



City of Powell, Ohio  
**ORDINANCE 2018-44**  
Adopted October 2, 2018

**AN ORDINANCE TO APPROPRIATE FEE SIMPLE TITLE TO A 0.173-ACRE TRACT, MORE OR LESS, FOR PUBLIC RIGHT-OF-WAY, WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS, FROM MORELAND STREET, LLC, FROM THE PROPERTY CURRENTLY ENCUMBERED BY SHERIDAN STREET AND MORELAND STREET FOR THE PUBLIC PURPOSE OF MAKING AND/OR REPAIRING A PUBLIC ROADWAY WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Powell, Ohio (the "City") is constructing a public park north of Seldom Seen Road, off of Sheridan Street and Moreland Street (the "Project"); and

**WHEREAS**, the Project requires public access into the public park on and over Sheridan Street from Seldom Seen Road to the intersection of Sheridan Street and Moreland Street, both of which are currently private streets; and

**WHEREAS**, the Project requires that the City obtain, for the public purpose of making and/or repairing a new public roadway which shall be open to the public without charge, fee simple title for public right-of-way, without limitation of existing access rights, from the parcel identified as Delaware County Parcel Number 31931401001010, owned by Moreland Street, LLC, as described and depicted in the attached exhibits.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: Council considers it necessary and declares its authorization to appropriate, for the appraised value of \$300.00, for the public purpose of making and/or repairing a public roadway, which shall be open to the public without charge, the following property interests: fee simple title to a 0.173-acre tract for public right-of-way, without limitation of existing access rights, as described with more particularity in the legal description attached hereto as Exhibit A.

Section 2: The City Law Director's office is hereby authorized to file a petition for appropriation in the county Court of Common Pleas should it become necessary, and to utilize the quick-take procedures pursuant to R.C. 163.06.

Section 3: This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interests in an amount greater than the appraised value. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

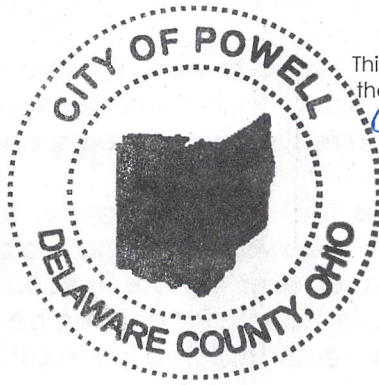
Section 4: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that there exists the necessity to provide for immediate right of way for construction of a portion of the public improvements of the Park at Seldom Seen Road; **WHEREFORE**, this ordinance shall take effect and be in force from and after its passage.

VOTE ON RULE SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2018-44: Y 7 N 0

Jon C. Bennehoof 10/3/2018 Karen J. Mitchell 10/3/2018  
Jon C. Bennehoof Date Karen J. Mitchell Date  
Mayor City Clerk

EFFECTIVE DATE: October 2, 2018



This legislation has been posted in accordance with the City Charter on this date 10/3/2018.  
Karen J. Mitchell City Clerk