

RESOLUTION NO. 156-2017

TITLE: APPROPRIATION OF 425 W. HOPOCAN AVE.

A RESOLUTION DECLARING THE CITY’S INTENT TO APPROPRIATE THE PARCELS OF REAL PROPERTY KNOWN AS 425 W. HOPOCAN AVENUE, PERMANENT PARCEL NUMBERS 01-05385 AND 01-11886, FOR THE PURPOSE OF CONSTRUCTING A PUBLIC IMPROVEMENT AND GOVERNMENTAL BUILDING DEDICATED TO THE OPERATION OF A BARBERTON MUNICIPAL COMPLEX TO INCLUDE ADMINISTRATIVE SERVICES, THE BARBERTON MUNICIPAL COURT, BARBERTON POLICE DEPARTMENT AND BARBERTON CITY JAIL, AND DECLARING AN EMERGENCY

WHEREAS, the City of Barberton has identified several issues and concerns with the availability of space and of continuing operation of the Barberton Municipal Court, Barberton Police Department, and Barberton City Jail at their current location in the Barberton City Building located at 576 W. Park Avenue; and

WHEREAS, the Barberton Municipal Court commissioned a report from GPD Group regarding the possibility of moving the operations of the Barberton Municipal Court, Barberton Police Department, and Barberton City Jail to a separate location; and

WHEREAS, GPD Group provided the City of Barberton with a Needs Assessment Report (originally issued May 30, 2013 and updated June 7, 2017) identifying the desirability and necessity of constructing and operating a separate governmental building (hereinafter referred to as the “Barberton Justice Center”) for the efficient operation of the Barberton Municipal Court, Barberton Police Department, and Barberton City Jail; and

WHEREAS, the City of Barberton has deemed it necessary and advisable for the public health, safety, and general welfare of the City to construct and operate the Barberton Justice Center; and

WHEREAS, the Needs Assessment Report (as revised June 7, 2017) indicated the desirable location for the Barberton Justice Center to be property located along West Hopocan Avenue as bounded on the west by Newell Street, on the north by Irish Lane, and on the southeast by Wooster Road North; and

WHEREAS, the City of Barberton has identified parcels of real property commonly known as 425 W. Hopocan Avenue in the City of Barberton, Summit County Permanent Parcel Nos. 01-05385 and 01-11886 (the “Property”), as being necessary for the purpose of constructing and operating the Barberton Justice Center; and

WHEREAS, it is necessary and advisable for the public health, safety, and general welfare of the City of Barberton to acquire the Property for said construction and operation of the Barberton Justice Center.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Barberton, County of Summit, State of Ohio, that:

SECTION 1. It is deemed necessary and it is hereby declared to be the intent of the City of Barberton to appropriate the fee simple interest in the real property commonly known as 425 W. Hopocan Avenue, Barberton, Ohio, Summit County Permanent Parcel Numbers 01-05385 and 01-11886, and more specifically described in the legal description attached here as “Exhibit A” and fully incorporated herein by reference (the “Property”), for the purpose of constructing and operating a government building dedicated to the operations of the Barberton Municipal Court, Barberton Police Department, and Barberton City Jail (hereinafter the “Barberton Justice Center”).

SECTION 2. The Mayor be and hereby is authorized and directed to cause written notice of the Passage of this Resolution, in accordance with Section 719.05 of the Ohio Revised Code, to be given to each owner of the Property. Said notice shall be served by personal service or by certified mail with return of said service in the manner prescribed by law.

SECTION 3. 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 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 Section 121.22 of the Ohio Revised Code.

SECTION 4. 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 that it is immediately necessary in order for the appropriation process to commence at the earliest possible time that the public improvement contemplated herein can be constructed on the Property at the earliest possible time; 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.

Passed _____ 2017

Clerk of Council

President of Council

Approved _____ 2017

Mayor

EXHIBIT A

Legal Description of the Property

Situated in the City of Barberton, County of Summit, and State of Ohio:

And known as being a part of Original Lot 59, formerly in Norton Township, and known as being all of Lots 35 and 36 of the Van Hyning Allotment, together with that part of the vacated street south thereof, as recorded in Plat Book 5, page 63 of the Summit County Records, and further bounded and described as follows:

Beginning at an iron pin set at the intersection of the northerly right-of-way line of Hopocan Ave. (60 ft. r/w) and the northwesterly right-of-way line of Wooster Road (60 ft. r/w); thence North 88 deg. 22' 12" West 224.80 ft. along the northerly line of Hopocan Ave. to an iron pin set at the southwest corner of Lot 35 of the said Van Hyning Allotment; thence North 01 deg. 53' 00" East 218.42 ft. along the West side of Lot 35 to an iron pin found at the southerly line of Irish Alley (14 ft. r/w) of the Pfeiffer Allotment as recorded in Plat Book 6, page 29 of the Summit County Records, said iron pin is also the northeast corner of Lot 35; thence South 88 deg. 08' 30" East 149.74 ft. along the south line of Irish Alley to a point, an iron pin was found due South 0.44 ft. from this point; thence South 26 deg. 29' 22" East 215.35 ft. along the northeasterly side of Lot 36 of the Van Hyning Allotment to an iron pin found at the northerly line of Wooster Road; thence South 46 deg. 22' 23" west 39.04 ft. along the northerly line of Wooster Road to the place of beginning; containing 44.857 sq ft. of land or 1.8296 acres of land more or less, but subject to all legal highways or easements of record.

PN: 01-05385 PPN: 08-00059-01-014
01-11886 08-00059-01-015

Also known as 425 West Hopocan Ave, Barberton, Ohio 44203