

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. 23 - 2010 2012

7  
8 AN ORDINANCE AUTHORIZING AND DIRECTING THE  
9 APPROPRIATION OF CERTAIN INTERESTS IN REAL  
10 PROPERTY ABUTTING THE INTERSECTION OF STATE  
11 ROAD AT BATH ROAD, NECESSARY FOR THE  
12 IMPROVEMENT OF STATE ROAD, AND DECLARING AN  
13 EMERGENCY.

14  
15 WHEREAS, on January 23, 2012, this Council adopted Resolution No. 4-2012,  
16 declaring the intention of the City to appropriate certain interests in real property  
17 necessary for the improvement of State Road between Graham Road and Steels Corners  
18 Road, and caused notice thereof to be served on the owners thereof as required by law, and  
19

20 WHEREAS, despite diligent efforts, the City and property owners have been unable to  
21 agree to the terms by which the necessary land will be transferred to the City, and  
22

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
24 County of Summit and State of Ohio, that:  
25

26 Section 1. This Council authorizes and directs the appropriation of certain interests in  
27 real property necessary for the improvement of State Road at the intersection of Bath Road  
28 as more fully described in the exhibits numbered A(013-T) and A(014-WD), which are on  
29 file with the Clerk of Council in Council File No. \_\_\_\_\_ and incorporated as if fully  
30 rewritten herein.  
31

32 Section 2. The Director of Law is hereby authorized to file any necessary civil actions in  
33 the Summit County Probate Court, or any other court of competent jurisdiction, to provide  
34 for the appropriation of the real property interests mentioned in Section 1 hereof by  
35 eminent domain and the assessment of the compensation to be paid for the interests  
36 hereby appropriated.  
37

38 Section 3. The Director of Finance is hereby authorized to deposit with the Court the  
39 amount of the appraised value of each of the real property interests mentioned in Section 1  
40 hereof, as set forth on Exhibit "C" hereto, which is on file with the Clerk of Council and  
41 incorporated as if fully rewritten herein, to permit the immediate appropriation of the  
42 property. The Director of Finance is hereby authorized to make payment for the same out  
43 of the Capital Projects Fund, line item Capital Outlay.  
44

45 Section 4. Any other ordinances and resolutions or portions of ordinances and  
46 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions  
47 or portions of ordinances and resolutions not inconsistent herewith and which have not  
48 previously been repealed are hereby ratified and confirmed.  
49

50 Section 5. It is found and determined that all formal actions of this Council concerning  
51 and relating to the adoption of this resolution were adopted in an open meeting of this  
52 Council and that all deliberations of this Council and of any of its committees that resulted  
53 in such formal action were in meetings open to the public, in compliance with all legal  
54 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76

Section 6. This resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it received the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: 2-27-12

Mark Shary  
President of Council

Cathleen J. Meacham  
Clerk of Council

Approved: 2/28/12

Robert  
Mayor

2/13/12  
O:\2012ords\appropriation ordinance-State Road