



SHAKER HEIGHTS

Memorandum

To: Council

From: Joyce G. Braverman, Director, Planning
William M. Ondrey Gruber, Director, Law

cc: Laura Englehart, Director, Economic Development
Ramona Lowery-Ferrell, Director, Public Works
Christian Maier, Assistant Director, Public Works
Kara Hamley O'Donnell, Principal Planner

Date: February 17, 2026

Re: Lee Road Complete Streets
Authority to Appropriate, Acquire and Dedicate Right-of-Way

This memo recommends the acquisition of six (6) parcels of land and appropriation of four (4) parcels of land in order to clear the right-of-way (ROW) and proceed with the Lee Road Complete Streets project. This memo summarizes six (6) ordinances, one for each property.

The City of Shaker Heights is partnering with Cuyahoga County to enhance the Lee Road corridor as envisioned in the *Lee Road Action Plan*, a community-driven plan that creates a vision to comprehensively transform the area south of Van Aken Boulevard into a thriving corridor and commercial district that is attractive, walkable, bikeable, and transit-friendly. Roadway improvements include reducing the roadway from four lanes to three (one lane in each direction with a center turn lane) through most of the City limits, making way for bike infrastructure and pedestrian improvements. North of Van Aken Boulevard, in-road bike lanes will be added. South of Van Aken Boulevard, an off-road, sidewalk-level, two-way cycle track will be added, along with streetscape improvements. This will create a safer roadway for all users.

The City and Cuyahoga County Public Works are working with Chagrin Valley Engineering to design and engineer roadway, streetscape and utility improvements. The final plan package is due to the Ohio Department of Transportation (ODOT) by February 27, 2026 to put us on track for a spring bidding. To date, \$24.5M in grant funds have been secured to construct the improvements. OR Colan has been hired and is responsible for securing appraisals, making offers to property owners, and acquiring parcels needed for the ROW in accordance with federal regulations. The land being acquired are small areas along the current ROW which are needed for the project.

To meet ODOT requirements, portions of six properties need to be acquired. OR Colan has made offers to all property owners. However, there are only two (2) signed deals. In order to clear the ROW by the February 27 deadline, Council will need to authorize both acquisition of the property and appropriation of real property for the reconstruction of Lee Road. The appropriation guarantees ROW will be clear by the deadline. OR Colan will continue to work with the property owners to reach a deal on acquisition. Private property owners will be compensated based on appraisals and

offers of fair market value. Appropriation requires funds to be deposited with the Probate Court of Cuyahoga County, which are equal to the fair market value (FMV).

Authority to appropriate, Acquire and Dedicate

The parcels that require appropriation and the authorization to acquire as necessary ROW, per the ROW plat exhibits, and per fair market value appraisals, include:

PPN 735-25-028—Chagrin Lee LLC (Chagrin Lee Square – 16500 Chagrin), standard highway and temporary easements.

FMV estimate: \$92,500.

PPN 735-16-007—LK Woods, LLC (The Woodlands Assisted Living- 16333 Chagrin), standard highway and temporary easements.

FMV estimate: \$98,900

PPN 735-17-001—MW Centers Shaker, LLC (Shaker Towne Centre shopping center – 16601 Chagrin), standard highway and sewer easements.

FMV estimate: \$31,450

PPN 735-28-010—16600 Chagrin Boulevard, LLC (Irie Jamaican Kitchen building – 16600 Chagrin), standard highway and temporary easement.

FMV estimate: \$10,950

Authority to Acquire and Dedicate

The parcels that require authorization to acquire are:

PPN 735-25-030—Lewis Properties (Lewis Electronics – 3536 Lee), temporary easement.

FMV estimate: \$2,950

PPN 735-23-023, 026, 027—Nursery Partners LLC (Process Canine – 3710 Lee), temporary easement.

FMV estimate: \$5,000

Total estimate fair market value is: \$242, 250.

The process to acquire the ROW is as follows:

1. City receives and signs fair market value appraisals.
2. Council grants authority to acquire, appropriate, and dedicate parcels.
3. City deposits fair market value with the Probate Court of Cuyahoga County for those parcels without signed agreements.
4. City cuts checks for those parcels with signed agreements.
5. Probate Court process proceeds for those parcels filed and Probate Court cuts checks once agreement has been reached.
6. City dedicates as city roadway before construction is complete.

The funding for the ROW purchase includes: 2025 Capital Budget - \$250,000 and 2026 Capital Budget - \$100,000 for a total of \$350,000. The total Fair Market Value estimate for all parcels is \$242,250. This could increase due to counter offers and negotiation.

The Safety and Public Works committee reviewed and approved this request on February 5, 2026. Members asked for an update on the status of property owner acceptance of offers and about the appropriation process. The appropriation process will commence by the end of February if offers are not signed by then.

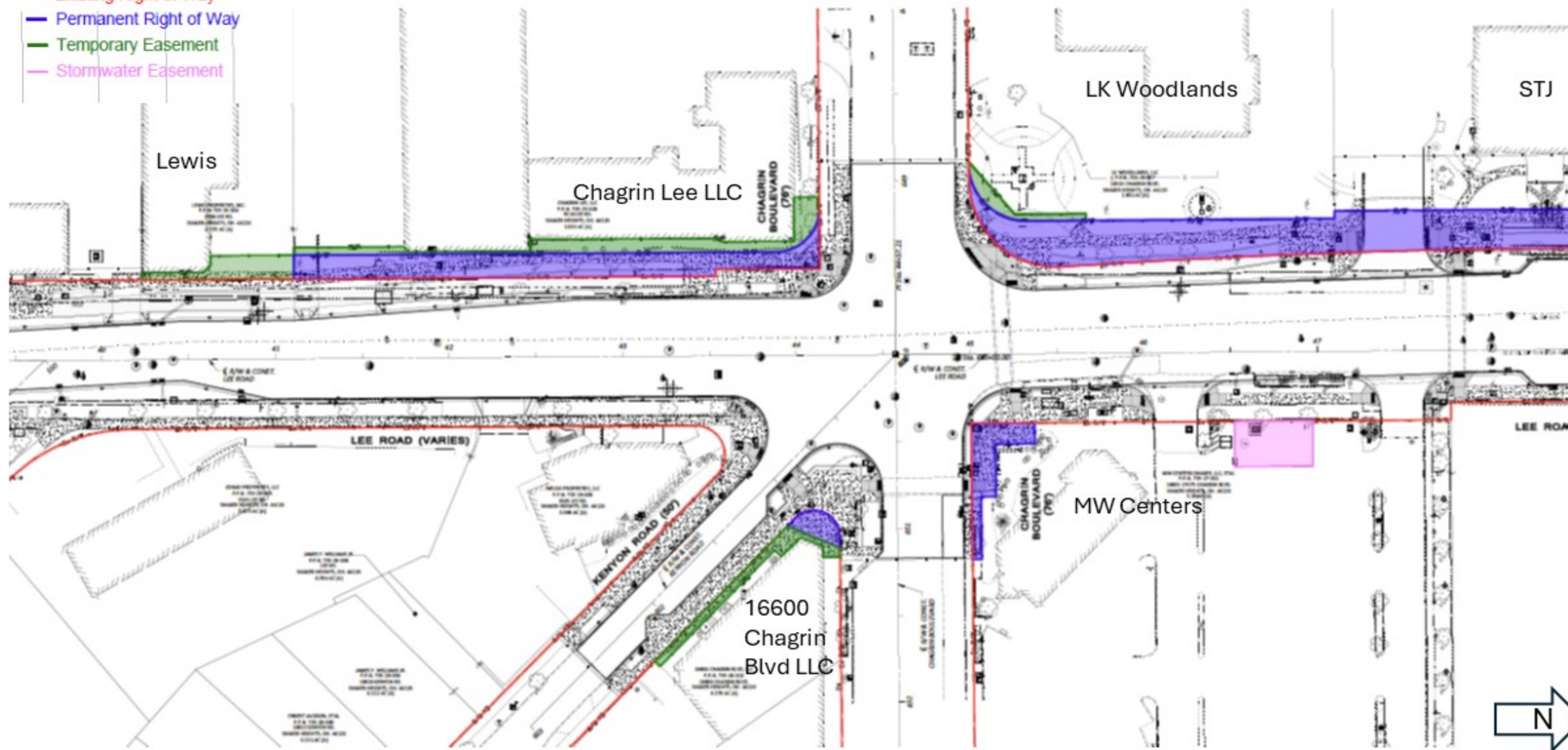
The Finance Committee reviewed and approved this request on February 17, 2026. There was a question regarding the impact and inconvenience to the property owners. The owners will be inconvenienced during construction and the impact is the small reduction in property size. Another question pertained to the situation where no agreement is reached with the property owner and legal recourse. The appropriation process includes filing and depositing funds with the Cuyahoga County Probate Court. This federally regulated process will allow the road project to proceed while the court process proceeds.

This is a request for the Council to acquire six (6) parcels of land and to appropriate four (4) parcels of land to acquire and clear ROW so that the Lee Road Complete Streets project can proceed on schedule. Right-of-Way cannot be certified to the Ohio Department of Transportation as being ready for construction until all ROW parcels have been secured either by Right of Entry Agreement or by filing a petition for appropriation, along with a check for the fair market value estimate, with the Probate Court of Cuyahoga County. This is also a request to dedicate these 6 parcels as ROW.

It is requested that council pass these ordinances on first reading and as an emergency to meet the ODOT deadline of February 17, 2026 to clear ROW.

Attachments: Right-of-Way Diagram

- Existing Right of Way
- Permanent Right of Way
- Temporary Easement
- Stormwater Easement



RESOLUTION NO:

BY:

A resolution declaring the intent for and authorizing the appropriation and acquisition of portions of real property at 16333 Chagrin Boulevard (Parcel No. 735-16-007) for temporary and permanent easements to enable improvements to Lee Road in the City, and declaring an emergency.

WHEREAS, the City is partnering with Cuyahoga County to enhance the Lee Road corridor as envisioned in the City's *Lee Road Action Plan*, including improvements to reduce the roadway from four lanes to three (one lane in each direction with a center turn lane) through most of the City limits, installing bike infrastructure and pedestrian improvements, and making streetscape improvements (the "Project"), which is being funded through federal and state funding requiring compliance with federal and state regulations; and

WHEREAS, the right-of-way cannot be certified to ODOT as being ready for construction unless and until all right-of-way parcels have been acquired either by agreement or by the filing of a petition for appropriation in Cuyahoga County Probate Court, together with payment of a deposit to the Court in the amount of the estimate of the fair market value; and

WHEREAS, portions of six properties in the City must be acquired for the Project as temporary or permanent easements to enable the Project to be constructed; and

WHEREAS, the City's agent, OR Colan, has endeavored to acquire the necessary portions of parcels through voluntary negotiation and settlement efforts with the property owners for the public right-of-way in order to complete the improvements to Lee Road in accordance with federal regulations, but has reported that a settlement agreement could not be reached on the property set forth below; and

WHEREAS, to meet Ohio Department of Transportation ("ODOT") requirements, portions of real property at 16333 Chagrin Boulevard (Parcel No. 735-16-007), owned by LK Woods, LLC, and known as The Woodlands Assisted Living, must be acquired for both temporary and permanent standard highway easements for use as public right-of-way; and

WHEREAS, this Council has determined that certain portions of the real property at 16333 Chagrin Boulevard (Parcel No. 735-16-007) must be acquired through appropriation as temporary and permanent standard highway easements for the Project, and Council hereby declares it necessary to appropriate said property interest for public use, more specifically for the purpose of making roadway improvements, which shall be open to the public, without charge; and

WHEREAS, Ohio Revised Code Section 719.01 authorizes the appropriation of property by a municipal corporation for such purposes as the Project, and Article I, Section 19 of the Ohio Constitution permits the immediate seizure of a private property interest upon proper compensation to the owner of the property when first secured by a deposit of money,

where such compensation shall be assessed by a jury, and without deduction for benefits to any property of the owner; and

WHEREAS, Ohio Revised Code Section 719.04 requires that a municipal Council adopt a resolution of intent to appropriate such a real property interest in order to exercise the authority granted to municipal corporations under Ohio Revised Code Section 719.01 and the Ohio Constitution to file an appropriation action in State court to acquire the property interest for a public use such as this Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shaker Heights, State of Ohio, that:

Section 1. It is necessary and it is hereby declared to be the intent of this Council to appropriate and acquire a temporary and a permanent standard highway easement over a portion of the real property at 16333 Chagrin Boulevard (Parcel No. 735-16-007) for the purpose of construction of the Project, and the property interest to be acquired is hereinafter described and further identified in Exhibit A, attached hereto and fully incorporated into this Resolution. The property and its fair market value are further described as follows:

Property Owner: LK Woods, LLC

Address: The Woodlands Assisted Living, 16333 Chagrin Boulevard

Permanent Parcel No.: Parcel No. 735-16-007

Mailing Address: LK Woods, LLC, 4376 Churchill Boulevard, Cleveland, OH 44118

Fair Market Value Estimate: \$98,900

Section 2. This Council finds and determines that the acquisition of the property interest set forth in Section 1 of this Resolution is a proper public purpose associated with the improvements in accordance with Ohio Constitution Article I, Section 19, and Ohio Revised Code Section 719.01, and that a public necessity exists as set forth in the recitals to this Resolution which requires the immediate use of the property interest in Exhibit A hereto for the Project.

Section 3. That the Law Director be, and is, hereby directed to proceed with filing an appropriation action in Cuyahoga County Probate Court to acquire the property interest as described above.

Section 4. That the Finance Director be, and is, hereby authorized to issue a monetary warrant in the amount of the Fair Market Value Estimate listed above, made payable to the Cuyahoga County Probate Court, said warrant to be deposited with the Probate Court at the time of filing the petitions to appropriate.

Section 5. That the City is hereby further authorized to acquire the property interest described above and in Exhibit A by either appropriation or direct purchase, and the Mayor is hereby authorized to execute all necessary documents in the acquisition of said property interest in a form as approved by the Director of Law.

Section 6. That it is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an

open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including the Charter and Ordinances of the City.

Section 7. The necessity for the immediate effectiveness of this Resolution is established because federal and state funds are being utilized for right-of-way acquisition on the Project and the City must progress on schedule for the Project in order to maintain project funding deadlines. Therefore, this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason it is necessary to obtain immediate possession of the easements set forth in Exhibit A hereto to proceed with the Project without delay as set forth herein; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted

Approved this ____ day of _____, 2026.

DAVID E. WEISS, Mayor

Attest:

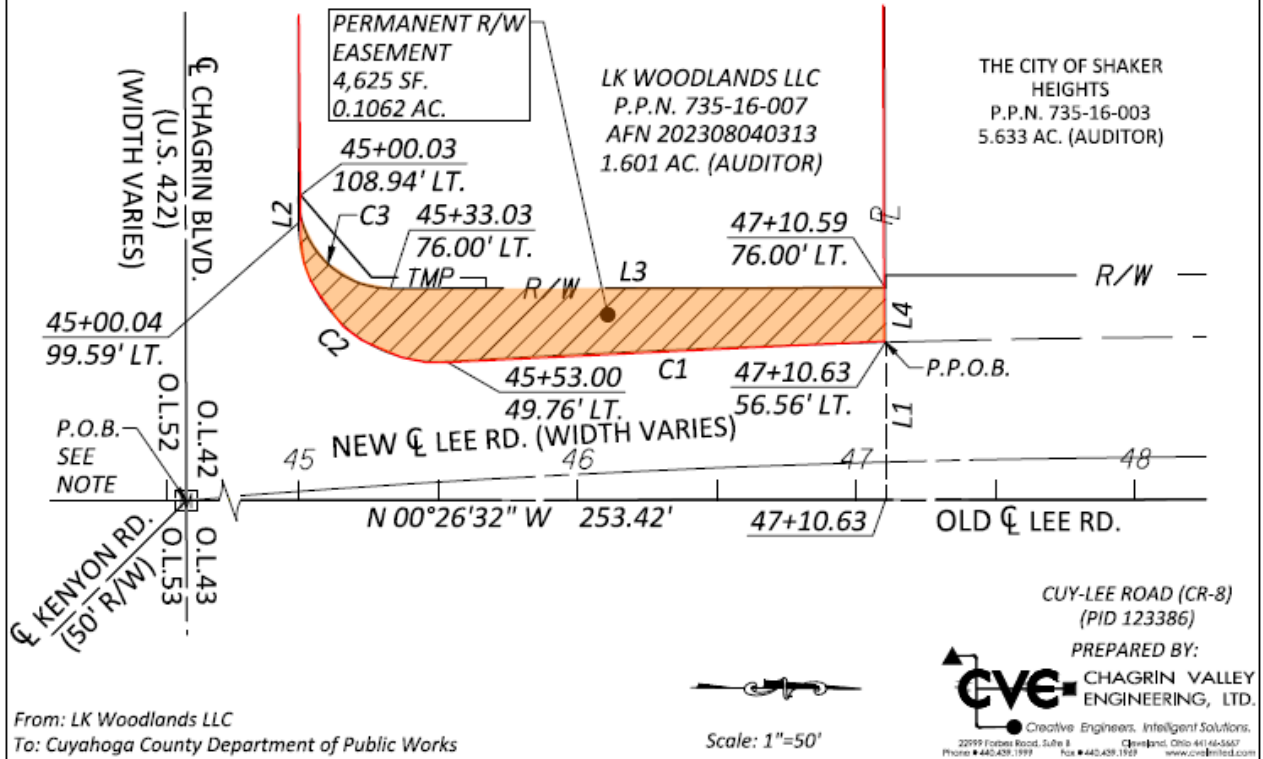
MATTHEW P. CARROLL
Clerk of Council

EXHIBIT A

NOTE: P.O.B. IS A
5/8" IRON PIN IN A
MONUMENT BOX
AT STATION
44+57.21

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EXHIBIT 'A'
PERMANENT R/W EASEMENT
16333 CHAGRIN BOULEVARD
CITY OF SHAKER HEIGHTS, COUNTY OF CUYAHOGA, OHIO



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