

ORDINANCE NO. 24-2003

**AN ORDINANCE APPROPRIATING THE FEE SIMPLE TITLE TO THE CITY OF SYLVANIA IN AND TO CERTAIN REAL ESTATE FOR THE ESTABLISHMENT OF A PARK, PARK GROUNDS AND A PARKWAY; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$400,000.00 FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.**

WHEREAS, on the 26<sup>th</sup> day of March, 2003, Council of the City of Sylvania, Ohio, adopted Resolution No. 10-2003, declaring the necessity and intent to appropriate the land hereinafter described, notice of the adoption of such Resolution having been served on the owner of, or person having an interest of record in said premises; and,

WHEREAS, it is immediately necessary to appropriate the fee simple interest in and to the hereinafter described parcel of real estate necessary to be acquired for the establishment of a park, park grounds and a parkway which is necessary for the immediate preservation of the public peace, property, health and safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, 7 members elected thereto concurring:

SECTION 1. That a fee simple title, in and to the following described parcel of real estate be, and the same hereby is, appropriated for the public purpose for the establishment of a park, park grounds and a parkway, pursuant to and in accordance with Resolution No. 10-2003 of the City of Sylvania, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the Revised Code of Ohio, to-wit:

All that part of the Northwest quarter (1/4) of the Southwest quarter (1/4) of Section ten (10), Town nine (9) South, Range six (6) East, in Sylvania Village (Now City of Sylvania), Lucas County, Ohio, bounded and described as follows:

Beginning at a monument marking the intersection of the East and West center line of said Section ten (10) with the center line of the Holland-Sylvania Road, also known as Main Street in said Village; thence East along the East and West center line of said section, a distance of seven hundred four (704) feet; thence South at right angles to said East and West center line to the point of intersection with the North line of Lot one (1) Rothfuss Subdivision extended Easterly; thence Southwesterly along said extended line and along the North line of said Lot one (1) in said Subdivision to the center of the Holland-Sylvania Road or Main Street, thence Northwesterly along the center line of the

Holland-Sylvania Road or Main Street to the place of beginning, subject to legal highways.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby fixes the value of said fee simple interest at Four Hundred Thousand Dollars (\$400,000.00) and establishes said amount as being the total amount to be paid as full and fair compensation for the acquisition of said interest in said property.

SECTION 3. That the amount of Four Hundred Thousand Dollars (\$400,000.00), being the amount set forth in Section 2, herein, be deposited with the Court of Common Pleas of Lucas County, Ohio, for the use and benefit of the owner of the property appropriated, and upon such deposit with said Court, the City of Sylvania shall take possession of and enter upon such property pursuant to and in accordance with Resolution No. 10-2003, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the Revised Code of Ohio.

SECTION 4. That the Council of the City of Sylvania, Ohio, finds that the appropriation of property made herein is necessary for the said public purposes; that the City has been unable to agree with an owner of the property appropriated herein, and that the City intends to obtain immediate possession of the above-described property, which immediate possession is necessary for said public purposes.

SECTION 5. That James R. Hoffman, Bishop of Toledo in his representative capacity and/or the Most Reverend Robert W. Donnelly, Diocesan Administrator, Diocese of Toledo appears of record to be the owner of the property herein appropriated.

SECTION 6. That the Director of Law be, and he hereby is authorized and directed to file a complaint in a Court of competent jurisdiction, to have a jury impaneled and to make inquiry into and assess the compensation to be paid for the aforesaid.

SECTION 7. That, to provide funds for payment of \$400,000.00, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore transferred or appropriated, to **Account No. 401-7750-53101 - Land Purchases**, the sum of Four Hundred Thousand Dollars (\$400,000.00).

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

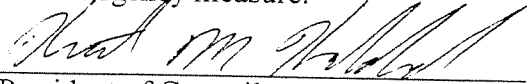
SECTION 9. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 10. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that it is immediately necessary to appropriate the fee simple title in

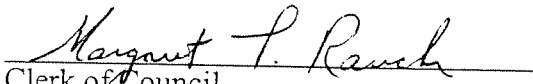
and to the property described herein. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:      Yeas   7        Nays   0  

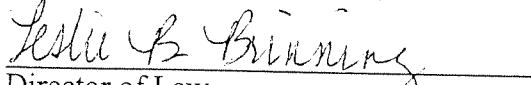
Passed,   March 26  , 2003, as an emergency measure.

  
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President of Council

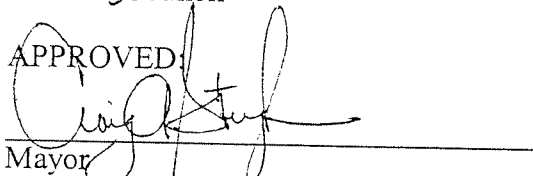
ATTEST:

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Director of Law

APPROVED:

  
\_\_\_\_\_  
Mayor

Date

  3/26/03  

I hereby certify that the foregoing  
is a true and exact copy of  
Ordinance/Resolution No.   24-2003    
duly passed by the Council of the  
City of Sylvania, Ohio, at its  
meeting on   3/26/03    
Clerk of Council   Margaret T. Rauch