

ORDINANCE NO. 2000-60

**AUTHORIZING SETTLEMENT OF APPROPRIATION ACTIONS
WITH BROOKSTONE HOMEOWNERS ASSOCIATION AND
DECLARING AN EMERGENCY**

WHEREAS, by Resolution No. 99-16, the Council of the City of Mason, Ohio declared the necessity and intention to appropriate seven parcels of property for the Tylersville Road Widening Project and by Ordinance Nos. 99-194 and 99-195, adopted November 22, 1999, appropriated the property of Brookstone Homeowners Association; and

WHEREAS, pursuant to that resolution and those ordinances, on November 24, 1999, the Law Director filed two appropriation actions on behalf of the City of Mason, Ohio against the Brookstone Homeowners Association in the Court of Common Pleas, Warren County, Ohio under Case Nos. 99CV56639 and 99CV56640; and

WHEREAS, staff of the City of Mason, Ohio, has obtained additional information as to the values of the improvements appropriated under these two actions, specifically two stone walls and miscellaneous landscape improvements, and now recommends settlement of these actions on the terms set forth in this ordinance; and

WHEREAS, both the Ohio Department of Transportation and the Brookstone Homeowners Association's Board of Trustees at its May 2, 2000 meeting have authorized settlement on the terms set forth in this ordinance.


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, **seven (7)** members elected thereto concurring:

Section 1. The Law Director is hereby authorized to settle with the Brookstone Homeowners Association for \$18,423.33 for Case No. 99CV56639 and \$18,423.33 for Case No. 99CV56640, for a total of \$36,846.66 and is further authorized to obtain additional warrants from the Ohio Department of Transportation to deposit with the Clerk of Courts to be disbursed to the Brookstone Homeowners Association pursuant to the Order of the Court.


Section 2. That the Law Director for the City of Mason is hereby authorized and directed to execute and file any and all documents necessary to effectuate the dismissal of the above-captioned lawsuits.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to settle these matters at the earliest possible date.

Passed this 8th day of May, 2000.

Mayor 

Attest:


Clerk of Council