

ORDINANCE NUMBER 95-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Heintz ON THE 5th

DAY OF May, 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 Clys
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;

CLYO ROAD

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, OHIO 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° 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° 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

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 $83^{\circ} 45' 08''$ 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 $89^{\circ} 14' 52''$ 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 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 the northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clio Road;

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

thence, north 89° 14' 52" west 43.00 feet to a point on the west right-of-way line of Clio Road, said point being the principle place of beginning of the easement herein conveyed, said point being located 43 feet left of Station 37+ 30 on the centerline of Clio 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° 14' 52" east 27.00 feet to a point 43 feet left of Station 37+60 on the centerline of Clio Road;

thence, south zero degree 45' 08" west 30.00 feet with the west line of Clio Road to the principle place of beginning, containing 0.019 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. 14 page 165.

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 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 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 2006.98 feet to a point at Station 53+03.85 on the centerline of Clyo Road;

thence, north 89° 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+73.85;

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. 148 page 166.

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.

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 May, 1980.

Nora E. Lake
Deputy - Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. 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. 25-80, passed by the Council of the City of Centerville, Ohio, on the 5th day of May, 1980.

Marilyn J. Saughlin
Clerk of Council

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