

ORDINANCE NUMBER 27-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Hantz 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. 17-80
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 Clys
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;

CLYO ROAD

LEGAL DESCRIPTION

Parcel No. 17

GRANTOR: Willard C. 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:

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

Thence, north zero degree 45' 08" east 193.50 feet with the east line of said quarter and centerline of Clyo Road to a point at Station 34+90.37, said point marking the principle place of beginning of the parcel herein conveyed;

thence, continuing north zero degree 45' 08" east 160.00 feet with the east line of said quarter and centerline of Clyo Road to a point at the grantor's northeast corner;

thence, north 89° 14' 52" west 43.00 feet with the grantor's north line to a point;

thence, south zero degree 45' 08" west 160.00 feet to a point on the grantor's south line;

thence, south 89° 14' 52" east 43.00 feet with the grantor's south line to the principle place of beginning, containing 0.158 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. 184 page 651.

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 temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clio 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 Clio Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 2890.37 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 34+90.37 on the Clio Road centerline;

thence, north $89^{\circ} 14' 52''$ 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 160.00 feet to a point on the grantor's north line;

thence, north $89^{\circ} 14' 52''$ west 15.00 feet with the grantor's north line to a point;

thence, south $0^{\circ} 45' 08''$ west 160.00 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ east 15.00 feet with the grantor's south line to the true place of beginning, containing 0.055 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: \$4,000.00

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 O. Lake
Deputy - Mayor of the City of Centerville, Ohio

ATTEST:

Mario M. Saugher
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. 27-80, passed by the Council of the City of Centerville, Ohio, on the 5th day of May, 1980.

Mario M. Saugher
Clerk of Council

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