

TIPP CITY SPECIAL COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

March 23, 2015

Council Meeting

The following Council Members were present and answered roll call. President Joe Gibson, Mayor Pat Hale, Katie Berbach, Dee Gillis, Mike McDermott and Matt Owen.

President Gibson moved to excuse Mr. Kessler. Mr. Owen seconded. Motion carried.

Approval of Agenda

Ms. Berbach moved to approve the agenda. Mr. Owen seconded. Motion carried.

**Ordinance
(First Reading)**

Acquisition of Right-of-Way Parcel 18

An ordinance to appropriate a fee simple title and utility easement in certain described property and declaring an emergency.

City Manager Comments: Tonight, all three ordinances are going to be on the same subject matter under Chapter 719 – Appropriation of property by municipal corporations in the Ohio Revised Code is the chapter under which a municipality may appropriate property for the good of the municipality. At the March 16th council meeting, Council authorized by Resolution (Resolution 12-15), staff to move forward with the appropriation of various parcel in and outside the corporate limits. Staff has prepared the Notice of Intent to appropriate, for each of the three parcels outside the corporate limits that have trees that need to be removed for the installation of utilities for the 25A construction project. Those notices were hand delivered to the three property owners. The trees need to be removed by April 1st due to the Brown Bat habitat regulation. If the trees are not removed, the City will need to wait until October to remove them. These three parcels are critical in keeping the original schedule for the 25A project. The parcels for consideration are:

- Parcel 18 – 25 Coach Drive, G12-080863
- Parcel 26 – 5565 S. CR 25A, G12-028400
- Parcel 39 – 5510 S. CR 25A, G12-025100

A separate ordinance has been prepared for all three parcels for the acquisition of the right-of-way, utility easement, and in some cases a temporary construction easement. The combined value for the three parcels is \$19,320. Staff is still diligently working on securing the balance of the properties before the April 6th council meeting whereby staff will again be asking council to authorize staff to move forward with the appropriation of the remaining parcels.

President Gibson stated each parcel corresponds to an item on the agenda. Item A is parcel 18, item B is parcel 26 and item C is parcel 39. President Gibson confirmed since all three are being presented as emergency was a certain number of the quorum required. Mr. Caldwell replied an affirmative vote of 5 out of 7 would be required, or in this case 5 out of 6. Mr. Owen introduced the ordinance and moved for its adoption. Ms. Berbach seconded. A vote was taken on the motion. Vote was 5-1; Mayor Hale voted no. Ordinance 10-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Acquisition of Right-of-Way Parcel 26

An ordinance to appropriate a fee simple title, utility easement and temporary easement in certain described property and declaring an emergency. President Gibson added in this case, this is Parcel 26, 5565 S. CR25A.

City Manager Comments: Staff has asked this be passed as an emergency ordinance. President Gibson added, "Same argument, same information applies". Mr. Eggleston stated that was correct.

Mr. Owen introduced the ordinance and moved for its adoption as emergency legislation. Mr. McDermott seconded. Vote was 5-1; Mayor Hale voted no. Ordinance 11-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Acquisition of Right-of-Way Parcel 39

An ordinance to appropriate a fee simple title, utility easement and temporary easement in certain described property and declaring an emergency. President Gibson added, to wit this will be parcel 39 in the information provided, which is 5510 S. CR25A.

Mr. McDermott introduced the ordinance and moved for its adoption as emergency legislation. President Gibson seconded. Vote was 5-1; Mayor Hale voted no. Ordinance 12-15 was declared adopted and President Gibson affixed his signature in witness thereto.

Adjournment

Ms. Berbach moved to adjourn. Mayor Hale seconded. Motion carried. Meeting adjourned at 6:40 pm.

Joseph Gibson, President of Council

Attest: _____
Janice Bates, Clerk of Council

