

VILLAGE OF NEWCOMERSTOWN

Resolution No. 14-2026

PASSED: September 08, 2026

A RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF NEWCOMERSTOWN TO ACQUIRE CERTAIN REAL PROPERTY NECESSARY FOR THE REPAIR AND IMPROVEMENT OF THE NEIGHBOR STREET BRIDGE, AUTHORIZING THE REQUIRED NOTICE AND GOOD-FAITH OFFER TO THE PROPERTY OWNER, AND AUTHORIZING FURTHER PROCEEDINGS IF NECESSARY

WHEREAS, the Village of Newcomerstown is undertaking the repair and improvement of the Neighbor Street Bridge, which is a public infrastructure project serving the residents of the Village and the traveling public; and

WHEREAS, in order to complete the Neighbor Street Bridge project, it is necessary for the Village of Newcomerstown to acquire approximately 0.074 acres from real property commonly known as 219 Park Hill Drive, Newcomerstown, Ohio 43832, identified as Tuscarawas County Parcel No. 45-02386-000, owned by Ernest Carl Wilson, II; and

WHEREAS, the portion of the property to be acquired is more particularly described in the legal description and/or right-of-way plans attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, Ohio Revised Code Section 719.04 provides that when a municipal corporation determines it necessary to appropriate property, its legislative authority shall adopt a resolution declaring its intent, defining the purpose of the appropriation, and describing the property and the estate or interest to be acquired; and

WHEREAS, Sections 163.04 and 163.041 of the Ohio Revised Code require the Village to provide the property owner with a Notice of Intent to Acquire and a written good-faith offer based upon the Village's determination of the fair market value of the property prior to commencing an appropriation proceeding; and

WHEREAS, the Village Council finds that acquisition of the property described herein is necessary for a public use and public purpose, specifically the repair, replacement, improvement, construction, maintenance, and operation of the Neighbor Street Bridge and related roadway and infrastructure improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEWCOMERSTOWN, STATE OF OHIO:

SECTION 1. Council hereby finds and declares that the acquisition of approximately 0.074 acres of property located at 219 Park Hill Drive, Newcomerstown, Ohio 43832, Tuscarawas County Parcel No. 45-02386-000, as more particularly described in Exhibit A, is necessary for the Neighbor Street Bridge project and constitutes a public use and public purpose.

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SECTION 2. The Village hereby declares its intent to acquire the property interest described in Exhibit A from Ernest Carl Wilson, II, for the construction, repair, improvement, maintenance, and operation of the Neighbor Street Bridge and associated public improvements.

SECTION 3. The Mayor, Fiscal Officer, Village Solicitor, Village Administrator, and/or their authorized representatives are hereby authorized and directed to provide the property owner with the Notice of Intent to Acquire required by Sections 163.04 and 163.041 of the Ohio Revised Code, together with or followed by the required appraisal or summary appraisal and written good-faith offer to purchase the property.

SECTION 4. The appropriate Village officials are authorized to negotiate in good faith with the property owner and to execute such documents as may be necessary to complete the voluntary acquisition of the property, subject to the terms and compensation authorized by the Village and applicable law.

SECTION 5. In the event the Village and the property owner are unable to reach an agreement for the acquisition of the property after compliance with all applicable statutory requirements, the Village Solicitor is hereby authorized to take such further legal action as may be necessary and appropriate to acquire the property through appropriation proceedings in accordance with Chapter 163 and Chapter 719 of the Ohio Revised Code, subject to any additional action of Council required by law.

SECTION 6. The Fiscal Officer is authorized and directed to maintain with the official records of this Resolution the legal description, appraisal or appraisal summary, Notice of Intent to Acquire, proof of service, written offer, and other documentation relating to the acquisition.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were conducted in meetings open to the public in compliance with all legal requirements.

SECTION 8. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

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Passed this _____ day of _____, 2026.

Pat Cadle, Mayor

ATTEST:

Lisa M. Spillman, Fiscal Officer

Approved as to Form:

Village Solicitor

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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ACQUIRED

Approximately **0.074 acres** from the property commonly known as **219 Park Hill Drive, Newcomerstown, Ohio 43832**, Tuscarawas County Parcel No. **45-02386-000**, as more particularly described in the attached legal description and/or right-of-way acquisition documents.

