



**CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2015-104:**

AN ORDINANCE APPROPRIATING VARIOUS PERMANENT HIGHWAY EASEMENTS ON VARIOUS PROPERTIES IN WESTLAKE, OHIO PURSUANT TO OHIO REVISED CODE CHAPTER 163 PROVIDING FOR THE EXPEDITED ACQUISITION OF PROPERTY FOR THE MUNICIPAL PURPOSE OF MAKING OR REPAIRING ROADS WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Westlake desires to promote the safety and welfare of the community, through the Canterbury/Detroit Road Widening Project; and

WHEREAS, Permanent Highway Easements on various Parcels must be appropriated so that the widening project can be completed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That Permanent Highway Easements in and to the properties listed below, and also as described in the Easements kept on file in the Department of Engineering are hereby appropriated for the public purpose of widening Canterbury and Detroit Roads, which Roads are to be used by the public without charge, pursuant to the laws of the City of Westlake, its Charter, and especially the Ohio Revised Code and the Constitution of the State of Ohio.

Westshore Montessori Associates, Inc.	213-05-010
West Park Realty, Inc., an Ohio Corporation	213-05-008
	213-05-009
Magvas & Magvas, LLC	213-11-008
West Park Realty Incorporated	213-05-007
Neil T. Clough	213-11-009
	213-11-010
	213-11-011
West Park Realty, Incorporated, an Ohio Corporation	213-05-006
	213-05-022

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26325 Detroit Road LLC, an Ohio Limited Liability Company	213-11-012
West Park Realty, Inc., an Ohio Corporation	213-05-005
Dinunzio Schembri, LLC	213-18-026
Dennis R. Troyan	213-05-004
Derek M. Fess	213-18-002
Warren Road Garden Center, Inc.	213-18-001
Detroit Road Development, LLC	213-07-027

Section 2: That City Council hereby fixes the value of the Permanent Highway Easements on said properties in the amounts as set forth as follows:

Westshore Montessori Associates, Inc.	213-05-010	\$3,833.28
West Park Realty, Inc., an Ohio Corporation	213-05-008	\$2,317.39
	213-05-009	\$2,509.06
Magvas & Magvas, LLC	213-11-008	\$4,687.06
West Park Realty Incorporated	213-05-007	\$2,317.39
Neil T. Clough	213-11-009	\$2,735.57
	213-11-010	\$1,393.92
	213-11-011	\$1,393.92
West Park Realty, Incorporated, an Ohio Corp.	213-05-006	\$3,327.98
	213-05-022	\$3,449.95
26325 Detroit Road LLC, an Ohio Limited Liability Company	213-11-012	\$5,436.29
West Park Realty, Inc., an Ohio Corporation	213-05-005	\$3,031.78
Dinunzio Schembri, LLC	213-18-026	\$5,418.86
Dennis R. Troyan	213-05-004	\$7,858.22
Derek M. Fess	213-18-002	\$1,463.62
Warren Road Garden Center, Inc.	213-18-001	\$2,805.26
Detroit Road Development, LLC	213-07-027	\$4,286.30

Said amounts shall be deposited individually with the Probate Court of Cuyahoga County, Ohio for the use and benefit of the owners of the properties appropriated and that upon such deposits, the City of Westlake shall take possession of and enter upon the properties pursuant to Law.

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Section 3: That City Council finds that the appropriations are necessary for the public purpose as stated in Section 1 of this Ordinance and that the City intends to obtain immediate possession of the properties for the stated public purpose.

Section 4: That the Director of Law is directed to file petitions for appropriation in the Court of competent jurisdiction, to have one or more juries impaneled to assess the compensation to be paid for the properties described above.

Section 5: That the Director of Finance is instructed that the amounts set forth in Section 2 herein are hereby appropriated from whatever fund the Director of Finance determines is most appropriate for the purposes of placing such funds on deposit as contemplated in this Ordinance and he shall make disbursement of funds accordingly.

Section 6: That it is found and determined that all formal actions of this Council concerning and relating to this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and 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 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 7: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to provide notice of the City's intent to appropriate, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 7/16/15



Michael F. Killeen
President of Council

Presented to Mayor: 7/17/15

Approved: _____
Effective 7/26/15 per Article II, Sec. 5(c)

ATTEST:



Denise L. Rosenbaum, Clerk of Council

Dennis M. Clough, Mayor

I, Denise L. Rosenbaum, Clerk of Council of the City of Westlake do hereby certify that Ordinance/Resolution no. 2015-104 adopted 7/16/15 was duly posted on 7/17/15 and remained posted for a period of 15 days thereafter in not less than 2 of the most public places in the City as determined by the Charter of said City.