

ORDINANCE NO. 83-79

An ordinance directing the appropriation of part of O.L. No. 4747 in the City of North Canton to proceed and directing the Office of the Stark County Prosecutor, per prior agreement, to make application to the Court of Common Pleas of Stark County, Ohio, and declaring it to be an emergency.

WHEREAS, on the 29th day of May, 1979, the Council of the City of North Canton adopted Resolution No. 77-79 declaring the necessity and intention of appropriation of land hereinafter described, notice of the adoption has been served on the owners, persons in possession and having an interest of record in said premises as provided by law.

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

Section 1. That the fee simple interest in and to the following described real estate be and the same is hereby appropriated for the public purpose of widening Whipple Avenue between Everhard Road, S.W., and Glenwood Street, S.W., in the City of North Canton, Ohio:

PARCEL 441-WD

Situated in the Township of Plain, County of Stark, State of Ohio and known as and being a part of the west 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 directions; lying along and parallel with the west 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 northwest corner of the Southwest Quarter of said Section 18, said pin also marking the northwest 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 northwest corner of this parcel and the southwest corner of B. Zenallis lands (Deed Book 3349, Page 65); thence S 85° 15' E along the south line of said Zenallis lands and the north 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 south line of this parcel which is also the north 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 acre 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 Outlot No. 4747 and further described on the attached exhibit a copy of which has been attached hereto, and made a part of 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 a temporary easement during the time of construction in and to the following described real estate be and the same is hereby appropriated for the public purpose of widening Whipple Avenue between Everhard Road, S.W. and Glenwood Street, S.W. in the City of North Canton, Ohio:

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 center-						
line						

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

Section 3.

That the Stark County Prosecutor, per prior agreement, be, and he is hereby authorized and directed to apply to a court of competent jurisdiction to have a jury empaneled to make inquiry into and assess the compensation to be paid for the fee simple in the premises described at Section 1. above and the temporary easement during the time of construction described in Section 2. above.

Section 4.

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 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 5. That this ordinance 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
 Adopted: *June 11, 1979*

Dennis Grady
 MAYOR
 SIGNED: *June 13*, 1979

ATTEST:

Marion J. Wilson
 CLERK OF COUNCIL

Published in THE SUN by
 THE STARK COUNTY SUN, INC.
 DATES: *June 13, 1979*
Marion J. Wilson
 CLERK OF COUNCIL

FINAL

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



N.E. QTR. SEC. 19 JACKSON TWP.
(T-11, R-9) STARK COUNTY, OH.

SCALE: 1"=20'

BERT C., JUDITH A., JOHN A., HARTZELL
355: 38 O.L. 4746 (446)

N 85° 15' W

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

O.L. 4747

QTR. SEC. LINE

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

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

N 4° 30' E

179.21'

CITY OF NORTH CANTON CORP. LINE

TBA - 0.065 AC. (2831 S.F.)

PRO = 0.065 AC. (2831 S.F.)

EXISTING & PROPOSED WHIPPLE AVE. N.W. C-214
179.21' SECTION LINE, TWP. RANGE LINE

EXISTING R/W

PROPOSED R/W

S 4° 30' W

6 85° 15' E

BASILIA ZENALLIS
3349: 65 (423)