence S 00°12'06" W, along said westerly Right-of-Way line of Prospect Road to the southeast corner of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn, a distance of 47.44 feet to a point;

Thence S 88°45'11" W, along the northerly line and southerly line of said lands conveyed to Sang Ki Hahn and Junga Ja Kim Hahn, a distance of 5.00 feet to a point;

Thence N 00°12'06" E, a distance of 42.85 feet to a point;

Thence N 19°03'28" E, a distance of 41.31 feet to a point;

Thence southeasterly along a curve deflecting to the right, radius of 43.50 feet, a delta angle of 51°17'51", an arc distance of 38.95 feet, and a chord bearing S 29°16'06" W and a distance of 37.66 feet where set a capped iron pin (A.E. Marks S-8616);

Thence S 03°37'11" E, a distance of 1.50 feet to the **Principal Point of Beginning** enclosing 476.31 square feet, (0.011 acres) of land, more or less, but subject to all legal highways and easements of record.

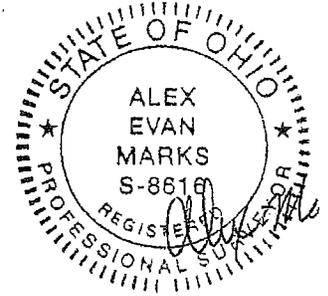
The basis of bearings is the centerline of Prospect Road as N 00°12'06" E. This description is based on a survey by Alex Marks, Professional Surveyor #8616, in February, 2014.

Capped iron pins set are 5/8" in diameter rebar with a yellow R.E. Warner PS 8243 plastic cap.

Prior Deed Record: Volume 823, Page 51 recorded in Cuyahoga County Deed Records.



PROSPECT ROAD (S.R. 237) / ALBION ROAD
Intersection Improvement
Auditor's Parcel No. 392-10-023
PARCEL No. 4-T2



Description of land over which temporary easement is required for grading and construction of storm sewers, a headwall and walk.

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of subplot No. 5 in the Prospect Road Subdivision and being part of original Strongsville Township Lot No. 88, as shown by the recorded plat in Volume 152 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 237, Prospect Road (80.00 feet wide) and the centerline of Albion Road (60.00 feet wide) at an iron pin set in a monument assembly. Said centerline intersection being located at Station 68+11.20 (Prospect Road) and Station 100+00.00 (Albion Road);

Thence S 87°47'26" W, along said centerline of Albion Road, a distance of 195.00 feet to a point;

Thence S 02°12'34" E to the southerly Right-of-Way line of said Albion Road and the northerly line of land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn by deed recorded in Volume 7158, Page 51 recorded in Cuyahoga County Deed Records, a distance of 30.00 feet to a point, said point being located 30.00 feet RIGHT of Albion Road Station 98+05.00 and being the **Principal Point of Beginning** of the parcel herein described;

Thence S 02°12'34" W, a distance of 10.00 feet to a point;

Thence S 87°47'26" W to the westerly line of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn and easterly line of land conveyed to Linda M. Athens by deed recorded in Volume 12795, Page 47 recorded in Cuyahoga County Deed Record, a distance of 26.82 feet to a point;

Thence N 00°11'51" E, along the westerly line of said land conveyed to Sang Ki Hahn and Junga Ja Kim Hahn and easterly line of said land conveyed to Linda M. Athens and in the southerly Right-of-Way line of said Albion Road, a distance of 10.01 feet to a point;

Thence N 88°47'26" E, along said southerly Right-of-Way line of Albion Road, a distance of 26.40 feet to the **Principal Point of Beginning** enclosing 266.08 square feet, (0.006 acres) of land, more or less, but subject to all legal highways and easements of record.

The basis of bearings is the centerline of Prospect Road as N 00°12'06" E. This description is based on a survey by Alex Marks, Professional Surveyor #8616, in February, 2014.

Prior Deed Record: Volume 823, Page 51 recorded in Cuyahoga County Deed Records.