

RESOLUTION NO. 2010 - 27

**DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE U.S. 42 (READING ROAD) IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (DAVID FAMILY LTD. PARTNERSHIP – BIG TOP PROPERTY)**

WHEREAS, the Council of the City of Mason, Ohio has determined the necessity for the improvement of U.S. 42 (Reading Road); and

WHEREAS, Council has determined that it is necessary to acquire certain rights-of-way and easements in order to make the improvements identified as the U.S. 42 (Reading Road) Improvement Project; and

WHEREAS, the property which is being appropriated shall be used for the purpose of improving U.S. 42 (Reading Road), such road being open to the public, without charge, and the property interest shall be appropriated under the procedure of Ohio Rev. Code §163.06(B) and Ohio Constitution Art. I §19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, Ohio, seven members thereto concurring:

Section 1. That it is the intent of the City of Mason to appropriate for public use the real property, listed and identified on Exhibit A and incorporated herein by reference, appropriating such interests and various easements described, which are necessary in the public interest to accomplish the construction of the U.S. 42 (Reading Road) Improvement Project.

Section 2. That the purpose of said taking of interests in the real estate described hereinabove is for the public use, to wit: construction of a road which will be open to the public without charge.


Section 3. That the City Manager is hereby authorized and directed to cause a written notice of the adoption of this Resolution to be given to the owners, persons in possession, or persons having an interest of record in the above-described premises. Said notice shall be served according to law by persons so designated and such persons shall make return of service in a manner provided by law.

Section 4. That the taking of the interest in the real estate described above shall be according to the procedure of Ohio Rev. Code §163.06(B), commonly known as the “quick take” procedure, as authorized by Ohio Constitution Art. I §19. Pursuant to such procedure, if the City is unable to reach an agreement to purchase the property prior to the passage of an ordinance to appropriate, the City shall take immediate possession of the property described above at the time of filing a complaint for appropriation and deposit of the value of property appropriated, as determined by the City. The City shall take possession of any and all structures at the earliest date provided by law.

Section 5. That at any time subsequent to the effective date of this Resolution and prior to the passage of an ordinance to appropriate, the City Manager is hereby authorized to acquire by purchase the real property interests herein described in this Resolution.

Section 6. That this Resolution is hereby declared to be an emergency measure necessary to provide 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 and begin construction of the road at the earliest possible date.

Passed this 1<sup>st</sup> day of November, 2010.

  
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Mayor

Attest:

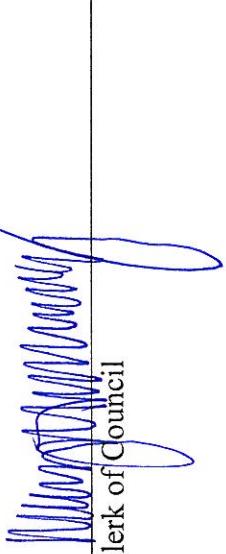
  
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Clerk of Council

Exhibit "A"

The legal descriptions and legal interest to be acquired on each parcel are attached and made a part of this Resolution of Intent. Explanation of the Type of Interest being acquired is as follows:

- 54-SH1 and SH2: Standard highway easements
- 54-DU1 and DU2: Permanent drainage and utility easements
- 54-T1 and T2: Temporary construction and grading easements