

ORDINANCE NO. 10-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul M. Sheslam ON THE 19th DAY
OF March, 2001.

AN EMERGENCY ORDINANCE TO APPROPRIATE
CERTAIN INTERESTS IN REAL PROPERTY FOR
THE PURPOSE OF MAKING PUBLIC IMPROVEMENTS.

WHEREAS, the Centerville City Council did by Resolution Number 4-01 adopt on the 22nd day of January, 2001 declare its intention to appropriate certain real property as described in Exhibit "A" attached hereto, and

WHEREAS, service of said Resolution has been made upon all persons having or claiming to have an interest in said premises, and

WHEREAS, it is necessary to immediately appropriate said real estate for the purpose of the roadway construction and for the preservation of the public peace, health, safety and welfare.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. That the described real estate for public right-of-way for the Alexandersville-Bellbrook Road Reconstruction and Widening Project be and the same is hereby appropriated for the construction of said project; more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That the above-described real estate is valued as follows:
Marjorie Nearing, Parcel No. 10-WD, appraised value \$27,500.00.

SECTION 3. That the City Manager or his designate is hereby authorized and directed to deposit said amount with the Clerk of Courts of Montgomery County, Ohio, or other depository, take possession of the aforescribed property, and apply it to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the interest or interests taken in said property and to do all things necessary or proper in connection therewith.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and shall become effective immediately. An emergency affecting the public health, safety and welfare is declared to exist by virtue of the immediate need to appropriate said real estate for the purpose of roadway construction.

PASSED this 19th day of March, 2001.

Sally D. Beale
Mayor of the City of Centerville, Ohio

ATTEST:

Marie J. Sample
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies that the foregoing is a true and correct copy of ^{Ordinance} Resolution Number 10-01 passed by the Council of the City of Centerville, Ohio on the 19th day of March, 2001.

Marie J. Sample
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That _____

hereinafter referred to as the grantor has used herein, Grantor includes the plural and words in the masculine

includes the feminine) in consideration of the sum of _____

Dollars (\$ _____) to him paid by the City of Centerville _____, the Grantor, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the said

Grantee, its successors and assigns forever, the following described real estate:

Situated in the City of _____ Centerville _____, County of _____ Montgomery _____, State of Ohio, and in Section _____ 19 _____, Town _____ 2 _____, Range _____ 6 M.R.S., Washington Township _____, and bounded and described as follows:

PARCEL NO. 10:WD

Being a part of a 9.153 acre parcel acquired by Marjorie L. Nearing as recorded in Deed Book 1482, Page 166, and being more particularly described as follows:

Commencing at a railroad spike found at the northwest corner of the northwest quarter of Section 19, in the centerline of Alex Bell Road (S.R. 725) at P.I. Station 1061 + 45.76;

Thence, with the north line of said section and the centerline of Alex Bell Road (S.R. 725) South 80° 33' 21" East, 2205.51 feet to a mag nail set in the north line of the Grantor's tract, and the northeast corner of a parcel acquired by the State of Ohio, M.F. #88-267 D01, at Station 1083 + 51.27, said point being the True Place of Beginning of the land herein described;

Thence, continuing with the north line of said section and the centerline of said road, South 80° 33' 21" East, 479.68 feet to a mag nail set in the northeast corner of the Grantor's tract and the northwest corner of a parcel acquired by the City of Centerville, M.F. #80-296 C04 at Station 1088 + 30.95;

Thence, with the west line of aforesaid City of Centerville parcel, South 03° 26' 39" West, 33.00 feet to an iron pin set on the south existing right-of-way line, 33.00 feet left of Station 1088 + 30.95;

Thence, with the west line of aforesaid City of Centerville parcel, South 45° 20' 32" East, 40.98 feet to an iron pin set in the new right of way, 60.00 feet right of Station 1088 + 61.78;

Thence, with the new right-of-way line, North 86° 33' 21" West, 593.22 feet to an iron pin set at the southeast corner of a parcel acquired by the City of Centerville, M.F. #85-369 B01, 60.00 feet right of Station 1082 + 68.56;

Thence, with the east line of aforesaid City of Centerville parcel, North 32° 53' 45" West, 17.60 feet to an iron pin set on the south line of lands acquired by the State of Ohio, M.F. #89-282 D01, 49.85 feet right of Station 1082 + 61.99;

Thence, with the south line of aforesaid State of Ohio lands, North 82° 51' 29" East, 91.74 feet to an iron pin set 33.00 feet right of Station 1083 + 51.27;

Thence, with aforesaid State of Ohio lands, North 03° 26' 39" East, 33.00 feet to the True Place of Beginning.

All iron pins set are capped 5/8"x30" with "WORL & ASSOC." stamped on cap.

It is understood the above contains a total of _____ 0.708 _____ of an acre, more or less, including the present road which occupies _____ 0.364 _____ of an acre, more or less.

Of the above described area, _____ 0.708 _____ of an acre is to be deleted from Auditor's Tax Duplicate Number 068 006-07-0003.

The description for parcel number 10:WD above was calculated and derived from a centeline survey of Alex Bell Rd. (S.R. 725) made by Worl and Associates, Inc. for the City of Centerville _____, under the direction and supervision of Mark D. Studobaker, Registered Surveyor Number 7074. Stations referenced above have been established on the existing centerline of right of way of Alex Bell Road, (State Route 725). The centeline Plat of MOI 725 20 10 is recorded in Plat Book 179 Page 26 of the Montgomery County Plat Records. Bearings used within are based on the centerline of Biggor Road and the east line of Section 20, being North 04° 47' 15" East as shown on Plat Book 159, Page 32A.

1