

ORDINANCE NUMBER 34-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Leonard Stubbs ON THE 12th

DAY OF May, 1980.

AN EMERGENCY ORDINANCE TO APPROPRIATE CERTAIN REAL ESTATE OF SOUTHWESTERN RESERVE COMPANY FOR THE CLYO ROAD IMPROVEMENT PROJECT IN THE CITY OF CENTERVILLE, OHIO

WHEREAS, this Council did by Resolution No. 19-80 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 Clyo Road for the immediate preservation of the public peace, health, safety 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 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 northwest corner of Lot No. 93 of Black Oak Forest Subdivision, Section 2, as recorded in Plat Book 102, page 17;

thence, north $89^{\circ} 03' 08''$ east 36.42 feet with the north line of said Lot No. 93 to a point;

thence, south $24^{\circ} 25' 08''$ west 26.69 feet to a point;

thence, north $65^{\circ} 34' 52''$ west 28.05 feet to a point on the east right-of-way line of Clio Road;

thence, north zero degree $45' 08''$ east 12.10 feet with the east right-of-way line of Clio Road to the point of beginning, containing 0.014 acre, more or less, and subject to all easements of record.

Grantor acquired title to the above described parcel as referenced in plat vol. 102 page 17.

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: Being part of the lands deeded to Southwestern Reserve Company as recorded in Deed Book 102, Page 17 (in Montgomery County Deed Records), and being more fully described as follows:

Beginning at the northwest corner of Lot No. 93 of Black Oak Forest Subdivision, Section 2, as recorded in Plat Book 102, page 17;

thence, south $0^{\circ} 45' 08''$ west 12.10 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, south $65^{\circ} 34' 52''$ east 28.05 feet to a point;

thence, south $75^{\circ} 59' 12''$ west 36.81 feet to a point on the right-of-way line of Clys Road;

thence, north $0^{\circ} 45' 08''$ east 25.00 feet with the east right-of-way line of Clys Road to the true point of beginning, containing 0.007 acre, more or less, and subject to all 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:

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; being part of the lands deeded to Southwestern Reserve Company contained in Lots # 91, 92, 93, 94 and 119 Black Oak Forest (Section 2) Subdivision as recorded in Deed Book 102, Page 17 (in Montgomery County Deed Records); and being more fully described as follows;

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 3756.00 feet with the east line of said quarter and centerline of Clyo Road to a point located at Station 43+56 on the Clyo Road centerline;

thence, south $89^{\circ} 03' 08''$ east 43.00 feet with the grantor's south line to a point marking the true point of beginning of the easement herein conveyed;

thence, south $89^{\circ} 03' 08''$ east 20.00 feet with the grantor's south line to a point;

thence, north $0^{\circ} 45' 08''$ east 644.00 feet to a point;

thence, north $89^{\circ} 08' 08''$ east 10.00 feet to a point;

thence, north $0^{\circ} 45' 08''$ east 276.98 feet to a point on the grantor's north line;

thence, north $89^{\circ} 03' 08''$ west 30.00 feet to a point;

thence, south $0^{\circ} 45' 08''$ west 920.98 feet to the true place of beginning, containing 0.486 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: \$ 850.00

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 12th day of May, 1980.

Russell E. Pruittman, Jr.

Councilman of the City of Centerville, Ohio

ATTEST:

Marie J. Laugel
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. 34-80, passed by the Council of the City of Centerville, Ohio, on the 12th day of May, 1980.

Marie J. Laugel
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney