

ORDINANCE NO. 83-13

BY: **SCOTT TUMA, DEBORAH LIME**
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE CITY OF PARMA TO PROCEED AND APPROPRIATE A SANITARY SEWER EASEMENT IN CERTAIN REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 448-23-001, LOCATED AT 6585 WEST RIDGEWOOD DRIVE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, Resolution No. 166-12, passed September 4, 2012, declared the necessity and intent of the City of Parma to appropriate a sanitary sewer easement in certain real property known as Permanent Parcel Number 448-23-001, located at 6585 West Ridgewood Drive in the City of Parma; and,

WHEREAS, by virtue of the Constitution of the State of Ohio and Chapters 163 and 719 of the Ohio Revised Code, the City of Parma has the power and authority to appropriate real property for the purpose of installing, using, maintaining and keeping in repair a sanitary sewer that the City of Parma deems conducive to the general welfare; and,

WHEREAS, the hereinafter described property provides for, and is instrumental to the installation, use and maintenance of a sanitary sewer that would be conducive to the general welfare; and,

WHEREAS, the City wishes to acquire certain property known as Permanent Parcel Number 448-23-001 for such purposes; and,

WHEREAS, the City and the owners of the property have been unable to agree on compensation for the purchase of the property;

NOW, THEREFORE; BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the City of Parma is hereby authorized to proceed to appropriate an easement in and to the parts of property known as Permanent Parcel Number 448-23-001, located at 6585 West Ridgewood Drive in the City of Parma, and as further described on Exhibit "A", for the public purpose of installing, using, maintaining and keeping in repair a sanitary sewer that the City of Parma deems conducive to the general welfare.

Section 2. The Council finds that the appropriation is necessary for the stated public purpose, and the City has been unable to negotiate a purchase agreement with the owners of the property.

Section 3. The City Law Director is directed to file a petition for appropriation in a court of competent jurisdiction.

Ord. to proceed and appropriate a sanitary sewer easement in certain real property known as Permanent Parcel Number 448-23-001, located at 6585 West Ridgewood Drive in the City of Parma, and declaring an emergency

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to begin the process of acquiring the above referenced property, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO

EXHIBIT A

LEGAL DESCRIPTION

P.P.N. 448-23-001

6585 WEST RIDGEWOOD DRIVE, PARMA, OHIO 44129

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being part of the land conveyed to 6585 Ridge Parma LLC by deed recorded in AFN 200911160384 of Cuyahoga County Records, of part of Original Parma Township Lot No. 20, Blake Tract and being further bounded and described as follows:

Beginning at a point in Northerly line of West Ridgewood Drive, 80 feet wide, at a Southeasterly corner of said 6585 Ridge Parma LLC's land;

Thence South $89^{\circ}49'41''$ West, along the Northerly line of West Ridgewood Drive a distance of 32.15 feet to a point;

Thence North $21^{\circ}14'13''$ West, a distance of 304.89 feet to a point;

Thence North $20^{\circ}07'36''$ West, a distance of 16.50 feet to a point in a Northerly line of said 6585 Ridge Parma LLC's land;

Thence North $89^{\circ}49'41''$ East, along said Northerly line a distance of 19.35 feet to an angle point therein;

Thence North $0^{\circ}12'21''$ East, along a Westerly line of said 6585 Ridge Parma LLC's land a distance of 34.01 feet to a point;

Thence South $20^{\circ}07'36''$ East, a distance of 41.50 feet to a point;

Thence South $21^{\circ}14'13''$ East, a distance of 316.15 feet to the place of beginning and containing 0.2263 acres (9,857 square feet) of land as described by Stephen Hovancsek & Associates, Inc. in February, 2011 under the direction of Robert Smoltz, P.S. No. 6763, State of Ohio, be the same more or less but subject to all legal highways.

All bearings are based on Cleveland Regional Geodetic Survey (CRGS), NAD 27.