/C 11/4/26 Legislative
CA Prior 11/4/26
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2nd R
3rd R

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 115-2026

INTRODUCED BY: MAYOR ORCUTT

DIRECTING THE FILING OF PETITION TO APPROPRIATE FEE SIMPLE INTEREST FOR THE PUBLIC PURPOSE OF PUBLIC ROAD IMPROVEMENTS AND RELATED APPURTENANCES IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY

WHEREAS, it has been determined to be necessary as part of the larger project known as the CUY IR 071/VAR 08.84 Brook Park PID 125149 Project to obtain fee simple interest in certain real property owned by Cuyahoga Concrete Company, Cuyahoga County Auditor Parcel Number 343-03-001, and more commonly known as 17251 Hummel Road, Brook Park, Ohio, 44142, described on Exhibit "A" attached hereto ("the Property"), in the City of Brook Park, to perform public road improvements and related appurtenances, including a pedestrian bridge, that are open to the public without charge; and,

WHEREAS, the City, through its authorized representatives, has made a good faith offer to the owner of the Property; and,

WHEREAS, the property interest to be acquired from the property owner is necessary and for a public purpose and the City intends to exercise its eminent domain authority in accordance with R.C. Chapters 719 and 163; and,

WHEREAS, on October 14, 2026, the Council of the City of Brook Park passed the attached Resolution No. 19-2026 (Exhibit B without attachments), whereby Council declared its intent to appropriate fee simple interest in the Property; and,

WHEREAS, notice requirements of the passage of Resolution No. 19-2026, pursuant to R.C. 719.05, have been undertaken; and,

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BROOK PARK CITY COUNCIL

WHEREAS, Council determines that it is necessary to appropriate the interest needed to complete the road improvements, without further delay, by authorizing designated legal counsel for the City of Brook Park to file a Petition for Appropriation, and further authorizing the appropriation of funds totaling the monetary sum of the City's appraisal for the interests to be appropriated and issuing payment to be deposited with the Cuyahoga County Clerk of Courts simultaneously with the filing of the Petition.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF BROOK PARK, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1: The interests in and to the real property described on Exhibit A attached hereto, shall be appropriated for the public purpose of road improvements and related appurtenances including a pedestrian bridge pursuant the laws of the State of Ohio.

SECTION 2: Council ratifies the actions of the City Administration and/or its representatives/designees in obtaining an appraisal of the Property; establishing an amount to be just compensation for the Property, being an amount not less than the appraised value; providing the Owner with a written Notice of Intent to Acquire, Good Faith Offer, and copy of the appraisal; and negotiating and/or attempting to negotiate with the Owner (and/or Owner's representative) for an agreement on the purchase/acquisition of the Property.

SECTION 3: The Council of the City of Brook Park has determined a monetary value of the legal interest to be appropriated. Said sum shall be issued and delivered to the City's designated legal counsel to be deposited with the Cuyahoga County Court of Common Pleas, Cuyahoga County, Ohio, simultaneously with the filing of the Petition for Appropriation and a declaration of intention to obtain possession and thereupon take possession of and enter upon the properties appropriated. Upon such deposit, the City of Brook Park and its designees shall take possession of and be entitled to immediately enter upon the properties pursuant to law.

SECTION 4: Pursuant to R.C. 163, and R.C. 719, Council of the City of Brook Park hereby determines that the appropriation provided for within this Ordinance is necessary for a public purpose, that the City of Brook Park has been unable to agree with the owners of the Property concerning the acquisition of the described legal interests after the requisite time to commence an appropriation of such interests has elapsed, and that the City of Brook Park intends

to obtain immediate possession of the Property, which immediate possession is necessary for the stated public roadway purposes.

SECTION 5: The Law Director of the City of Brook Park, or her designee, is hereby authorized and directed to file Petition for Appropriation in the Cuyahoga County Court of Common Pleas, and demand to have a jury empaneled to assess the compensation to be paid for the described interests.

SECTION 6: The sums calculated as just compensation, plus necessary court costs and filing fees, are appropriated from the proper funds for the stated purposes and for no other purpose.

SECTION 7: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City. The reason for the emergency is to timely ensure the City's submission of a complex infrastructure project to the Ohio Department of Transportation and to timely satisfy requirements for appropriation proceedings necessary for a public project. This Ordinance shall go into effect immediately upon its passage.

PASSED: November 4, 2024

PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED:
MAYOR

11/5/24
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution No. 11525-2024 passed on the 4 day of November 20 24 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Gonzalez	✓	
Mencini	✓	
Roberts	✓	
Scott	✓	
McCorkle	✓	
Dufour	✓	

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

DIRECTOR OF LAW



Parcel No. 2:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lot No. 4, Section No. 10, and further described as follows: Beginning at the northwest corner of the parcel, said point being on the centerline of Hummel Road (40 feet wide) South 87° 36' 43" East a distance of 45.00 feet from the intersection of said centerline of Hummel Road with the centerline of Engle Road, State Route 291 (90 feet wide); thence continuing South 87° 36' 43" East with said centerline of Hummel Road a distance of 150.01 feet to the northeast corner of this parcel; thence South 2° 23' 17" East a distance of 154.98 feet to the southeast comer of this parcel; thence North 87° 36' 43" West a distance of 147.54 feet; thence North 77° 54' 01" West a distance of 16.90 feet to the easterly right-of-way line of Engle Road, and the southwest comer of this parcel; thence on the arc of a curve to the left a distance of 152.16 feet, said curve having a radius of 999.93 feet and a chord bearing North 7° 44' 25" East a distance of 152.01 feet to the point of beginning on the centerline of Hummel Road.

This description by Robert L. Furniss registered surveyor No. 4436 from a survey by Warren J. Root and Associates, Civil Engineers and Surveyors, dated January, 1969.

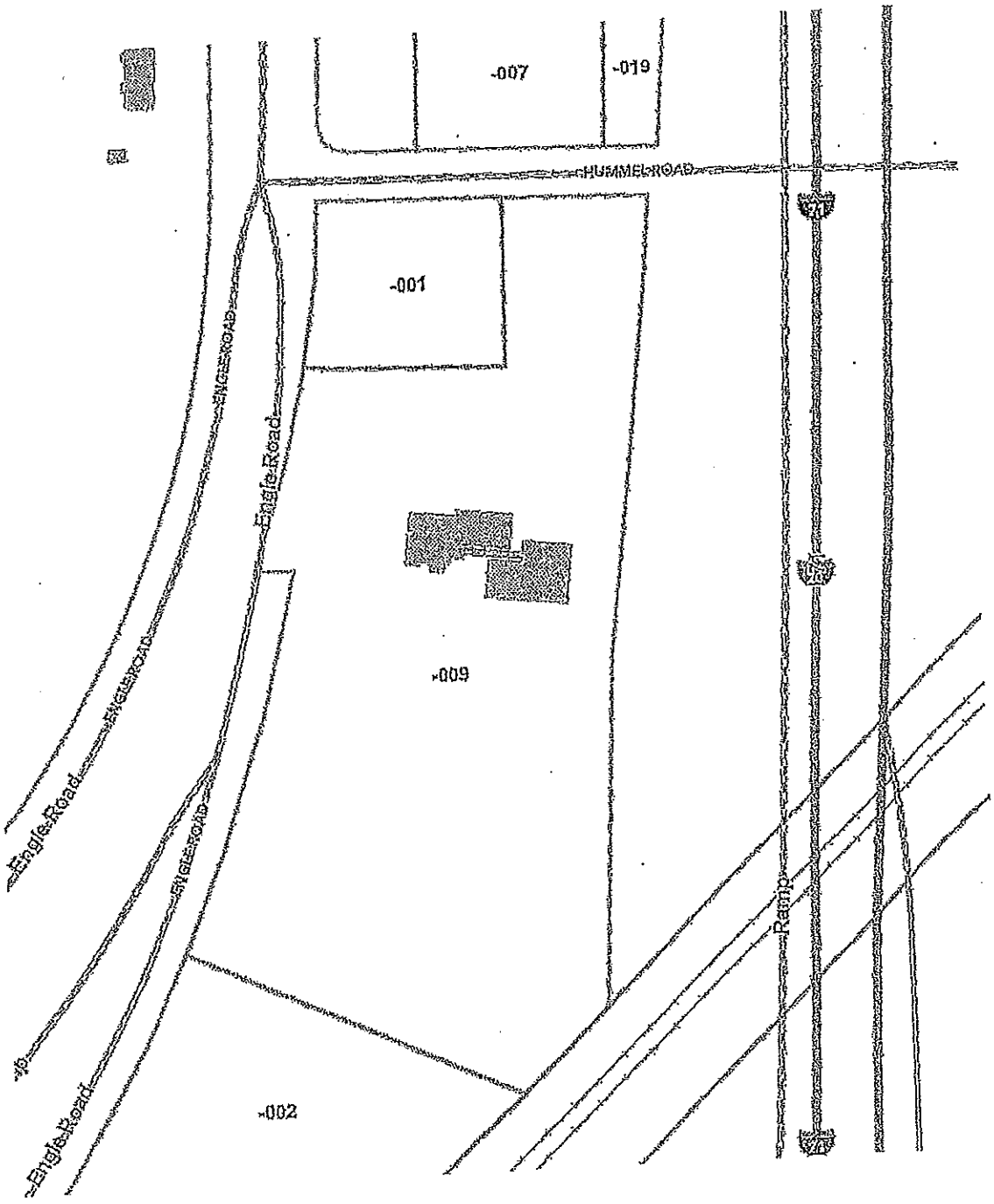

-007
-019
HUMMEL ROAD
-001
Engle Road
Engle Road
Engle Road
Engle Road
-009
-002
Ramp

EXHIBIT B

RESOLUTION 19-2026

[see attached]

CA Prior 10/14/24
1st R 10/4/24 Sp. Cou
2nd R 10/13/24 Sp.Cou
3rd R

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 19-2024

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE CERTAIN REAL PROPERTY FOR THE PUBLIC PURPOSE OF MAKING OR REPAIRING ROADS AND RELATED APPURTENANCES AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Brook Park, Ohio possesses authority under R.C. Chapters 719 and 163 to appropriate certain real property necessary for the making or repairing of roads open to the public without charge and related appurtenances; and

WHEREAS, the City of Brook Park, Ohio is undertaking the construction and improvement of public roads and related appurtenances as part of a larger project known more commonly as the new Huntington Bank Field (the "Project"); and

WHEREAS, the Project will require the City to obtain fee simple interest in certain real property owned by Cuyahoga Concrete Company, Cuyahoga County Auditor Parcel Number 343-03-001, and more commonly known as 17251 Hummel Road, Brook Park, Ohio, 44142, ("the Property") in order to facilitate the construction of the Project, which will include the construction of a pedestrian bridge; and

WHEREAS, the Property is more accurately described in the legal description attached to this Resolution as Exhibit A; and

WHEREAS, the City must acquire the Property in order to move forward with the Project; and

WHEREAS, the City deems it necessary to exercise its eminent domain authority, in accordance with R.C. Chapters 719 and 163, in order to appropriate the Property for the purposes of making and repairing roads and related appurtenances which shall be open to the public without charge.

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BROOK PARK CITY COUNCIL

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Brook Park, Cuyahoga County, Ohio that:

SECTION 1: The City Council, pursuant to R.C. 719.04, hereby declares the necessity to appropriate the Property in furtherance of the public Project, and declares its intent to appropriate a fee-simple interest in the Property as more accurately described in Exhibit A to this Resolution, for the public purpose of making and repairing roads and related appurtenances and completing the Project.

SECTION 2: The Mayor is hereby authorized, as required by R.C. 719.05, to immediately upon the passage of this Resolution cause written notice to be given to the owner of, person in possession of, or person having an interest of record in, the Property, or to the authorized agent of the owner or other such person. Such notice shall be served by a person designated for the purpose and return made in the manner provided for the service and return of summons in civil actions. If such owner, person, or agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code.

SECTION 3: It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City. The reason for the emergency is to timely ensure the City's submission for funding of a complex infrastructure project to the Ohio Department of Transportation and to timely satisfy requirements for appropriation proceedings necessary for a public project. This Resolution shall go into effect immediately upon its passage.

PASSED: October 13, 2026

PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
CLERK OF COUNCIL

APPROVED:
MAYOR

10/14/26
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance (Resolution) No. 19-2026 passed on the 13 day of October 20 26 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Gonzalez	✓	
Mencini	✓	
Roberts	✓	
Scott	✓	
McCorkle	✓	
~~Poindexter~~	Resigned	
Dufour	✓	

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

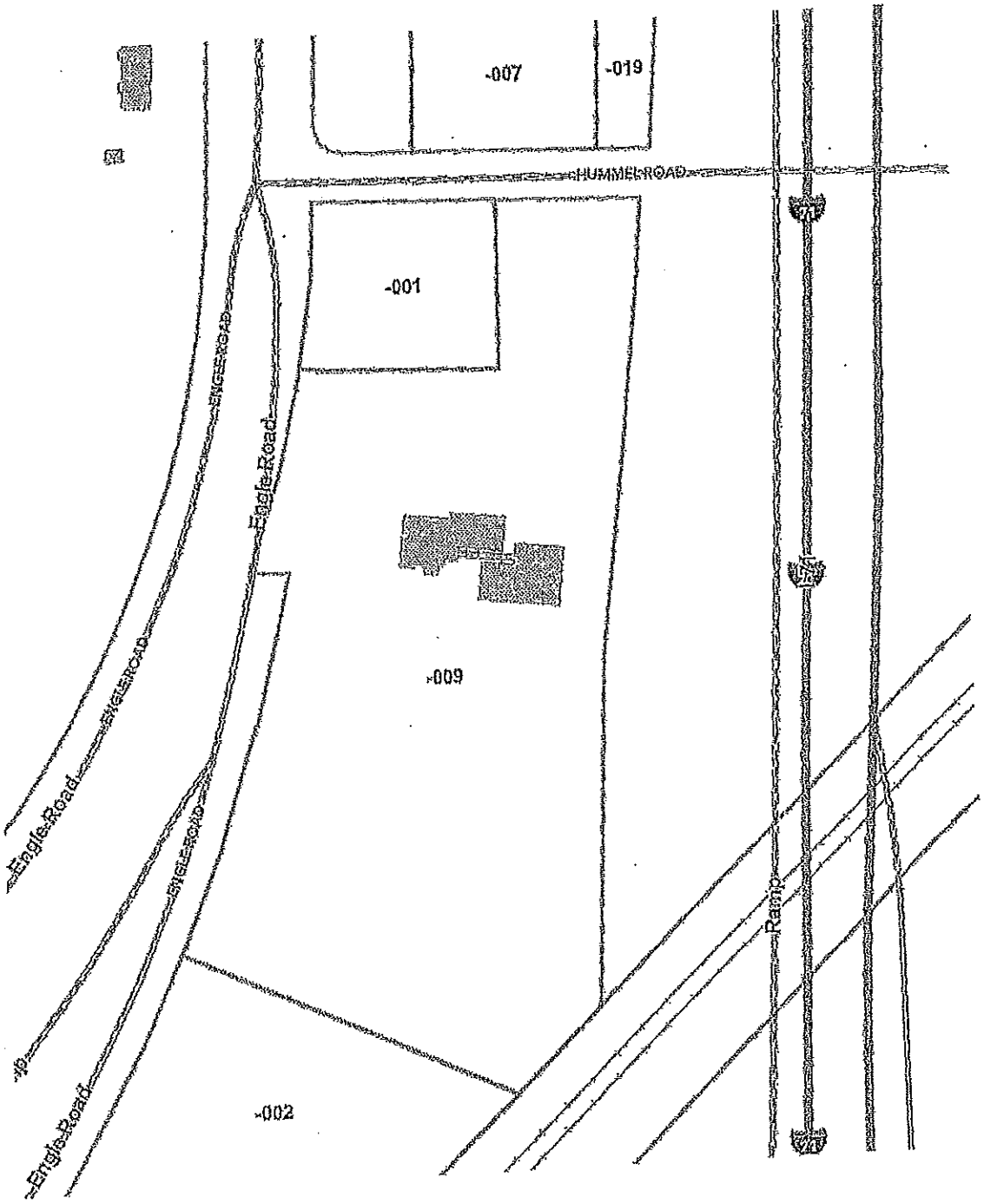
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