

OHIO TURNPIKE COMMISSION

Resolution No. 447 -1953 Declaring the Necessity of Appropriating Property and Directing that Proceedings to Effect Such Appropriation be Begun and Prosecuted

RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, the easements and rights hereinafter described, from the following-named owner or owners and persons having interests therein, to-wit:

| <u>Owner(s)</u>                   | <u>Place of Residence</u>                |
|-----------------------------------|--|
| William E. Malm                   | 415 Swetland Building<br>Cleveland, Ohio |
| Alice B. Malm                     | 415 Swetland Building<br>Cleveland, Ohio |
| County Auditor of Summit County   | Summit County Court House<br>Akron, Ohio |
| County Treasurer of Summit County | Summit County Court House<br>Akron, Ohio |

The aforementioned property to be appropriated is described as follows:

Parcel No. 141-C -- Fee Simple

Situated in the Township of Richfield, County of Summit and State of Ohio and known as being parts of Original Richfield Township Lot No. 1, in Tract No. 1, and Lots Nos. 11 and 12, in Tract No. 4, and bounded and described as follows:

Beginning on the center line of the Cleveland-Massillon Road (U. S. Route #21) at its intersection with a line parallel to and distant 120 feet Northeasterly of, measured on a line normal to, the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 44, Pages 138 and 140 of Summit County Map Records; thence Southerly along the center line of the Cleveland-Massillon Road to its intersection with a line parallel with and distant 130 feet Southwesterly of, measured on a line normal to, the said center line of Ohio Turnpike Project No. 1; thence Northwesterly along said parallel line to its intersection with the Easterly line of land conveyed to The Board of Park Commissioners of The Akron Metropolitan Park District of Summit County by deed dated April 4, 1928, and recorded in Volume 1293, Page 320 of Summit County Deed Records; thence Northerly along the Easterly line of land so conveyed to said Board of Park Commissioners to its intersection with a line parallel to and distant 120 feet Northeast-erly of, measured on a line normal to said center line of Ohio Turnpike Project No. 1; thence Southeasterly along said parallel line to the place of beginning.

Parcel No. 141-C(1) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Parcel No. 141-C(1) - continued

Beginning on a line drawn parallel to and distant 150 feet North-easterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records, at its inter-section with a line drawn Northeasterly, measured normal to said center line, from Station 31+58; thence Southeasterly along said parallel line 132 feet; thence Northerly to a point on a line which is distant 160 feet Northeasterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1 from Station 32+72; thence Northwesterly on a line drawn parallel to said center line, to the intersection with a line drawn Northeasterly, measured normal to said center line, from Station 32+00; thence Northwest to the place of beginning.

Parcel No. 141-C(2) -- Fee Simple

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 1 in Tract No. 1 and Lots Nos. 11 and 12 in Tract No. 4, and forming a parcel of land bounded as follows:

Southeasterly by the Cleveland-Massillon Road, (U. S. Route No. 21), as established;

Northwesterly by the Easterly line of land described in the Deed to The Board of Park Commissioners of The Akron Metropolitan Park District of Summit County;

Northeasterly by a line parallel to and distant 150 feet North-easterly, measured on a line normal to the center line of Ohio Turn-pike Project No. 1, as shown by plats recorded in Volume 44, Pages 138 and 140 of Summit County Map Records;

Southwesterly by a line parallel to and distant 120 feet North-easterly, measured on a line normal to said center line of Ohio Turnpike Project No. 1.

Parcel No. 141-C(3) -- Fee Simple

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Town-ship Lot No. 1 in Tract No. 1 and Lots Nos. 11 and 12 in Tract No. 4, and bounded and described as follows:

Beginning on the center line of The Cleveland-Massillon Road, (U. S. Route No. 21), at its intersection with a line drawn parallel to and distant 130 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records; thence Northwesterly along said parallel line to the East-erly line of land conveyed to The Board of Park Commissioners of the Akron Metropolitan Park District of Summit County by Deed dated April 4, 1928, and recorded in Volume 1293, Page 320 of Summit County Deed Records; thence Southerly along said Easterly line to its intersection with a line drawn parallel to and distant 160 feet Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1; thence Southeasterly along said parallel line to its intersection with a line drawn Southwesterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1 from Station 12+00; thence Northeasterly along said normal line to its intersection with a line drawn parallel to and distant 150 feet South-westerly, measured on a line normal to said center line; thence Southeasterly along said parallel line to a point which is distant 89 feet Westerly, at right angle measurement, from the center line of The Cleveland-Massillon Road (U. S. Route No. 21); thence South 12° 40' 12" West, forming an angle of 95° 46' 42" in the South-west Quadrant with the last described parallel line, a distance of 164.75 feet; thence South 55° 40' 14" West 460.43 feet; thence South

Parcel No. 141-C(3) - Continued

09° 13' West, to the Southerly line of said Original Lot No. 11; thence Easterly along the Southerly line of said Original Lot No. 11 to the center line of The Cleveland-Massillon Road, (U. S. Route No. 21); thence Northerly along the center line of said Road to the place of beginning.

Parcel No. 141-C(4) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning on a line drawn parallel to and distant 150 feet North-easterly, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records, at its inter-section with a line drawn Northeasterly, measured normal to said center line, from Station 21+80; thence Southeasterly along said parallel line 60 feet; thence Northeasterly along a line measured normal to said center line 30 feet; thence Northwesterly parallel to said center line 60 feet; thence Southwesterly 30 feet to the place of beginning.

Parcel No. 141-C(5) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning on a line drawn parallel to and distant 150 feet South-westerly, measured on a line normal to the center line of Ohio Turn-pike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records, at its intersection with a line drawn Southwesterly, measured on a line normal to said center line from Station 16+20; thence Southeasterly along said parallel line 40 feet; thence Southwesterly on a line measured normal to said center line 20 feet; thence Northwesterly and parallel to said center line 40 feet; thence Northeasterly 20 feet to the place of beginning.

Parcel No. 141-C(6) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning on a line drawn parallel to and distant 150 feet South-westerly, measured on a line normal to the center line of Ohio Turn-pike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records, at its intersection with a line drawn Southwesterly, measured on a line normal to said center line from Station 28+70; thence Southeasterly along said parallel line 40 feet; thence Southwesterly on a line measured normal to said center line 10 feet; thence Northwesterly and parallel to said center line 40 feet; thence Northeasterly 10 feet to the place of beginning.

Parcel No. 141-C(7) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and bounded and described as follows:

Beginning on a line drawn parallel to and distant 150 feet North-easterly, measured on a line normal to the center line of Ohio Turn-pike Project No. 1, as shown by plat recorded in Volume 44, Pages 138 and 140 of Summit County Map Records, at its intersection with

Parcel No. 141-C(7) - continued

a line drawn Northeasterly, measured on a line normal to said center line from Station 34+87; thence Northeasterly to a point distant 175 feet Northeasterly, measured on a line normal to said center line from Station 34+95; thence Southeasterly at right angles to the last described line 40 feet; thence Southwesterly at right angles to the last described line 10 feet to a point which is distant 150 feet Northeasterly, measured on a line normal to said center line; thence Northwesterly and parallel to said center line to the place of beginning.

Parcel No. 141-C(8) -- Permanent Easement for Highway Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lots Nos. 11 and 12, Tract 4, and being all that part of said Lots to be described below.

Line A to be hereinafter referred to is the proposed center line of Brecksville Road Relocation and is described as follows:

Beginning on the center line of Brecksville Road, 100 feet wide, as shown by the dedication plat in Volume 130, Page 18 of Cuyahoga County Map Records, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the Southerly line of Cuyahoga County, (said point of beginning being known as Point A); thence Southwesterly on a curve deflecting to the right, 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of 9° 26' and the center line of Brecksville Road as now established being tangent to said curve; thence Southwesterly on a line tangent to the last described curve, 1000.81 feet to a point of curvature; thence Southerly on a curve deflecting to the left, 1696.66 feet to a point of tangency, said curve having a radius of 11459.16 feet and a central angle of 8° 29'.

The parcel herein intended to be described is bounded and described as follows:

Beginning on the center line of Brecksville Road, as now established, (U. S. Route 21), at its intersection with a line parallel to and distant 150 feet Northeasterly of, measured on a line normal to the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 44, Page 138 of Summit County Map Records; thence Northerly along said center line of Brecksville Road, to its intersection with the Northerly line of Summit County, which line is the boundary line between Summit and Cuyahoga Counties; thence Westerly along said Northerly line of Summit County to its intersection with a line parallel to and distant 70 feet Westerly, measured normal to said Line A as hereinabove described; thence Southwesterly parallel to Line A to a point distant 70 feet Westerly, measured normal to a point on said line distant 1588.67 feet Southerly, measured along said line from Point A as aforesaid; thence Westerly normal to said Line A, 15 feet to a point; thence Southerly parallel to Line A to its intersection with a line parallel to and distant 150 feet Northeasterly of, measured on a line normal to the center line of Ohio Turnpike Project No. 1 as aforesaid; thence Southeasterly along said parallel line to the place of beginning.

Excepting therefrom that portion thereof lying within the bounds of Brecksville Road (U. S. Route 21), as now established.

Parcel No. 141-C(9) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 11, Tract 4, and being bounded and described as follows:

Beginning on the center line of Brecksville Road (U.S. Route 21), as now established, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the Southerly line

of Cuyahoga County, said line being the boundary line between Cuyahoga County and Summit County.

Course 1: Thence Southwesterly on a curve deflecting to the right 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of  $9^{\circ} 26'$ , and said center line of Brecksville Road being tangent to said curve.

Course 2: Thence Southerly on a line tangent to the last described curve, 1000.81 feet to a point of curve.

Course 3: Thence Southerly on a curve deflecting to the left, said curve having a radius of 11459.16 feet and a central angle of  $8^{\circ} 29'$ , a distance of 152.68 feet.

Course 4: Thence Westerly on a line normal to Course 3, 85 feet to a point and the principal place of beginning.

Course 5: Thence continuing Westerly on said normal line, 75 feet to a point.

Course 6: Thence Northerly parallel to Course 3, 60 feet to a point.

Course 7: Thence Easterly on a line drawn normal to Course 3, 75 feet.

Course 8: Thence Southerly parallel to Course 3, to the principal place of beginning.

Parcel No. 141-N -- Permanent Easement for Highway Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 10, Tract 4, and being bounded as follows:

Northerly by the Southerly line of land described in the deed to Chester B. Budd and Jean Budd, dated January 28, 1949, and recorded in Volume 2553, Page 466 of Summit County Deed Records;

Westerly by the center line of Brecksville Road, as now established;

Southerly by a line drawn Easterly at right angles from a point on the center line of Brecksville Road, known as "Point A" to be hereinafter described, and

Easterly by a line drawn from a point distant 40 feet Easterly, measured at right angles to said center line of Brecksville Road, from said "Point A" to a point distant 100 feet Easterly, measured at right angles from a point on the relocated center line of Brecksville Road (to be hereinafter described) distant 400 feet Northerly, measured along said line from "Point B" to be hereinafter designated.

Said relocated center line of Brecksville Road is described as follows:

Beginning on the center line of Brecksville Road, as now established, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the boundary line between Cuyahoga and Summit Counties; thence Southwesterly on a curve deflecting to the right, 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of  $9^{\circ} 26'$ , and said center line of Brecksville Road being tangent to said last described curve; thence Southerly on a line tangent to said curve, 1000.81 feet to a point of curvature; thence Southerly on a curve deflecting to the left, 1696.66 feet to a point of tangency, said curve having a radius of 11459.16 feet and a central angle of  $8^{\circ} 29'$ ; thence Southerly on a line tangent to said curve, 446.02 feet to the aforesaid "Point B" on said relocated center line; thence Easterly at right angles to said line, 13.5 feet to "Point A" as aforesaid, on the center line of Brecksville Road, as now established.

Parcel No. 141-P -- Fee Simple

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lots Nos. 9 and 10, Tract 4, and being all that part of the lands described in the deed to William E. Malm, dated January 8, 1952, and recorded in Volume 2883, Page 1 of Summit County Deed Records, to be described below.

The relocated center line of Brecksville Road and "Points A and B to be hereinafter referred to are described as follows:

Beginning on the center line of Brecksville Road (U. S. Route 21) as now existing, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the boundary line between Cuyahoga and Summit Counties; thence Southwesterly on a curve deflecting to the right, 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of  $9^{\circ} 26'$ , and said center line of Brecksville Road as now existing being tangent to said curve; thence Southerly on a line tangent to said curve, 1000.81 feet to a point of curvature; thence Southerly on a curve deflecting to the left, 1696.66 feet to a point of tangency, said curve having a radius of 11459.16 feet and a central angle of  $8^{\circ} 29'$ ; thence Southerly on a line tangent to said curve, 446.02 feet to "Point B" as aforesaid; thence Easterly at right angles to the last described line, 13.5 feet to "Point A" as aforesaid, which point is on the center line of Brecksville Road as now established.

The parcel herein intended to be described is bounded and described as follows:

Beginning on the center line of Brecksville Road, as now existing, at its intersection with the Northerly line of land described in the deed to Amalia O. Ziol, dated December 26, 1952, and recorded in Volume 2971, Page 585 of Summit County Deed Records; thence Westerly along said Northerly line to a point distant 60 feet Westerly, measured at right angles from the center line of said Brecksville Road; thence Northerly parallel to said center line to a line drawn Westerly at right angles from a point on the center line of Brecksville Road, distant 300 feet Southerly, measured along said center line from "Point A" as aforesaid; thence Westerly at right angles to said center line, 18.50 feet to a point; thence North  $0^{\circ} 35' 24''$  East, parallel to the center line of existing Brecksville Road, 442.55 feet to a point; thence Northerly on a line deflecting  $0^{\circ} 05' 00''$  to the right, 157.55 feet to a point; thence Westerly on a line drawn at right angles to the last described line, 15 feet to a point; thence Northerly on a line drawn at right angles to the last described line, 146.02 feet to a point; thence Northerly to a point distant 80 feet Westerly, measured normal to the relocated center line of Brecksville Road, as above described at a point distant 630 feet Northerly, measured along said line from "Point B" as aforesaid; thence Westerly on a line normal to said relocated center line, 250 feet to a point; thence Northwesterly to a point distant 495 feet Westerly, measured normal to a point on said relocated center line, distant 800 feet Northerly, measured along said line from "Point B" as aforesaid; thence Northerly on a straight line to the Northerly line of said Lot 10 in Tract 4, Richfield Township, which straight line if prolonged would intersect a point distant 470 feet Westerly, measured normal to a point on the relocated center line of Brecksville Road as aforesaid, distant 1020 feet Northerly, measured along said line from "Point B" as aforesaid; thence Easterly along said Northerly line of said Lot 10 in Tract 4, Richfield Township as aforesaid, to the center line of Brecksville Road as now established; thence Southerly along said center line to the place of beginning.

Excepting therefrom the following described property situated in the Township of Richfield, County of Summit and State of Ohio and known as being part of Original Richfield Township Lot No.

10, Tract No. 4, and bounded as follows:

Northerly and Southerly by the Northerly and Southerly lines of land conveyed to Michael C. Daumit and Helen M. Daumit, by deed recorded in Volume 3052, Page 368 of Summit County Deed Records; Easterly by the center line of the Cleveland-Massillon Road (U. S. Route No. 21) and Westerly by a line drawn parallel to and distant 78.50 feet Westerly of, measured at right angles to the center line of said road.

Parcel No. 141-P(1) -- Permanent Easement for Highway Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio, and known as being part of Original Richfield Township Lot No. 9, Tract 4, and bounded as follows:

Northerly by the Southerly line of land described in the deed to Amalia O. Ziol, dated December 26, 1952, and recorded in Volume 2971, Page 585 of Summit County Deed Records;

Easterly by the center line of Brecksville Road, as now established;

Westerly by a line parallel to and distant 60 feet Westerly, measured at right angles from said center line, and Southerly by a line drawn Westerly at right angles from a point on the center line of Brecksville Road, distant 800 feet Southerly, measured along said center line from "Point A" on said center line.

Said "Point A" is described as follows:

Beginning on the center line of Brecksville Road, as now established, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the boundary line between Cuyahoga and Summit Counties; thence Southwesterly on a curve deflecting to the right, 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of  $9^{\circ} 26'$ , and said center line of Brecksville Road being tangent to said curve; thence Southerly on a line tangent to said curve, 1000.81 feet to a point of curvature; thence Southerly on a line deflecting to the left, 1696.66 feet, said curve having a radius of 11459.16 feet and a central angle of  $8^{\circ} 29'$ ; thence Southerly on a line tangent to said curve, 446.02 feet to a point; thence Easterly at right angles to the last described line, 13.5 feet to said "Point A" on the existing center line of Brecksville Road.

Parcel No. 141-P(2) -- Permanent Easement for Drainage Purposes

Situated in the Township of Richfield, County of Summit and State of Ohio and known as being part of Original Richfield Township Lot No. 10, Tract No. 4, and being all that part of the lands described in the deed to William E. Malm, dated January 8, 1952, and recorded in Volume 2883, Page 1 of Summit County Deed Records, to be described below.

The relocated center line of Brecksville Road and "Points A and B" to be hereinafter referred to, are described as follows:

Beginning on the center line of Brecksville Road (U. S. Route 21) as now existing, at a point distant 620.85 feet Northerly, measured along said center line, from its intersection with the boundary line between Cuyahoga and Summit Counties; thence Southwesterly on a curve deflecting to the right, 643.17 feet to a point of tangency, said curve having a radius of 3906.44 feet and a central angle of  $9^{\circ} 26'$ , and said center line of Brecksville Road as now existing being tangent to said curve; thence Southerly on a line tangent to said curve, 1000.81 feet to a point of curvature; thence Southerly on a curve deflecting to the left, 1696.66 feet to a point of tangency, said curve having a radius of 11459.16 feet and a central angle of  $8^{\circ} 29'$ ; thence Southerly on a line tangent to said curve, 446.02 feet to "Point B" as aforesaid; thence Easterly at right angles to the last described line, 13.5 feet to "Point A"

as aforesaid, which point is on the center line of Brecksville Road as now established.

The parcel herein intended to be described is bounded as follows:

Westerly by a line parallel to and distant 170 feet Westerly, measured at right angles, from the relocated center line of Brecksville Road hereinabove described; Northerly by a line drawn Westerly, at right angles to said relocated center line, from a point distant 420 feet Northerly, measured along said relocated center line, from "Point B" as aforesaid; Southerly by a line drawn Westerly, at right angles, to said relocated center line, from a point distant 340 feet Northerly, measured along said relocated center line, from "Point B" as aforesaid; and Easterly by a line described as follows: Beginning on the center line of Brecksville Road as now existing, at its intersection with the Northerly line of land described in the deed to Amalia O. Ziol, dated December 26, 1952, and recorded in Volume 2971, Page 585 of Summit County Deed Records; thence Westerly along said Northerly line to a point distant 60 feet Westerly, measured at right angles, from the center line of Brecksville Road; thence Northerly parallel to said center line to a line drawn Westerly, at right angles, from a point on said center line of Brecksville Road, distant 300 feet Southerly, measured along said center line from "Point A" as aforesaid; thence Westerly at right angles to said center line, 18.50 feet to a point; thence North 0° 35' 24" East, parallel to the center line of existing Brecksville Road, 442.55 feet to a point; thence Northerly on a line deflecting 0° 05' 00" to the right, 157.55 feet to a point; thence Westerly on a line drawn at right angles to the last described line 15 feet to the principal place of beginning of the Easterly boundary line herein intended to be described; thence Northerly on a line at right angles to the last described line, 146.02 feet to a point.

The aforementioned rights to be appropriated are as follows:

First: Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcels described above as Parcel No. 141-C, Parcel No. 141-C(2), Parcel No. 141-C(3), and Parcel No. 141-P, including such rights to any turnpike constructed thereon.

Second: All rights to erect on any of the aforesaid remaining lands any billboard, sign, notice, poster, or other advertising device which would be visible from the travelway of Ohio Turnpike Project No. 1, and which is not now upon said lands.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the Ohio Turnpike Commission at a meeting duly called for and held on \_\_\_\_\_.

---

John Soller  
Assistant Secretary-Treasurer