

RESOLUTION NO. 2002-01

**AMENDING RESOLUTION NO. 2001-03, DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT AND DECLARING AN EMERGENCY (REBER AUTO BODY & REPAIR)**

WHEREAS, pursuant to Resolution 2001-03, the Council of the City of Mason, Ohio has determined the necessity for the widening and improvement of Mason-Montgomery Road; and

WHEREAS, Council has determined that it is necessary to acquire certain rights-of-way and easements in order to make the improvements identified as the Mason-Montgomery Road Widening Project; and

WHEREAS, the property which has been appropriated pursuant to Resolution No.

2001-03 shall be used for the purpose of improving Mason-Montgomery Road, such road being open to the public, without charge, and the property interest shall be appropriated under the procedure of Ohio Rev. Code §163.06(B) and Ohio Constitution Art. I §19; and

WHEREAS, the Council of the City of Mason wishes to correct a clerical error in Exhibit "A" to Resolution 2001-03.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, Ohio,

7 members thereto concurring:

Section 1. That it was and remains the intent of the City of Mason to appropriate for public use the entirety of the real property, listed and identified on Exhibit "1" hereto and incorporated herein by reference, appropriating such fee simple interests and various easements described, which are necessary in the public interest to accomplish the construction of the Mason-Montgomery Road Widening Project.

Section 2. That as a result of clerical error, Exhibit "A" to Resolution 2001-03 is hereby amended for the purpose of said taking of interests in the real estate referenced above, and shall be replaced with the attached Exhibit "1," which fully describes the real estate to be taken for the public use, to wit: construction of a road which will be open to the public without charge.

Section 3. That the City Manager and Counsel for the City has negotiated, and continues to negotiate, with the property owner and their counsel for the purchase of the entire property described in the attached Exhibit "1," including all structures thereon.


Section 4. That all other provisions of Resolution 2001-03 shall and do remain in full force and effect as adopted.

Section 5. That this Resolution is hereby declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to accurately describe the property acquired and begin construction of the road at the earliest possible date.

Passed this    day of January, 2002.

  
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Mayor

Attest:

  
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Clerk of Council

1/14/2002