

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-137

INTRODUCED BY: Mayor Stefanik, Marnecheck

AN ORDINANCE APPROPRIATING FEE SIMPLE INTERESTS IN REAL PROPERTY FOR IMPROVEMENTS TO CITY STORMWATER SYSTEM, PERMANENT PARCEL NUMBERS 481-12-001, 481-12-002 AND 481-09-025, 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 public purpose of maintaining and improving the City stormwater system; and

WHEREAS: The City is working to improve the stormwater system in the northwest section of the City of North Royalton by constructing a regional retention basin; and

WHEREAS: The City Engineer has worked to identify all property which the City finds necessary to acquire for this stormwater system improvement; and

WHEREAS: The Council of the City of North Royalton 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 real property; and

WHEREAS: Council finds it is necessary for the City to appropriate fee simple title in the real property described below and in the Exhibits attached hereto being permanent parcel numbers 481-12-001, 481-12-002 and 481-09-025 presently owned by Gregory N. Pappas in order to improve, construct and maintain a regional retention basin and stormwater system on the real property at or near York Road 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 above described parcels is necessary in order to improve and maintain the City's stormwater system.

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

Section 1. The fee simple interest in the parcels of real estate known as permanent parcel numbers 481-12-001, 481-12-002 and 481-09-025 presently owned by Gregory N. Pappas and as more fully described in Exhibit A attached hereto and incorporated herein by reference, is/are hereby appropriated for the municipal purpose of improving and maintaining the City stormwater system including construction of a regional retention basin at the parcels described above and in the exhibits 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 fee simple interest described above from the owner and has been unable to agree with the owner of the property, and that the City intends to obtain possession of the property, which possession is necessary for the public purposes stated above.

Section 3. The Council hereby fixes the fair market value of the property appropriated, being permanent parcels number 481-12-001, 481-12-002 and 481-09-025, at \$94,500.00 in consideration of the fee simple interests therein amounting to approximately seven (7) acres as more fully described in Exhibit A attached hereto, 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 owner 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.

Section 4. The City Law Director is directed to file a Complaint for Appropriation in a Court of competent jurisdiction and to have a jury empanelled to assess the compensation to be paid for the real estate described above.

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 fee simple interest as a requirement of the City of North Royalton 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/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: August 14, 2012

DATE APPROVED: August 15, 2012

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

First reading suspended
Second reading suspended
Third reading August 14, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey
Marnecheck, Muller, Kasaris

NAYS: none