

ORDINANCE NO. 2001-86

**REPEALING ORDINANCE NO. 2001- 57 AND AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (DAPP)**

WHEREAS, the Council of the City of Mason finds that it is necessary to appropriate the property described on Exhibit "A", attached hereto and incorporated herein by reference, to widen Mason-Montgomery Road; and

WHEREAS, the City has been unable to agree with the owners of the property mentioned herein as to the value of said take; and

WHEREAS, Resolution No. 2001-5 has been adopted declaring the necessity and intention to appropriate such property; and

WHEREAS, the Counsel of the City of Mason wishes to affirm that notice of the adoption of said Resolution has been given according to law; and

WHEREAS, a public exigency exists imperatively requiring its immediate seizure to allow the widening of Mason-Montgomery Road for public safety purposes, said road being open to the public, without charge; and

WHEREAS, this involves land and structures; and

WHEREAS, the Council of the City of Mason has determined that the value of the property appropriated, together with damages to the residue, is as set out in Exhibit "B", attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That Ordinance No. 2001- 57, passed April 9, 2001, is hereby repealed.

Section 2. That the City Law Director be and he is hereby authorized and directed to file a petition for appropriation in a Court of competent jurisdiction, to have a jury impaneled, to make inquiry into and assess the compensation to be paid for the real estate described in Exhibit "A" for the Mason-Montgomery Road Widening Project.

Section 3. That appropriation of said property is pursuant to Ohio Revised Code §§163.06, 719.05 and Ohio Constitution Art. I §19.

Section 4. That title to the property described in Exhibit "A" needs to be taken by the City of Mason for supplying safe roadway to its citizens and inhabitants as a public exigency, imperatively requiring its immediate seizure for providing safe and adequate roadway for a portion of the City.

Section 5. That the Council of the City of Mason hereby affixes the value of such property, together with the damages, if any, to the residue, as set out in the attached Exhibit "B".

Section 6. That said amount of dollars be deposited with the Court of Common Pleas, Warren County, Ohio, for the use and benefit of the owners of the property appropriated and upon such deposit with said court, the City of Mason shall take possession of and enter upon such property pursuant to and in accordance with the Charter of the City of Mason and the Constitution and laws of the State of Ohio.

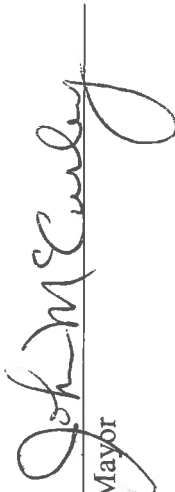
Section 7. That the Council of the City of Mason, Ohio, finds that the appropriation of property herein is necessary for supplying safe roadway for itself and its inhabitants, that the City has been unable to agree with the owners of the property mentioned herein as to the value of said take, together with the damages, if any, to the residue, and that the City wishes to take possession of and enter upon the property described in Exhibit "A", which immediate possession is necessary to meet the needs of the City.

Section 8. 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 acquire the property immediately to allow the City and its contractors to enter on the property to construct the roadway.

Passed this 14<sup>th</sup> day of May, 2001.

Attest:

  
Clerk of Council

  
Mayor

5/14/2001