	ORDIN	IANCE NUMBER 2	5-80
	CITY	OF CENTERVILLE,	OHIO
SPONSORED BY COU	INCILMAN Shirt	er Heintz	ON THE SH
DAY OF ME	, 1980.		

AN EMERGENCY ORDINANCE TO APPROPRIATE CERTAIN REAL ESTATE OF WILLARD C. NEARING AND MARJORIE L. NEARING FOR THE CLYO ROAD IMPROVEMENT PROJECT IN THE CITY OF CENTERVILLE, OHIO

WHEREAS, this Council did by resolution No. 16-80 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 Clyo 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 temporary easement and/or channel easement, for street and other public purposes to wit;

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, Montgomery, State of Ohio, Section and lying on Range 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 3050.37 feet with the east line of said quarter and center line of Clyo Road to a point located at Station 36+50.37 on the Clyo Road centerline; thence, north 89<sup>0</sup> 14' 52" west 43.00 feet to a point marking the true place of beginning of the easement herein conveyed; thence, north  $0^{\circ}$  45' 08" east 1764.60 feet to a point; thence, north  $0^0$  33' 03" east 615.00 feet to a point; thence, north 89<sup>0</sup> 14' 52" west 35.00 feet to a point; thence, south 0° 33' 03" west 630.00 feet to a point; thence, north 890 14' 52" west 25.00 feet to a point; thence, south  $0^{0}$  45' 08" west 125.00 feet to a point; thence, south 890 14' 52" east 30.00 feet to a point; thence, south  $0^{0}$  45' 08" west 500.00 feet to a point; thence, south  $89^{\circ}$  14' 52" east 15.00 feet to a point; thence, south  $0^{\circ}$  45' 08" west 400.00 feet to a point; thence, south  $89^{\circ}$  14' 52" east 5.00 feet to a point; thence, south  $0^{\circ}$  45' 08" west 470.00 feet to a point; thence, north  $89^{\circ}$  14' 52" west 25.00 feet to a point; thence, south  $0^{\circ}$  45' 08" west 254.60 feet to a point; thence, south 890 14' 52" east 35.00 feet to the true place of beginning, containing 1.473 acres, more or less, and subject to all legal highways and easements of record. 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 2696.87 feet with the east line of said quarter and centerline of Clyo Road to a point located at Station 32+96.87 on the Clyo Road centerline;
thence, north $88^{\circ}$ 45' $08"$ west 43.03 feet to a point marking the true place of beginning of the easement herein conveyed;
thence, north $0^{\circ}$ 45' 08" east 195.00 feet to a point;
thence, north 89° 14' 52" west 15.00 feet to a point;
thence, south $0^{\circ}$ 45' 08" west 195.52 feet to a point on the grantor's south line;
thence, north $88^{\circ}$ 45' $08$ " east 15.00 feet with the grantor's south line to the true place of beginning, containing 0.067 acres, more or less, and subject to all legal highways and

easements of record.

## LEGAL DESCRIPTION

Parcel No. 18

GRANTOR: Marjorie L. Nearing GRANTEE: City of Centerville PREPARED: December 10, 1979

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

Commencing for reference at an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, north zero degree 45' 08" east 353.50 feet with the centerline of Clyo Road to a point at station 36+50.37, said point marking the principle place of beginning of the parcel herein conveyed;

thence, north 89° 14' 52" west 43.00 feet with the north line of the Willard C. Nearing tract as recorded in Deed Book 1845, page 651, to a point;

thence, north zero degree 45' 08" east 1764.60 feet to a point;

thence, north zero degree 33' 03" east 584.87 feet to a point;

thence, north 49<sup>0</sup> 14' 26" west, 73.86 feet to a point on the existing south right-of-way of Alexandersville-Bellbrook Road;

thence, north zero degree 27' 15" west 33.00 feet to a point on the centerline of Alexandersville-Bellbrook Road;

thence, north 89<sup>0</sup> 32' 45" east 100.00 feet with the grantor's north line and north line of Section 19 to the northeast corner of said northwest quarter section;

thence, south zero degree 33' 03" west 667.38 feet with the grantor's east line to a point at Station 54+15.05 on Clyo Road;

thence, south zero degree 45' 08" west 1764.68 feet with the grantor's east line and centerline of Clyo Road to the principle place of beginning, containing 2.475 acres, more or less, and subject to all legal highways and easements of record. The present right-of-way occupied consists of 1.177 acres, more or less.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 1482 page 166.

This description was prepared on December 10, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 1979.

## LEGAL DESCRIPTION Parcel No. 16

9413 1000g

GRANTOR: Marjorie L. Nearing GRANTEE: City of Centerville PREPARED: October 29, 1979

BEING A PARCEL OF LAND IN THE NORTHWEST 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 an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, south 88° 45' 08" west 43.03 feet with the south line of said quarter to a point;

thence, north zero degree 45' 08" east 195.00 feet to a point on the south line of the Willard C. Nearing tract as recorded in Deed Book 1845, page 651;

thence, south 89° 14' 52" east 43.00 feet with the W. Nearing tract to a point on the east line of said quarter and Station 34+90.37 centerline of Clyo Road;

thence, south zero degree 45' 08" west 193.50 feet, with the east line of said quarter and centerline of Clyo Road to the place of beginning, containing 0.192 acre, more or less, and subject to all legal highways and easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 148 page 166.

This description was prepared on October 29, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 1979.

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 MORTHWEST 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:

Commencing for reference at an existing railroad spike in the southeast corner of s northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, north zero degree 45' 08" east 433.13 feet with the centerline of Clyo Road

thence, north 89<sup>0</sup> 14' 52" west 43.00 feet to a point on the west right-of-way line of Clyo Road, said point being the principle place of beginning of the easementherein conveyed, said point being located 43 feet left of Station 37+ 30 on the centerline of Clyo Road;

thence, continuing north 89° 14' 52" west 27.00 feet to a point;

thence, north zero degree 45' 08" east 30.00 feet to a point;

thence, south  $89^{\circ}$  14' 52" east 27.00 feet to a point 43 feet left of Station  $37 \div 60$  on the centerline of Clyo Road;

thence, south zero degree 45' 08" west 30.00 feet with the west line of Clyo Road to the principle place of beginning, containing 0.019 acre, more or less, and subjeto all easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 14 page 165.

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

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 NORTHWEST 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:

Commencing for reference at an existing railroad spike in the southeast corner of somethwest quarter, said spike being located at the grantor's southeast corner and Station 32+ 96.87 on the centerline of Clyo Road;

thence north zero degree 45' 08" east 2006.98 feet to a point at Station 53+03.85 on the centerline of Clyo Road;

thence, north 890 14' 52" west 43.00 feet to a point on the west right-of-way line of Clyo Road marking the principle place of beginning of the tract herein conveyed;

thence north 65° 34' 52" west 65.05 feet to a point;

thence north 24° 25' 08" east 68.69 feet to a point;

thence south 65° 34' 52" east 33.94 feet to a point on the west right-of-way line of Clyo Road 43.00 left of Station 53+78.85;

thence south zero degree 45' 08" west 75.00 with the west right-of-way line of Clyo Road to the principle place of beginning, containing 0.078 acre, more or less, and subject to all easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 140 page 166.

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

Section II. That the above described real estate is valued as follows: \$24,000.00 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 men of Centerville, Ohio the City ATTEST: Clerk of Council City of Centerville, Ohio egraph on committee is Post Date 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. 25-80, passed the Council of the City of Centerville, Ohio, on the Sty day \_, passed by MEZ Approved as to form, consistency with existing and according the charter & countile finance part distans. Depreise le de Law Robert M. Fargular Municipal Attorney