

ORDINANCE NUMBER 75-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman ON THE 5th
DAY OF May, 1980.

AN EMERGENCY ORDINANCE TO APPROPRIATE CERTAIN
REAL ESTATE OF JOHN P. CHANEY AND LINDA J. CHANEY
FOR THE CLYO ROAD IMPROVEMENT PROJECT IN THE
CITY OF CENTERVILLE, OHIO

WHEREAS, this Council did by resolution No. 15-80
adopted the 28th day of April, 1980, declare its intention and
the necessity appropriating certain real estate described in said
Resolution, and

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

WHEREAS, it is immediately necessary to appropriate said
real estate for the purpose of reconstructing and widening Clio
Road and for the immediate reservation of the public peace,
health, safty and welfare.

NOW THEREFORE, the municipality of Centerville hereby
ordaines;

Section I. That the following described real estate be and the
same hereby is appropriated in fee simple title, including a tem-
porary easement and/or channel easement, for street and other
public purposes to wit;

A channel easement for the right to construct and maintain a perpetual watercourse and drainage structures with the owner retaining the right to use the area for any other purpose provided that such use does not impair the proper functioning of the highway drainage facilities within the following area:

BEING A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 19, TOWN 2, RANGE 6, B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at the southwest corner of Lot No. 56 of Black Oak Forest Subdivision, Section 1, as recorded in Plat Book 100, Page 67;

thence north zero degree 45' 03" east 62.90 feet with the east right-of-way line of Cloyo Road to a point;

thence, south 65° 34' 52" east 58.16 feet to a point;

thence south 24° 25' 08" west 42.00 feet to a point on the south line of said Lot No. 56;

thence, south 89° 03' 08" west 36.42 feet to the place of beginning, containing 0.0543 acre and subject to all easements of record.

Grantor acquired title to the above described parcel as recorded in Microfiche No. D 79 538 E 11.

This description was prepared on December 12, 1979 by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Cloyo Road made by same in July, 1979.

Section II. That the above described real estate is valued as follows: \$ 3000.00

Section III. That the municipal attorney be and he hereby is authorized and directed to deposit said amount with the Clerk of Courts of Montgomery County, Ohio, or other depository; take possession of the aforesaid property; and apply to a Court of competent jurisdiction to make inquiry into and access 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 IV. This Ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public health, safety and welfare is hereby declared to exist by virtue of the immediate need to make said improvements.

PASSED THIS 5th day of May, 1980.

[Signature]
Deputy Mayor of the City of Centerville, Ohio

ATTEST:

[Signature]
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 23-80, passed by the Council of the City of Centerville, Ohio, on the 5th day of May, 1980.

[Signature]
Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter & constitution of the City,
D. W. F. L. W.
Robert N. Farquhar
Municipal Attorney