

ORDINANCE NO. 2001-89

REPEALING ORDINANCE NO. 2001- 70 AND AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT AND CONSTRUCTION OF SANITARY SEWERS, DETERMINING PUBLIC EXIGENCY AND DECLARING AN EMERGENCY (RICHARDSON)

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

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

WHEREAS, Resolution No. 2001-11 has been adopted declaring the necessity and intention to appropriate such property, and notice of the adoption of said Resolution has been given according to law; and

WHEREAS, by Ordinance 2001- 70, adopted April 23, 2001, the Council of the City of Mason declared its intention to appropriate such property and take immediate possession thereof, and

WHEREAS, the Council of the City of Mason wishes to clarify its intention to take immediate possession of only that portion of the property necessary for the Mason-Montgomery Road Widening Project, and

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

WHEREAS, this is land only and there are no structures involved; 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 "C", 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 That Ordinance No. 2001- 70 is hereby repealed.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, and to provide for the immediate seizure of, the real estate described in Exhibit "A" for the Mason-Montgomery Road Widening Project.

Section 3. 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 "B" for the purpose of constructing sanitary sewers.

Section 4. That appropriation of said property is pursuant to Ohio Revised Code Chapter 163, §§719.01, 719.05 and Ohio Constitution Art. I §19.

Section 5. 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, 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 6. 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 "C".

Section 7. That the value of Exhibit "A," \$12,330.00, and the value of Exhibit "B," \$2770.00, shall 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 the land described in Exhibit "A" 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 8. That the Council of the City of Mason, Ohio, finds that the appropriation of property described in Exhibit "B" herein is necessary for the construction of sanitary sewers, 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 intends to obtain possession of the property described in Exhibit "B", which possession is necessary to meet the needs of the City.

Section 9. 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 immediately file the petitions for appropriation and to immediately acquire the property described on Exhibit "A" to allow the City and its contractors to enter on the property to construct the roadway.

Passed this 14th day of May, 2001.

Attest:


Clerk of Council


Mayor