

ORDINANCE NO. 12-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James E. Singer 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 6-01 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" and "B", attached hereto and incorporated herein.

SECTION 2. That the above-described real estate is valued as follows:

W. Daniel Lowry and Deborah A. Lowry, Parcel Nos. 15-WD and 15-T, appraised value \$42,039.00.

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. Bedt
Mayor of the City of Centerville, Ohio

ATTEST:

Marie J. McLaughlin
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 12-01 passed by the Council of the City of Centerville, Ohio on the 19th day of March, 2001.

Marie J. McLaughlin
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. 15.WD

Being a part of a 2.430 acre parcel acquired by Winston D. Lowry and Deborah A. Lowry as recorded in M. F. #93-050 D02 and being more particularly described as follows:

Commencing at a 5/8" iron pin in a monument box at the northeast corner of the northeast quarter of Section 19, in the centerline intersection of Alex Bell Road (S.R. 725) and Bigger Road at P.I. Station 1117 + 38.25;

Thence, with the centerline of Alex Bell Road (S.R. 725), North 86° 22' 38" West, 829.80 feet to a mag nail at P.I. Station 1109 + 08.45;

Thence, with the said centerline, South 75° 50' 17" West, 131.84 feet to a mag nail set at P.I. Station 1107 + 76.61;

Thence, with the said centerline, North 88° 56' 15" West, 253.16 feet to a mag nail set at P.I. Station 1105 + 23.45;

Thence, with the said centerline, North 87° 56' 15" West, 83.72 feet to a railroad spike found in the northeast corner of the Grantor's tract at Station 1104 + 39.73, said point being the True Place of Beginning of the land herein described;

Thence, with the Grantor's east line and the west line of a parcel acquired by W. Lowry, M.F. 96-310 A03, South 01° 12' 32" West, 60.00 feet to an iron pin set in the new right-of-way line, 60.00 feet right of Station 1104 + 40.62,

Thence, with the new right-of-way line, North 87° 56' 15" West, 266.68 feet to a 5/8" iron pin found in the Grantor's west line and the east line of a parcel acquired by South Dayton Presbyterian Church in America M.F. 94-713 C12, 60.00 feet right of Station 1101 + 73.94;

Thence, with the Grantor's west line and the east line of said Church, North 05° 15' 56" East, 60.09 feet to a mag nail set at the Grantor's northwest corner in the centerline of Alex Bell Road, Station 1101 + 77.30;

Thence, with the centerline of said road, South 87° 56' 15" East, 262.43 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 0.364 of an acre, more or less, including the present road which occupies 0.199 of an acre, more or less.

Of the above described area, 0.364 of an acre is to be deleted from Auditor's Tax Duplicate Number 06B-006-07-0012.

The description for parcel number 15.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. Studebaker, 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 Bigger 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

EXHIBIT "B"

PARCEL NO. 15-T

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

ARTICLES OF AGREEMENT

Those 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. 15-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 regrading and seeding in accordance with plans and specifications prepared by the Ohio Department of Transportation.

PARCEL NO. 15-T

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

Commencing at a point in the Grantor's west line, 60.00 feet right of the centerline of Alex-Bell Road (S.R. 725) Station 1101+73.94, 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 87° 56' 15" East, 36.06 feet to a point 60.00 feet right of Station 1102+10.00;

Thence, with the temporary easement line, South 02° 03' 45" West, 15.00 feet to a point 75.00 feet right of Station 1102+10.00;

Thence, with the temporary easement line, North 87° 56' 15" West, 36.90 feet to a point in the Grantor's west line, 75.00 feet right of Station 1101+73.10;

Thence, with the Grantor's west line, North 05° 15' 56" East, 15.02 feet to the Place of Beginning.

The description for parcel number 15-T above was calculated and derived from a centerline survey made by Worl & Associates, Inc., Mark B. Studobaker, Registered Surveyor Number 1071.

Grantor claims title by instrument dated January 26, 1993 recorded in Deed 93-050 D02, of the records of Montgomery County.

It is understood the area of land above described contains 0.013 acres, more or less.