

ORDINANCE NO. 99-79

An ordinance directing the appropriation of part of O.L. No. 212 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 repealing Ordinance No. 114-78 adopted by North Canton City Council on August 28, 1978, and declaring it to be an emergency.

WHEREAS, on the 25th day of June, 1979, the Council of the City of North Canton adopted Resolution No. 89-79 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:

Situated in the Township of Plain, County of Stark, State of Ohio, and known as and being a part of the Southwest Quarter of Section 18, T-11N, R-8W of the Ohio River Survey and being a uniform strip of land 33 feet in width running in the northerly and southerly direction; lying along and parallel with the west line of this property, which is also identified as a part of Outlot No. 212 according to the present numbering of the outlots of the City of North Canton, and more particularly described as follows:

Beginning for reference at a found iron pin on the township, range and section line between Section 13 of Jackson Township and Section 18 of Plain Township, and on the centerline of a public road now or formerly known as Whipple Avenue (C-214) marking the northwest corner of the Southwest Quarter of Section 18; thence extending S 3°00' W on said township; range and section line and on the centerline of said road, a distance of 411.40 feet to a found iron pin marking the southwest corner of the lands now or formerly owned by J. & J. Reikowski, (Deed Book 2875, pg. 435) and the true place of beginning for the tract herein described; thence extending S 86°35' E on the southerly boundary line of said Reikowski lands and the north line of this tract, a distance of about 33.0 feet to a point in the proposed easterly right-of-way line of Whipple Avenue; thence S 3°00' W on said proposed right-of-way line for a distance of about 851.07 feet to a point on a northerly right-of-way line of the Baltimore & Ohio Railroad Company and on a curve to the right; thence extending northwesterly on said railroad right-of-way line and on said curve to the right having a radius of 5699.65 feet, an arc length of 69.61 feet and a long chord which extends N 25°28'39" W for a distance of 69.61 feet to a point on the centerline of the aforementioned Whipple Avenue; thence extending N 3°00' E on the centerline of said road and on the aforementioned township, range and section line, this grantor's west line a distance of 790.02 feet to the true

place of beginning and containing about 0.622 acre of land; 0.305 acre of which is presently occupied for road purposes in Plain Township and 0.317 acre of said land is hereby to be acquired for additional right-of-way, which is part of Outlot No. 212.

Description for the above parcel is based on Grantor's title recorded in Volume 3786, page 487 of the Stark County Recorder's records.

Grantor retains 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:

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

At the S P.L. right of Station 365+62.97 - 42.86 feet from the centerline

Right of Station	368+00-57	ft. from centerline			
" "	"	369+00-60	"	"	"
" "	"	372+00-53	"	"	"
" "	"	372+10	81	"	"
" "	"	372+60	81	"	"
" "	"	372+60	96	"	"
" "	"	372+90	96	"	"
" "	"	372+90	75	"	"
" "	"	373+22	75	"	"
" "	"	373+32	46	"	"
" "	"	374+05	42	"	"

North P.L. 374+33.01-45.73 ft. from centerline

It is understood the area of land above described contains 20,855 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 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 \$24,675.00 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 Ordinance No. 114-78 adopted by North Canton City Council on August 28, 1978 is hereby repealed in its entirety.

Section 6. 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.

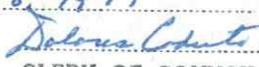
North Canton, Ohio  
Adopted: July 13, 1979

  
ACTING MAYOR

SIGNED: July 13, 1979

ATTEST:

  
ACTING CLERK OF COUNCIL

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Acting CLERK OF COUNCIL