

ORDINANCE NO. 2024-14
INTRODUCED BY: Mayor Bodnar

AN EMERGENCY ORDINANCE TO APPROPRIATE A FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 831-34-056, IN MAYFIELD VILLAGE, COUNTY OF CUYAHOGA, STATE OF OHIO, AS IS MORE FULLY DESCRIBED HEREIN, FOR THE PUBLIC PURPOSE OF THE CONSTRUCTION OF THE WORTON PARK PHASE 2 CULVERT REPLACEMENT PROJECT

WHEREAS, in the promotion of the public interest of the residents of the Village, it is necessary for the Village to appropriate, for a public purpose, i.e., to construct the storm sewer infrastructure improvements, known as the Worton Park Phase 2 Culvert Replacement Project, a fee simple interest in the property known as permanent parcel number 831-34-056 in the Village of Mayfield, County of Cuyahoga, and State of Ohio (“Property”); and

WHEREAS, on April 15, 2024, this Council passed Emergency Resolution No. 2024-22 to be given to the owner and those persons having an interest of record in the Property; and

WHEREAS, on or about April 25, 2024, the Village, pursuant to Ohio Revised Code Sections 163.04 and 163.041, provided the owner and those persons having an interest of record in the Property with a Notice of Intention to Acquire and Good Faith Offer to Purchase for the price identified in the appraisal prepared by Emily L. Braman of C.P. Braman & Co., Inc.; and

WHEREAS, although a good faith attempt has been made to negotiate to purchase the Property, the owner and those persons having an interest of record in the Property have failed to respond to the offer, resulting in an inability to agree; and

WHEREAS, because the Village has been unsuccessful in its attempt to purchase the Property by agreement, it desires to proceed to appropriate the Property to facilitate the construction of the public storm sewer infrastructure improvements for the Worton Park Phase 2 Culvert Replacement Project.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. A fee simple interest in the property at 1006 Woodlane Drive, known as permanent parcel number 831-34-056 in the Village of Mayfield, County of Cuyahoga, and State of Ohio (“Property”), as is further described in the Plans and Specification for the Worton Park Phase 2 Culvert Replacement Project (“Project”), on file with the Village, which are incorporated herein by reference as if fully rewritten herein, is hereby appropriated for the aforesaid public purpose pursuant to and in accordance with the Codified Ordinances and Charter of the Village and the Constitution and Laws of the State of Ohio.

SECTION 2. Council finds that this appropriation is necessary for the public purpose of constructing the Worton Park Phase 2 Culvert Replacement Project and that the Village has been unable to agree with the owner and those persons having an interest of record in the Property.

SECTION 3. The Director of Law is herein and hereby authorized and directed to prepare and file a Petition of Appropriation in a court of competent jurisdiction to acquire the Property, to attach a statement of value of the Property appropriated together with damages, if any, to the residue as determined by the Village, and have a jury empaneled to assess the compensation and damages, if any, to be paid for the Property.

SECTION 4. The Finance Director is hereby authorized to make the payment necessary to appropriate the Property.

SECTION 5. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village, Ohio, for the reason that Worton Park Phase 2 Culvert Replacement Project may proceed as soon as possible. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.

STEPHEN SCHUTT, Council President

First Reading: _____, 2024

Second Reading: _____, 2024

Third Reading: _____, 2024

PASSED: _____, 2024

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ.
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council