

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-188

INTRODUCED BY: Mayor Stefanik, Kasaris

AN ORDINANCE AUTHORIZING THE LAW DIRECTOR OF THE CITY OF NORTH ROYALTON TO ENGAGE ATTORNEY JOHN J. URBAN AS SPECIAL COUNSEL IN THE MATTER OF NORTH ROYALTON VS. GREGORY PAPPAS, CUYAHOGA COUNTY PROBATE COURT, CASE NO. 2012ADV181574, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton has filed suit against Gregory Pappas to secure certain real property by appropriation proceedings; and

WHEREAS: Counsel for Mr. Pappas has filed notice of Mr. Pappas' passing; and

WHEREAS: The suit cannot proceed unless and until a fiduciary is appointed and substituted for the decedent; and

WHEREAS: The decedent's heirs have not as yet determined to pursue a substitution for the real estate at issue; and

WHEREAS: Further delay in this matter is not in the best interest of the community; and

WHEREAS: Special counsel is needed to file for the appointment of a fiduciary to allow for substitution and to permit the lawsuit to proceed; and

WHEREAS: The Law Director has recommended the engagement of attorney John J. Urban as special counsel in accordance with the terms of the proposal; and

WHEREAS: Council desires to authorize this engagement.

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 Law Director of the City of North Royalton is hereby authorized to engage attorney John J. Urban as special counsel in the matter of North Royalton vs. Gregory Pappas, Cuyahoga County Probate Court, Case No. 2012ADV181574, pursuant to terms and conditions approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

Section 2. 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 3. 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 authorize the Law Director of the City of North Royalton to engage attorney John J. Urban as special counsel in the matter of North Royalton vs. Gregory Pappas, Cuyahoga County Probate Court, Case No. 2012ADV181574.

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: December 18, 2012

DATE APPROVED: December 19, 2012

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

First reading suspended
Second reading suspended
Third reading December 18, 2012

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

NAYS: none