

North Canton City Council
Street and Alley Committee

Resolution 44 - 2022

A resolution declaring the City of North Canton's necessity and intent, for the purpose of making or repairing roads, to appropriate the fee simple title and interest in to a portion of the property described in the general warranty deeds attached hereto and incorporated herein as Exhibit "A" (the "Property"), limited to that portion of the Property described in the plat attached hereto and incorporated herein as Exhibit "B" (the "Premises"), and declaring the same to be an emergency.

WHEREAS, this Council considers it necessary and declares its intent to appropriate, for the purpose of constructing a public highway, the fee simple title and interest in to a portion of the property described in the general warranty deeds attached hereto and incorporated herein as Exhibit "A" (the "Property"), limited to that portion of the Property described in the plat attached hereto and incorporated herein as Exhibit "B" (the "Premises"); and

WHEREAS, this Council further declares its intent to appropriate the Premises pursuant to the provisions of Ohio Revised Code Section 163.06 permitting that private property may be taken without first either compensating the owner or securing such compensation be made, provided that the public entity deposit with the court at time of filing the petition the value of such property appropriated together with the damages, if any, to the residue and structures situated on the land appropriated and that compensation is subsequently determined, when the property being appropriated is to be used for the purpose of making or repairing roads; and

WHEREAS, the Mayor is authorized to cause written notice of this resolution to be given to the owner and person(s) in possession or having an interest of record in the Premises.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That this Council considers it necessary and declares its intent to appropriate, pursuant to Ohio Revised Code Section 163.06, for the purpose of making or repairing roads, the fee simple title, to a portion of the property described in the general warranty deeds attached hereto and incorporated herein as Exhibit "A" (the "Property"), limited to that portion of the Property described in the plat attached hereto and incorporated herein as Exhibit "B" (the "Premises").
- Section 2. That the Mayor is authorized to cause written notice of this resolution to be given to the owner and person(s) in possession or having an interest of record in the Premises.
- Section 3. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary to immediately proceed with eminent domain proceedings, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 9th day of May, 2022.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Patrick DeOrio

Patrick DeOrio, Director of Administration
Pursuant to Charter Section 3.01 Paragraph 4

Signed on: May 9, 2022

GENERAL WARRANTY DEED

Earl W. Brown, Trustee of the Earl W. Brown Revocable Trust dated January 12, 1998, the Grantor, for valuable consideration paid, grants, with general warranty covenants, to Julius Brown, LLC, an Ohio limited liability company, whose tax-mailing address is 6485 East Harbor Rd., Lakeside Marblehead, Ohio 43440, the following real property:

See Exhibit A ("Property")

No. 200411300084390

Prior Instrument Reference: ~~XXXXXX~~ Page ~~XXXX~~, Stark County Records.

Executed this 16 day of September, 2005.

"GRANTOR"

Earl W. Brown

Earl W. Brown, Trustee of the Earl W. Brown Revocable Trust dated January 12, 1998

Instr: 200510260071956 10/26/2005
P: 1 of 2 F: \$28.00
Rick Campbell 9:00AM DEED
Stark County Recorder 120050051725

STATE OF OHIO
COUNTY OF MEDINA

The foregoing instrument was acknowledged before me this 16 day of September, 2005, by Earl W. Brown, Trustee of the Earl W. Brown Revocable Trust dated January 12, 1998.

Robert C. Berry
Notary Public

This instrument prepared by:
Robert C. Berry, Esq.
3985 Medina Road #100
Medina, Ohio 44256

KIM R. PEREZ
Stark County Auditor
FEE *EM*



ROBERT C. BERRY, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

OCT 25 2005

100 TRANSFERRED
TRANSFER NOT NECESSARY
DEPUTY *[Signature]*
IN COMPLIANCE WITH ORC 19.202

2005015663

56-00534
56-00535
718 AU EA RA 10/25/05


EXHIBIT A

Tract No. 1: Situated in the Village of North Canton, County of Stark and State of Ohio and being Lot No. 287 in said Village, County and State.

Tract No. 2: Situated in the Village of North Canton, County of Stark and State of Ohio, and being part of Out Lot Number One (1) in the said Village of North Canton, Ohio, located in the Southeast Quarter of Section #7, Township #11 (Plain), Range #8, Stark County, Ohio, and described as beginning at a point on the west line of North Main St. where the south line of Lot No. 287 intersects the same; thence South 7° 30' East, with the west line of North Main St., a distance of 51.18 feet to a point; thence South 89° 2' West a distance of 169.71 feet to a point; thence North 7° 14' West 55.8 feet to the southwest corner of Lot No. 287; thence South 89° 38' East with the South line of Lot No. 287, a distance of 169.71 feet to the place of beginning and containing 0.186 acre more or less.

Tract No. 3: Situated in the Village of North Canton, County of Stark and State of Ohio, and being part of Out Lot Number One (1) in the said Village of North Canton, Ohio, located in the Southeast Quarter of Section #7, Township #11 (Plain), Range #8, Stark County, Ohio, and described as beginning at a point in the west line of Market Street in said Village at a point 121.1 feet south of the south line of Lot No. 287 in said village measured along the west line of said street; thence North 87° West along the south line of the tract heretofore conveyed by Urias H. Ream to Peter and Christie Hissner by deed recorded in Volume 466, Page 15 of the Stark County Deed Records, a distance of 200 feet; thence north 4° 32' West and parallel to Market St. 70 feet; thence South 87° East 200 feet to a point in the west line of Market St.; thence south 4° 32' East along the west line of Market St. 70 feet to the place of beginning, containing 0.32 acre more or less.

Tract No. 4: Situated in the Village of North Canton, County of Stark and State of Ohio, and being part of Out Lot Number One (1) in said Village of North Canton, Ohio, located in the Southeast Quarter of Section #7, Township #11 (Plain), Range #8, Stark County, Ohio, and described as beginning at the Northwest corner of Village Lot No. 287 (said corner being 200 feet west, measured along the north line of said lot from the center of North Main St. in said Village); thence north 89° 38' West with the north line of said Out Lot, a distance of 194.7 feet to a stake at the northeast corner of Lot No. 1296; thence south 7° 08' East along the east line of Lot 1296, and the east line of said lot extended, a distance of 180.43 feet to a stake on the north line of Charlotte St.; thence with the north line of Charlotte St. north 89° 02' East a distance of 165.2 feet to the southwest corner of a tract of land deeded by Christie A. Hissner to Olive M. Brown, August 1922, and recorded in Volume 767, Page 418 of the record of deeds in said County; thence with the west line of said Brown tract, north 7° 30' west a distance of 70 feet; thence north 89° 02' east along Brown's north line a distance of 30.29 feet to a point; thence north 7° 14' West 55.8 feet to the southwest corner of Lot 287; thence with the west line of Lot No. 287 north 7° 30' West 50 feet to the place of beginning, containing 0.669 acre more or less.


Instr: 200510260071956 10/26/2005
P: 2 of 2 F: \$28.00
Rick Campbell 9:00AM DEED
Stark County Recorder T20050051725

KIM R. PEREZ
Stark County Auditor
FEE 15.00

FEB 03 2010

TRANSFERRED 1.50
TRANSFER NOT NECESSARY
DEPUTY [Signature]
IN COMPLIANCE WITH ORC319.202

Instr: 201002030003987
P: 1 of 2 F: \$28.00 02/03/2010
Rick Campbell 12:20PM DEED
Stark County Recorder T20100003443

General Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT Buckeye American, Inc., an Ohio corporation, the Grantor, claiming title by or through instrument recorded in Volume 276, Page 448, Stark County Recorder's Office, for valuable consideration paid, grants with general warranty covenants to **Julius Brown, LLC**, an Ohio limited liability company, the Grantee, whose tax mailing address will be 1245 Cleveland Street, SW, Massillon, Ohio 44647, the following described premises, situated in the City of North Canton, County of Stark, and State of Ohio:

And known as and being Lot Nos. 1296, 1297, and 1298 in said City of North Canton, Stark County, Ohio.

Permanent Parcel Nos. 92-05257, 92-02281, 92-02280

Excepting therefrom restrictions, reservations easements, conditions of record, zoning ordinances, if any, taxes and assessments both general and special, to be prorated as of the date of transfer.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand this 22nd day of December, 2009.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

BUCKEYE AMERICAN, INC.

Catherine V. Schuster
Print Witness Name: Catherine V. Schuster

[Signature]
ALAN SPITZER, PRESIDENT

Linda K. Sears
Print Witness Name: LINDA K. SEARS

01033

TKS ALL EA PO 2/3/10
92-05257
08-00280
92-00281
92-00281



Instr: 201002030003987
P: 2 of 2 F: \$28.00 02/03/2010
Rick Campbell 12:20PM DEED
Stark County Recorder T20100003443

STATE OF OHIO)
SS)
LORAIN COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named ALAN SPITZER who acknowledged that he did sign this Deed on behalf of Buckeye American, Inc. and the same is his free act and deed and free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cuyahoga, Ohio the 22 day of ~~November~~ DECEMBER, 2009.



Deborah A. Noska
NOTARY PUBLIC

This Instrument Prepared By:

Anthony B. Giardini, Esq.
GIARDINI, COOK & NICOL, LLC
520 Broadway, Third Floor
Lorain, Ohio 44052
(440) 246-2665

DEBORAH A. NOSKA, Notary Public
State of Ohio
My Comm. Exp. 5/13/13

KIM R. PEREZ
Stark County Auditor
FEE 25.00

Instr: 201002030003988
P: 1 of 2 F: \$28.00 02/03/2010
Rick Campbell 12:20PM DEED
Stark County Recorder T20100003443

FEB 03 2010

TRANSFERRED SB
TRANSFER NOT NECESSARY
DEPUTY [Signature]
IN COMPLIANCE WITH ORC 319.202

General Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT Buckeye American, Inc., an Ohio corporation, the Grantor, claiming title by or through instrument recorded in Volume 276, Page 448, Stark County Recorder's Office, for valuable consideration paid, grants with general warranty covenants to Julius Brown, LLC, an Ohio limited liability company, the Grantee, whose tax mailing address will be 1245 Cleveland Street, SW, Massillon, Ohio 44647, the following described premises, situated in the City of North Canton, County of Stark, and State of Ohio:

Known as being Lot Nos. 98, 99, 100, 1346, 1347, 1607, 1608, and 1609 in said City of North Canton, Stark County, Ohio.

Permanent Parcel No. 92-07492

Excepting therefrom restrictions, reservations easements, conditions of record, zoning ordinances, if any, taxes and assessments both general and special, to be prorated as of the date of transfer.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand this 22nd day of December, 2009.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

Catherine V. Schuster
Print Witness Name: Catherine V. Schuster

Linda K. Sears
Print Witness Name: LINDA K. SEARS

[Signature]
BUCKEYE AMERICAN, INC.
ALAN SPITZER, PRESIDENT

01034

92-07492 TKS AW 10 2/3/10



Instr: 201002030003988
 P: 2 of 2 F: \$28.00 02/03/2010
 Rick Campbell 12:20PM DEED
 Stark County Recorder T20100003443

STATE OF OHIO)
) SS)
 LORAIN COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named ALAN SPITZER who acknowledged that he did sign this Deed on behalf of Buckeye American, Inc. and the same is his free act and deed and free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at ENYRIA, Ohio the 22 day of November, 2009.
DECEMBER



Deborah A. Noska
 NOTARY PUBLIC

This Instrument Prepared By:

Anthony B. Giardini, Esq.
 GIARDINI, COOK & NICOL, LLC
 520 Broadway, Third Floor
 Lorain, Ohio 44052
 (440) 246-2665

DEBORAH A. NOSKA, Notary Public
 State of Ohio
 My Comm. Exp. 5/13/13

Site Plans of Subject Acquisition

