

ORDINANCE NUMBER 31-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN James Sugar ON THE 5th

DAY OF May, 1980.

AN EMERGENCY ORDINANCE TO APPROPRIATE CERTAIN REAL ESTATE OF NED J. HAVERSTICK, JOSEPH B. HAVERSTICK AND ALBERTA Z. HAVERSTICK FOR THE CLYO ROAD IMPROVEMENT PROJECT IN THE CITY OF CENTERVILLE, OHIO

WHEREAS, this Council did by resolution No. 20-80 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 temporary easement and/or channel easement, for street and other public purposes to wit;

CLYO ROAD

LEGAL DESCRIPTION
Parcel No. 2

GRANTOR: Ned J. & Joseph B. Haverstick
GRANTEE: City of Centerville
PREPARED: October 29, 1979

BEING A PARCEL OF LAND IN THE SOUTHEAST 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 at the southwest corner of said southeast quarter, spike also located at the intersection of the centerlines of Clyo Road and Franklin Street;

thence, north zero degree 45' 08" east 252.01 feet with the west line of said quarter and centerline of Clyo Road to a point, said point being located at Station 8+52.01 on Clyo Road and marking the principle place of beginning of the parcel herein conveyed;

thence, continuing north zero degree 45' 03" east 271.08 feet with the west line of said quarter and centerline of Clyo Road to a point;

thence, south 89° 14' 52" east 66.69 feet with the south line of the Franklin East Subdivision, Section 2, as recorded in P.B. 100, Pg. 68 to a point marking the southwest corner of Lot no. 83;

thence, south 0° 49' 50" west 271.08 feet to an existing iron pin located on the north line of a Bank tract as recorded in P.B. 103, pg. 39;

thence, north 89° 14' 52" west 66.32 feet with the north line of said Bank tract to the principle place of beginning, containing 0.414 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 Microfiche No. 74-544A09.

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 523.09 feet with east line of said quarter and centerline of Clio Road to a point located at Station 11+23.09 on the Clio Road centerline;

thence, south $89^{\circ} 14' 52''$ east 66.69 feet with the grantor's south line to a point marking the true point of beginning of the easement herein conveyed;

thence, north $0^{\circ} 49' 32''$ east 455.04 feet to a point;

thence, north $0^{\circ} 34' 55''$ west 101.57 feet to a point;

thence, north $02^{\circ} 05' 23''$ west 350.96 feet to a point;

thence, north $0^{\circ} 38' 24''$ west 122.00 feet to a point;

thence, north $88^{\circ} 52' 08''$ east 20.00 feet to a point;

thence, south $0^{\circ} 38' 24''$ east 122.00 feet to a point;

thence, south $02^{\circ} 05' 23''$ east 350.96 feet to a point;

thence, south $0^{\circ} 34' 55''$ east 101.57 feet to a point;

thence, south $0^{\circ} 49' 32''$ west 455.04 feet to a point;

thence, north $89^{\circ} 14' 52''$ west 20.00 feet with the grantor's south line to the true place of beginning, containing 0.473 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: \$12,000.00

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.

[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. 31-80, 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 & council provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney