

ORDINANCE NUMBER 24-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Heintz ON THE 14th

DAY OF May, 1980.

AN 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 upon 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, safety and welfare.

NOW THEREFORE, the municipality of Centerville hereby
ordains;

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' 08" east 62.90 feet with the east right-of-way line of Clio Road to a point;

thence, south 65⁰ 34' 52" east 58.16 feet to a point;

thence south 24⁰ 25' 08" west 42.00 feet to a point on the south line of said Lot No. 56;

thence, south 89⁰ 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 Clio Road made by same in July, 1979.

A temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clyo Road Improvement and terminating when the completed work has been fully accepted by the City of Centerville for the purpose of performing the work necessary to construct back slopes, grading and seeding within the limits shown on the right of way plans, in the real estate described as follows to wit:

Being a parcel of land situated in the City of Centerville, County of Montgomery, State of Ohio, Section 19, Town 2, Range 6, and lying on the _____ side _____ of a survey, made by Stephen Worl and recorded in _____ Book _____ and being located within the following described points in the boundary thereof:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clyo Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 4806.02 feet with the east line of said quarter and centerline of Clyo Road to a point located at Station 54+6.02 on the Clyo Road centerline;

thence, north $89^{\circ} 00' 13''$ east 43.00 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, south $0^{\circ} 45' 08''$ west 72.00 feet to a point;

thence, north $89^{\circ} 00' 13''$ east 13.00 feet to a point;

thence, north $0^{\circ} 45' 08''$ east 24.00 feet to a point;

thence, north $45^{\circ} 45' 08''$ east 59.37 feet to a point;

thence, north $89^{\circ} 00' 13''$ east 42.00 feet to a point;

thence, north $0^{\circ} 45' 08''$ east 10.00 feet to a point;

thence, south $89^{\circ} 00' 13''$ west 97.00 feet to the true place of beginning, containing 0.061 acres, more or less, and subject to all legal highways and easements of record.

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 shall take full force in effect from and after the earliest date provided by law.

PASSED THIS 19th day of May, 1980.

Dora G. Lake
Deputy - Mayor of the City of Centerville, Ohio

ATTEST:

Maile M. Saughlin
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. 24-80, passed by the Council of the City of Centerville, Ohio, on the 19th day of May, 1980.

Maile M. Saughlin
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney