

Resolution No. _____, Passed _____, 20____

RESOLUTION NO. 53-14

A Resolution to appropriate fee simple title to the hereinafter described real property for the purpose of highway improvements, and declaring an emergency.

WHEREAS, this City Council, via Resolution 42-14, declared the necessity and intention of appropriating fee simple title in certain real property parcels for the purpose of facilitating its East High Truck Route Project (ODOT Project WAY – East High), including the property hereinafter described; and

WHEREAS, notice of the adoption of such resolution has been served upon the owner, Beazer East, Inc., whose property has the respective legal description attached hereto and incorporated herein as Appendix A.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Orrville, Ohio, two-thirds or more of the membership concurring:

Section 1: That the property interests in and to the parcels of real estate located at Orr Street, said property interests being more fully described in Appendix A, which is attached hereto and incorporated herein, are hereby appropriated for the public purpose of completion of the East High Truck Route Project (ODOT Project WAY – East High), which is a highway construction of 850 feet of new two-lane pavement to extend High Street from Mill Street to Orr Street and includes curb, storm sewers, sidewalk, and traffic signal improvements.

Section 2: The Council hereby fixes the value of the property interest described in Appendix A and owned by Beazer East, Inc. at Sixteen Thousand dollars (\$16,000), which sum shall be deposited with the Court of Common Pleas, Wayne County, Ohio, for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of Orrville, Ohio, shall take possession of and enter upon the property pursuant to law.

Section 3: The Council finds that the appropriation is necessary for the stated public purposes, that the City of Orrville has been unable to agree with the owners of said property parcels, and that the City of Orrville intends to obtain immediate possession of the property parcels described herein, which immediate possession is necessary for the stated public purposes.

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Section 4: The Director of Law is hereby directed to file a petition for appropriation in a court of competent jurisdiction, and to have a jury impaneled to assess the compensation to be paid for the real estate described above.

Section 5: This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

Section 6: This Resolution is hereby declared to be an emergency measure: 1) necessary to the immediate preservation of the public health, peace, safety and welfare of the City; 2) for the further reason that it is necessary to eliminate immediately existing hazards to vehicular and pedestrian traffic; and 3) for the further reason that time is of the essence in proceeding to appropriation in order that the project may go to bid on schedule, with commencement of the project to occur while the weather is favorable. Wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor provided it receives the affirmative vote of at least three-fourths of the members of Council. Otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 15th day of December 2014.

Attest:



President of Council



Clerk of Council

Approved:



Mayor

12/11/14

Date