

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 08-217

INTRODUCED BY: Mayor Stefanik

AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST IN REAL PROPERTY FOR A ROADWAY ON PERMANENT PARCEL NUMBER 483-28-003 VIA QUICK-TAKE PROCEDURE, AND DECLARING AN EMERGENCY

- WHEREAS: Article I, Section 19 of the Ohio Constitution and R.C. 719.01 provides authority for a municipality to appropriate property for the purpose of “making or repairing roads open to the public without charge”; and
- WHEREAS: The City is expanding its recreational baseball park system and pursuant to Ordinance 08-94 acquired certain property located at 14875 York Road, North Royalton, Ohio PPN 483-28-006 for recreational purposes; and
- WHEREAS: The City has found it necessary to acquire a roadway access to the leased property located at 483-28-006 and has determined it necessary to acquire certain real property, a vacant lot located on Akins Road, PPN 483-28-003 to provide such roadway access; and
- WHEREAS: North Royalton City Council finds that the City, by and through its agents, has appraised the property, negotiated or attempted to negotiate with the owner(s) and has been unable to agree with the owner(s) of the property for the purchase of said property; and
- WHEREAS: Council finds it is necessary for the City to appropriate the real property, described in Exhibit A attached hereto and located on Akins Road, PPN 483-28-003, presently owned by Herbert & Martha Jamison by quick-take procedure in order to purchase the property for the necessary roadway access to the City park in the City of North Royalton in accordance with the United States Constitution, the Ohio Constitution and R.C. Chapter 163 and 719; and
- WHEREAS: This appropriation of the real property, a vacant lot on Akins Road, PPN 483-28-003 is necessary in order to establish the public roadway.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO THAT:

Section 1. It is determined that the roadway be established and constructed and maintained on the entire parcel of real estate known as Permanent Parcel Number 483-28-003 presently owned by Herbert & Martha Jamison and as more fully described in Exhibit A attached hereto and incorporated herein by reference, is hereby appropriated for the municipal purpose of public roadway access to the City baseball park as described above and in Exhibit A attached hereto pursuant to the Constitution and the Laws of the State of Ohio.

Section 2. The Council finds that the appropriation is necessary for the stated public purposes listed above in the preamble and Section 1, which are incorporated herein by reference, that the City has made attempts to negotiate the purchase of the easement interests described above from the owner and has been unable to agree with the owner of the property, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the public purposes stated above.

Section 3. The Council hereby fixes the value of the fair market value of the property appropriated from Permanent Parcel Number 483-28-003 to be \$49,000.00 which sum shall be deposited with the Court of Common Pleas for Cuyahoga County, Ohio. The Court of Common Pleas shall be requested to permit only such use of the funds as shall benefit the owners of the property appropriated as permitted by law with the request that any unused portion of the fair market value be reimbursed to the City of North Royalton. Upon such deposit, the City of North Royalton shall take possession of and enter and remain upon the property pursuant to law.

Section 4. The City Law Director is directed to continue to negotiate for and on behalf of the City with the owners of the real property. The Law Director is further directed to file a Complaint for Appropriation in a Court of competent jurisdiction, to have a jury empanelled to assess the compensation to be paid for the real estate described above in compliance with R.C. Chapter 163.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to quickly pursue obtaining this property to pursue this project in a timely fashion.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: November 18, 2008

DATE APPROVED: November 19, 2008

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading November 18, 2008

YEAS: Gentile, Nickell, Petrusky, Willey,
McKee, Antoskiewicz, Kasaris

NAYS: none