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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 6 - 2007

7 AN ORDINANCE APPROPRIATING CERTAIN INTERESTS IN
8 REAL AND PERSONAL PROPERTY CONSISTING OF PORTIONS
9 OF THE LOTS OF PROPERTIES ABUTTING CHART ROAD
10 BETWEEN STATE ROAD AND KEYSER PARKWAY, AND
11 DECLARING AN EMERGENCY

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13 WHEREAS, it is found by this Council that the improvement and widening of Chart Road
14 from State Road to Keyser Parkway is necessary for the public good to provide an improved
15 means of travel on Chart Road, and

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17 WHEREAS, it is necessary to acquire certain privately owned property for the purposes of
18 improving Chart Road, and

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

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23 WHEREAS, on November 27, 2006, this Council approved Resolution 18-2006, declaring the
24 intent of the City to appropriate the necessary property and caused notice thereof to be served as
25 required by law;

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27 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
28 of Summit and State of Ohio:

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30 Section 1. That Council finds that the appropriation is necessary for a public purpose,
31 specifically the improving and widening of Chart Road between State Road and Keyser Parkway
32 and further finds that the City has been unable to agree with the owners of the property and that
33 the City intends to obtain immediate possession of the property interests more fully described in
34 Exhibit A attached hereto and owned by the people listed in said Exhibit A, which immediate
35 possession is necessary for the stated public purposes.

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37 Section 2. That the interests in the property as described in Exhibit A attached hereto are
38 hereby appropriated pursuant to the Constitution and the laws of the State of Ohio and the
39 Charter and ordinances of the City of Cuyahoga Falls for public purposes, specifically, the
40 improving and widening of Chart Road from State Road to Keyser Parkway.

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42 Section 3. That Council hereby fixes the value of the interests appropriated herein in the
43 amounts shown on Exhibit B attached hereto, which sums shall be deposited with the Court of
44 Common Pleas of Summit County, Ohio, for the use and benefit of the owners of the property
45 appropriated. Upon such deposit the City shall take possession of and enter upon the properties
46 as provided by law.

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48 Section 4. That the Director of Law is hereby authorized to cause a petition or petitions to
49 be filed for appropriation in a court of competent jurisdiction to assess the compensation to be
50 paid for the interests of the property as described in Exhibit A attached hereto.

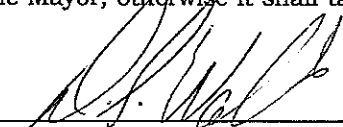
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52 Section 5. That any other ordinances or resolutions or portions of ordinances and
53 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and
54 resolutions not inconsistent herewith and which have not previously been repealed are hereby
55 ratified and confirmed.

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57 Section 6. That it is found and determined that all formal actions of this Council concerning
58 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
59 and that all deliberations of this Council and of any of its committees that resulted in such formal
60 action were in meetings open to the public, in compliance with all legal requirements including
61 Chapter 107 of the Codified Ordinances.

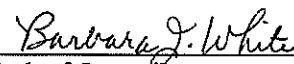
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Section 7. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives 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: 1/16-07

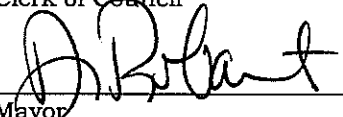


President of Council



Clerk of Council

Approved: 1/17/07



Mayor

12/28/06
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