

RESOLUTION NO. 89-79

A resolution declaring the intent to appropriate property for the widening of Whipple Avenue in the City of North Canton, Ohio, and repealing Resolution No. 99-78 adopted by North Canton City Council on August 14, 1978, 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:

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 acres 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 Recorders records. Grantor retains 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:

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	feet 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. ft., 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 \$ 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 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. That Resolution No. 99-78 adopted by North Canton City Council August 14, 1978 is hereby repealed in its entirety.

Section 6. 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  
Adopted: June 25, 1979

Dennis Grady  
MAYOR  
SIGNED: June 26, 1979

ATTEST:

Marion J. Wilson  
CLERK OF COUNCIL

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