

ORDINANCE NO. 11-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan W. Lienesch 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 5-01 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 Exhibits "A" "B" and "C" attached hereto and incorporated herein.

SECTION 2. That the above-described real estate is valued as follows:
June Lowry, Parcel Nos. 11-WD, 11-WD1 and 11-T, appraised value \$7,981.00.

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. Beals
Mayor of the City of Centerville, Ohio

ATTEST:

Maile J. Saubelle
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 11-01 passed by the Council of the City of Centerville, Ohio on the 19th day of March, 2001.

Maile J. Saubelle
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 (as 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 Grantee, 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. 11-WD _____

Being a part of a 1.491 acre parcel acquired by June Lowry as recorded in M. F. #00-018 A09 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 86° 33' 21" East, 2785.19 feet to a railroad spike found at the intersection of Alex-Bell Road and Clio Road at P.I. Station 1089 + 30.95;

Thence, continuing with the centerline of Alex-Bell Road, South 75° 40' 52" East, 100.00 feet to a mag nail set at the northeast corner of a parcel acquired by the City of Centerville as recorded in M.F. #80-376 A01, at Station 1090 + 30.95, said mag nail being the True Place of Beginning of the land herein described;

Thence, continuing with the centerline of said road, South 75° 40' 52" East, 102.85 feet to a mag nail set in the northeast corner of the Grantor's tract and the northwest corner of a parcel acquired by June Lowry in M.F. #00-018 A12 at Station 1091 + 33.80;

Thence, with the Grantor's east line and the west line of aforesaid Lowry parcel, South 05° 14' 58" West, 60.78 feet to an iron pin set in the new right-of-way, 60.00 feet right of Station 1091 + 43.38;

Thence, with the new right-of-way line, North 75° 40' 52" West, 141.30 feet to an iron pin set in the existing right-of-way line, 60.00 feet right of Station 1090 + 02.08;

Thence, with the east line of aforesaid City of Centerville parcel, North 61° 14' 03" East, 39.53 feet to an iron pin set 33.00 feet right of Station 1090 + 30.95;

Thence, continuing with the east line of the City of Centerville parcel, North 14° 19' 08" 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 0.157 of an acre, more or less, including the present road which occupies 0.080 of an acre, more or less.

Of the above described area, 0.157 of an acre is to be deleted from Auditor's Tax Duplicate Number 068-006-07-0011.

The description for parcel number 11-WD above was calculated and derived from a centerline 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 B. 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 centerline Plat of MOT 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 Bligger Road and the east line of Section 20, being North 04° 47' 15" East as shown on Plat Book 159, Page 32A.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That _____

hereinafter referred to as the grantor (as 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 Grantee, 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 3 M.R.S., Washington Township, and bounded and described as follows:

PARCEL NO. 11-WD1

Being a part of a 1.003 acre parcel acquired by June Lowry as recorded in M. F. #00-018 A12 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 1081 + 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, 2785.19 feet to a railroad spike found at the intersection of Alex-Bell Road and Clyn Rowl at P.I. Station 1089 + 30.95;

Thence, continuing with the centerline of Alex-Bell Road, South 75° 40' 52" East, 202.85 feet to a mag nail set at the northwest corner of the Grantor's tract and the northeast corner of a parcel acquired by June Lowry in M.F. #00 018 A09, at Station 1091 + 33.80, said mag nail being the True Place of Beginning of the land herein described;

Thence, continuing with the centerline of said road, South 75° 40' 52" East, 111.00 feet to a mag nail set in the northeast corner of the Grantor's tract at Station 1092 + 44.80;

Thence, with the Grantor's east line and the west line of a parcel acquired by the City of Centerville in M.F. # 94 713 C07, South 04° 53' 09" West, 60.82 feet to a point in the new right-of-way, 60.00 feet right of Station 1092 + 54.77, witness a 5/8" iron pin found at South 04° 53' 09" West, 0.98 feet;

Thence, with the new right-of-way line, North 75° 40' 52" West, 111.39 feet to an iron pin set in the Grantor's west line and the east line of aforesaid Lowry parcel, 60.00 feet right of Station 1091 + 43.38;

Thence, with the Grantor's west line and the east line of aforesaid Lowry parcel, North 05° 14' 58" East, 60.76 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 0.153 of an acre, more or less, including the present road which occupies 0.084 of an acre, more or less.

Of the above described area, 0.153 of an acre is to be deleted from Auditor's Tax Duplicate Number 068-006-07-0053.

The description for parcel number 11-WD1 above was calculated and derived from a centerline 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 B. Stuebaker, 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 centerline Plat of MOT-725 20.10 is recorded in Plat Book 179 Page 28 of the Montgomery County Plat Records. Bearings used within are based on the centerline of Blyger Road and the east line of Section 20, being North 04° 47' 15" East as shown on Plat Book 159, Page 32A.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

TEMPORARY RIGHT OF WAY AGREEMENT

PARCEL NO. 11-T

S.R. NO. 725, SECTION 20.10, Montgomery COUNTY, OHIO

ARTICLES OF AGREEMENT

These articles of agreement, entered into this _____ day of _____, two thousand and _____ by _____ and the _____, State of Ohio, Witnesseth:

That _____ for and in consideration of the sum of _____ Dollars (\$ _____)

to _____ paid by the City of Centerville the receipt of which is hereby acknowledged, do hereby authorize the _____ State of Ohio or _____ duly authorized agents or contractors to enter upon and use _____ land hereinafter described as Parcel No. 11-T, during the period beginning with the breaking of ground for the construction of the above highway improvement, and terminating when the completed work has been fully accepted by the Director of Transportation, for the purpose of performing the work necessary to reconstruct intersection of S.R. 725 and Clio Road in accordance with plans and specifications prepared by the Ohio Department of Transportation.

PARCEL NO. 11-T

Being a parcel of land situated in the City of Centerville, Montgomery County, Ohio and located in Section 19, Town 2, Range 6 N.R.S., Washington Township and being located within the following described points in the boundary thereof:

Commencing at a point on the Grantor's westerly line, 60.00 feet right of the centerline of Alex-Bell Road (S.R. 725) Station 1090+02.00, said point also being in the proposed south right-of-way line of Alex-Bell Road;

Thence, with the proposed right-of-way line, South 75° 40' 52" East, 7.32 feet to a point 60.00 feet right of Station 1090+09.40;

Thence, with the temporary easement line, South 61° 14' 03" West, 22.72 feet to a point 75.52 feet right of Station 1009+92.01;

Thence, with the temporary easement line, South 04° 26' 57" West, 02.30 feet to a point 156.60 feet right of Station 1090+06.92;

Thence, with the temporary easement line, North 85° 33' 0" West, 5.00 feet to a point on the east right-of-way line of Clio Road and the west line of the Grantor's tract, 157.45 feet right of Station 1090+01.99;

Thence, with the east right-of-way line and the Grantor's west line, North 04° 26' 57" East, 85.00 feet to a point 73.71 feet right of Station 1009+87.42;

Thence, continuing with said right-of-way line and the Grantor's west line, North 61° 14' 03" East, 20.07 feet to the Place of Beginning.

The description for parcel number 11-T above was calculated and derived from a centerline survey made by Worl & Associates, Inc., Mark B. Studebaker, Registered Surveyor Number 7074.

Grantor claims title by instrument dated January 7, 2000 recorded in Deed 00-018 A09, of the records of Montgomery County.

It is understood the area of land above described contains 0.012 acres, more or less.