

RESOLUTION NO. 77-79

A resolution declaring the intent to appropriate property for the widening of Whipple Avenue in the City of North Canton, and declaring it to be an emergency.

WHEREAS, the development of Whipple Avenue by widening it between Everhard Road, S.W. and Glenwood Street, S.W. is necessary and advisable for the public health and safety for the citizens of the City of North Canton, Ohio.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That it is deemed necessary and it is hereby declared to be the intention of this Council to appropriate the fee simple interest in and to the premises hereinafter described:

PARCEL 441-WD

Situated in the Township of Plain, County of Stark, State of Ohio and known as and being a part of the W half of Section 18, T-11N, R-8W, of the Ohio River Survey and a part of Outlot No. 4747, according to the present numbering of outlots in the City of North Canton; being a uniform strip of land 33 feet in width running in the northerly and southerly direction; lying along and parallel with the W line of this property and more particularly described as follows:

Beginning at an iron pin on the Jackson-Plain Township line, the section, range line and the centerline of Whipple Avenue (C-214), 52.78 feet south of the NW corner of the SW quarter of said Section 18, said pin also marking the NW corner of the tract of land now owned by Robert C., Judith A., John A. Hartzell, according to Deed Book 2355, page 38 of the County's Record of Deeds and the true place of beginning of the parcel herein described; thence continuing N 4°30'E with the west property line of this grantor, the township, section, range line and the centerline of Whipple Avenue for a distance of 179.2 feet to a point in the NW corner of this parcel and the SW corner of B. Zenallis lands (Deed Book 3349, page 65); thence S 85°15'E along the S line of said Zenallis lands and the N line of this parcel, a distance of about 33 feet to a point in the proposed easterly right-of-way line of said Whipple Avenue; thence S 4°30'W on said proposed street right-of-way line, a distance of about 179.2 feet to a point in the S line of this parcel, which is also the N line of the aforementioned Hartzell tract; thence N 85°15'W along the common property line between said Hartzell tract and this parcel, a distance of about 33 feet to the true place of beginning, containing 0.130 acres of land, more or less; 0.065 acre of which is presently occupied for road purposes in Plain Township and 0.065 acre of said land is hereby to be acquired for additional right-of-way, which is part of O.L. 4747 and further described on the attached exhibit, a copy of which has been attached hereto, and made part hereof by reference. Description of the above parcel is based on grantor's title recorded in Volume 1880, page 441. Mary C. Fosnaught, her heirs, successors, and assigns, retain the right of ingress and egress to Whipple Avenue.

Section 2. That it is deemed necessary and it is hereby declared to be the intention of this Council to appropriate a temporary easement during the time of construction in and to the premises hereinafter described:

PARCEL 441-T-3

Being a parcel of land situated in Stark County, Ohio, Plain Township, Section 18, Town 11N, Range 8W, and lying on the right side of centerline and described as follows:

At the South P.L. right of Station 377+91.37-55 feet from centerline

Right of Station	378+00-38	feet	from	centerline
" " "	379+22-38	"	"	"
" " "	379+30-54	"	"	"
" " "	379+50-54	"	"	"
" " "	379+55-42	"	"	"
" " "	379+71.23-42	ft.	from	centerline

It is understood the area of land described contains 1,472 sq. feet more or less.

Section 3. It is hereby declared that it is desirable in the public interest that the City take immediate possession of the property and any structures thereon and that the amount to be deposited with the Clerk of Court at the time of the filing of the complaint to secure the fee interest and right of entry under the provisions of Chapter 163 of the OHIO REVISED CODE is \$6,780.00 to be paid by a voucher drawn on the Department of Transportation, State of Ohio, and paid in the Court of Common Pleas at the time of the filing of the complaint for the appropriation.

Section 4. That the Mayor, be, and he is hereby authorized to cause written notice of the passage of this resolution to be given to the owners, persons in possession or having an interest of record in the above described premises, and said notice shall be served according to law by a person to be designated for that purpose by said Mayor, and to make return of said services of notice in the manner provided by law.

Section 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and peace of the City of North Canton, Ohio, and necessary for the expeditious and timely assemblage of right-of-way for a street widening project and shall take effect and be in force upon its adoption and approval by the Mayor.

North Canton, Ohio
Passed: May 29, 1979

Dennis Grady
MAYOR
SIGNED: *May 30*, 1978

ATTEST:
Marion J. Wilson
CLERK OF COUNCIL

Published in THE SUN by
THE STARK COUNTY SUN, INC.
DATES: *May 16, 1979*
Marion J. Wilson
CLERK OF COUNCIL

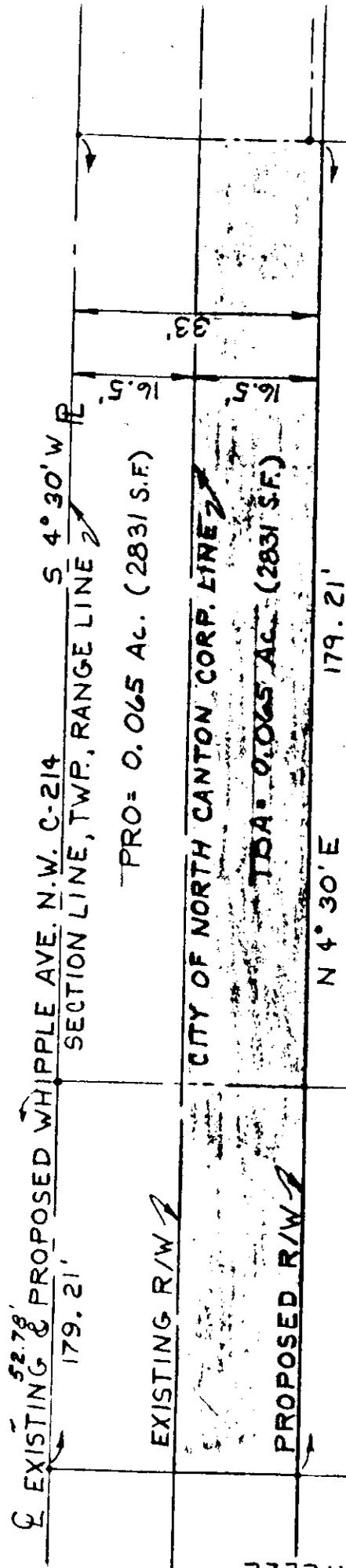
FINAL



R/W PLAT OF PARCEL No. (441) C-214
PROJECT: WHIPPLE AVE. N.W.
REC. IN VOL. 45 PG. 104

N.E. QTR. SEC. 13 JACKSON TWP.
(T-11, R-9) STARK COUNTY, OH.

SCALE: 1"=20'



TOTAL = 0.130 AC. (5662 S.F.)

MARY C. FOSNAUGHT (441)
VOLUME 1880 PAGE 441
2.00 AC.

N.W. QTR. SEC. 18 PLAIN TWP.
(T-11 R-B), STARK COUNTY, OH.

O.L. 4747

S.W. QTR. SEC. 18
PLAIN TWP.

BERT C. JUDITH A. JOHN A. HARTZELL (446) 0.L. 4746 2355: 38

BASILIA ZENALLIS (423) 3349: 65