

RESOLUTION NO. 181-2013

TITLE: NECESSITY AND INTENTION TO APPROPRIATE PROPERTY

A RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE CITY OF BARBERTON, TO APPROPRIATE CERTAIN INTERESTS IN REAL PROPERTY NECESSARY FOR CERTAIN IMPROVEMENTS TO THE 31ST STREET PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary for the City of Barberton to pass a resolution of necessity and cause delivery to the owners of the parcels in Section 1 herein and specifically set forth in Exhibit A herein; and

WHEREAS, this Council finds and determines that the acquisition of fee simple title and temporary construction easements is a proper public use associated with the improvement, as contemplated in Art. I, §19 of the Ohio Constitution;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. This Council considers it necessary and hereby declares its intention to appropriate, for the purpose of widening and improvements, including storm sewers on 31st Street, as set forth under Ohio Revised Code Section 719.04, the property described in the Appendix Parcels numbered: 31-T, 53-T which are on file with the Clerk of Council and incorporated as if fully rewritten herein.

SECTION 2. That these premises to be taken by the City of Barberton are more fully described in Appendix "A" along with legal descriptions attached hereto and incorporated as if fully rewritten.

SECTION 3. That the Mayor be, and she hereby is, authorized and directed to cause written notice of the passage of this resolution to be served on the herein described property owners and make return of said service of notice in the manner prescribed by law. The monies are authorized to be paid and deposited with the court upon filing in the Summit County Probate Court.

SECTION 4. The prior owner of the above described property may be eligible to repurchase this property pursuant to R.C. 163.211 if the property is not used for the purposes described herein.

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, and for the reason that the funds are needed as soon as possible in order to proceed with this project in a timely manner, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor