

RESOLUTION NO.: 2008-R72 (Amended December 9, 2008)
SPONSOR: MAYOR NORTON
INTRODUCED: NOVEMBER 25, 2008 **ASSIGNED TO:** PLANNING

A RESOLUTION AUTHORIZING THE INSTITUTION OF APPROPRIATION PROCEEDINGS AGAINST THE OWNERS OF REAL PROPERTY LOCATED ON MASSILLON ROAD FOR THE MASSILLON ROAD RECONSTRUCTION (SOUTH) PROJECT ("PROJECT"), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Green has undertaken a plan to widen and improve Massillon Road south of Graybill Road; and

WHEREAS, the Project will commence in 2009; and

WHEREAS, as part of the Project, the City has undertaken efforts to acquire property, both permanently and temporarily, from numerous property owners in order to properly complete the Project; and

WHEREAS, the City of Green has been unable to reach an agreement with the owners of parcels of property necessary for the projects, specifically identified in **AMENDED** Exhibit "A" for the purchase and/or use of the portion of their property necessary for the commencement and completion of the Project; and

WHEREAS, it is critically important that the City of Green obtain possession of the property immediately so there are no delays in the commencement and completion of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Green City Council authorizes the Law Director to take all legal actions necessary, including filing a lawsuit, to appropriate and obtain possession of the necessary portions of real property owned by the property owners identified in **AMENDED** Exhibit "A" to insure that the Project is started and completed as scheduled.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths 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 time allowed by law.

ADOPTED: Dec. 9, 2008

Molly Stevens
Molly Stevens, Clerk

Christine Croce
Christine Croce, Council
President

APPROVED: Dec. 9, 2008

Richard G. Norton
Richard G. Norton, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIND MAY PLAN FIRE

ENACTED EFFECTIVE: Dec. 9, 2008

ON ROLL CALL: Colopy -yea Croce -yea France -yea Manwaring -yea Reed -yea Ridgeway -yea Smole -yea Adopted 7-0

Suburbanite publication on Dec. 14 and Dec. 21, 2008

Molly Stevens
Molly Stevens, Clerk

12/2/2008 9:06 AM Approved as to form and content by Stephen J. Pruneski, Law Director SP 12/2/08

AMENDED Exhibit "A"
Resolution 2008-R72

Name	Address	Parcel #	Appraised Value of the Taking
Wells Fargo Bank, NA as Trustee for ABFE Abon Russett Certificate Series 2004- OPT1	4235 Massillon Road	28-07278	\$4,100.00
Samuel Buzek Paul Buzek	4209 Massillon Road	28-00918 28-00919	\$3,150.00
Mark Buzek	4235 Massillon Road	28-04136 28-04135	\$3,275.00
Avon Park of Summit County, LLC	4199 Massillon Road	28-01131 28-01130	\$94,825.00