

ORDINANCE NO. 2019-53

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST AND PERPETUAL UTILITY EASEMENT IN CERTAIN REAL PROPERTY NECESSARY FOR THE PURPOSE OF ELIMINATING BLIGHT ON THE LAND KNOWN AS 2115 SOUTH TAYLOR ROAD, UNIVERSITY HEIGHTS, OHIO 44118, PERMANENT PARCEL NO. 722-01-112, AS FURTHER DESCRIBED IN "EXHIBIT A", AND DECLARING AN EMERGENCY.

WHEREAS, the property located at 2115 South Taylor Road was declared a public nuisance by this Council on June 1, 2015.

WHEREAS, since the date of Council's public nuisance declaration, the public nuisance has persisted without abatement.

WHEREAS, on June 17, 2019, this Council adopted Resolution No. 2019-36 declaring the necessity and intent to appropriate a fee simple interest and perpetual utility easement in the hereinafter described real estate; and

WHEREAS, this Council deems it necessary to appropriate the hereinafter described fee simple interest and perpetual utility easement in the hereinafter described real estate for the purposes as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, OHIO, two-thirds of all the members elected thereto concurring, that:

Section 1. A fee simple interest and perpetual utility easement in and to the real estate in Cuyahoga County Permanent Parcel Number 722-01-112, known as 2115 S. Taylor Road, University Heights, Ohio 44118, as described in Exhibit "A", attached hereto and made a part hereof, is hereby appropriated for the public purpose of eliminating blight.

Section 2. The appropriations are made in accordance with Resolution No. 2019-36, adopted on June 17, 2019.

Section 3. This Council hereby fixes the value of the fee simple interest in real estate and perpetual utility easement at \$1.00.

Section 4. This Council finds that the appropriation is necessary for the stated public purposes, that the City of University Heights has been unable to agree with the owner of the property, that ownership of the property to be appropriated is necessary for the purpose of eliminating blight and public nuisance, and that the City of University Heights intends to obtain a fee simple interest in real estate and perpetual utility easement in the property, which are necessary for the stated public purposes.

Section 5. The City's Law Director is directed to file a petition for appropriation in a court of competent jurisdiction in order to have a jury impaneled to assess the compensation to be paid for the fee simple interest and perpetual utility easement in the real estate described above.

Section 6. \$1.00 or so much thereof as needed, is appropriated from the general fund.

Section 7. 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 that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance is declared to be an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the City of University Heights insofar as it facilitates the elimination of blight and public nuisance; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of the membership of Council, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO



MICHAEL DYLAN BRENNAN, MAYOR

PASSED: 09/04/2019

ATTEST:



KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:



LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

Parcel No. 722-01-112

Address: 2115 South Taylor Road, University Heights, OH 44118

Property Description:

Situated in the City of University Heights County of Cuyahoga, and State of Ohio: and known as being Sublot 112 in the Cedar Heights Land Co's Cedarbrook Allotment No. 3 of part of Original Euclid Townships Lots Nos. 16, 24 and 57, as shown by the recorded plat in Volume 68 of Maps, Page 26 of Cuyahoga County Records and being 119.95 feet front on the Easterly side of South Taylor Road, 564.46 feet on the curved turnout between said Easterly side and the Northwesterly side of Raymont Boulevard, 119.95 feet on the Northwesterly side of Raymont Boulevard, 71.15 feet [sic] on the Northerly line and 71.14 feet on the Northeasterly line as appears by said plat, be the same more or less, bust subject to all legal highways.