

RESOLUTION NO. 4-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan W. Lienesch ON THE
22nd DAY OF JANUARY, 2001

A RESOLUTION OF INTENT TO APPROPRIATE
CERTAIN INTERESTS IN REAL PROPERTY AND
EASEMENTS FOR THE MOT-725-20.10 EAST
ALEXANDERSVILLE-BELBROOK ROAD
RECONSTRUCTION AND WIDENING PROJECT
FROM MARJORIE NEARING, PARCEL NO. 10-
WD.

WHEREAS, the City of Centerville is engaged in the acquisition of right of way and temporary construction easements for the MOT-725-20.10 East Alexandersville-Bellbrook Road Reconstruction and Widening Project within the corporate limits of Centerville, and

WHEREAS, the acquisition of that parcel of real estate is immediately necessary for the roadway construction in connection with said project, and

WHEREAS, the Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project so that there will be no delay for the immediate preservation of the public peace, health, safety and welfare.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. This Council hereby declares the necessity and intention to appropriate certain real property in accordance with Chapter 163 of the Ohio Revised Code.

SECTION 2. It is necessary and intention to appropriate certain roadway right of way and easements in the real estate described herein: as more fully described in Exhibit "A" attached and incorporated herein.

SECTION 3. That the City Manager or his designate is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, persons in possession of, or having an interest of record in the above described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designate and to make return of said service of notice in the manner provided by law.

PASSED this 22nd day of January, 2001 .

Sally D. Beals
Mayor of the City of Centerville, Ohio

ATTEST:

Marie J. McLaughlin
Clerk of Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 4-01, passed by the Council of the City of Centerville, Ohio, on the 22nd day of January, 2001.

Marie J. McLaughlin
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

WARRANTY DEED

Exhibit "17"

KNOW ALL MEN BY THESE PRESENTS:

That _____

hereinafter referred to as the grantor (as used herein, Grantor includes the plural and words in the masculine

includes the feminine) in consideration of the sum of _____

Dollars (\$ _____) to him paid by the City of Centerville, the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the said

Grantee, its successors and assigns forever, the following described real estate:

Situated in the City of Centerville, County of Montgomery, State of Ohio, and in Section 19, Town 2, Range 6 M.R.S., Washington Township, and bounded and described as follows:

PARCEL NO. 10.WD

Being a part of a 9.153 acre parcel acquired by Marjorie L. Nearing as recorded in Deed Book 1482, Page 166, and being more particularly described as follows:

Commencing at a railroad spike found at the northwest corner of the northwest quarter of Section 19, in the centerline of Alex-Bell Road (S.R. 725) at P.I. Station 1061 + 45.76;

Thence, with the north line of said section and the centerline of Alex-Bell Road (S.R. 725), South 86° 33' 21" East, 2205.51 feet to a mag nail set in the north line of the Grantor's tract, and the northeast corner of a parcel acquired by the State of Ohio, M.F. #89-262 D01, at Station 1083 + 51.27, said point being the True Place of Beginning of the land herein described;

Thence, continuing with the north line of said section and the centerline of said road, South 86° 33' 21" East, 479.68 feet to a mag nail set in the northeast corner of the Grantor's tract and the northwest corner of a parcel acquired by the City of Centerville, M.F. #80-296 C04 at Station 1088 + 30.95;

Thence, with the west line of aforesaid City of Centerville parcel, South 03° 26' 39" West, 33.00 feet to an iron pin set on the south existing right-of-way line, 33.00 feet left of Station 1088 + 30.95;

Thence, with the west line of aforesaid City of Centerville parcel, South 45° 20' 32" East, 40.98 feet to an iron pin set in the new right-of-way, 60.00 feet right of Station 1088 + 61.78;

Thence, with the new right-of-way line, North 86° 33' 21" West, 593.22 feet to an iron pin set at the southeast corner of a parcel acquired by the City of Centerville, MF #85-369 B01, 60.00 feet right of Station 1082 + 68.56;

Thence, with the east line of aforesaid City of Centerville parcel, North 32° 53' 45" West, 12.60 to an iron pin set on the south line of lands acquired by the State of Ohio, M.F. #89-262 D01, 49.85 feet right of Station 1082 + 61.09;

Thence, with the south line of aforesaid State of Ohio lands, North 82° 51' 29" East, 91.74 feet to an iron pin set 33.00 feet right of Station 1083 + 51.27;

Thence, with aforesaid State of Ohio lands, North 03° 26' 39" East, 33.00 feet to the True Place of Beginning.

All iron pins set are capped 5/8"x30" with "WORL & ASSOC." stamped on cap.

It is understood the above contains a total of 0.708 of an acre, more or less, including the present road which occupies 0.364 of an acre, more or less.

Of the above described area, 0.708 of an acre is to be deleted from Auditor's Tax Duplicate Number 068-006.07.0003.

The description for parcel number 10.WD above was calculated and derived from a centerline survey of Alex-Bell Rd. (S.R. 725) made by Worl and Associates, Inc. for the City of Centerville, under the direction and supervision of Mark B. Studebaker, Registered Surveyor Number 7074. Stations referenced above have been established on the existing centerline of right-of-way of Alex-Bell Road, (State Route 725), the centerline Plat of MOT-725-20.10 is recorded in Plat Book 179 Page 26 of the Montgomery County Plat Records. Bearings used within are based on the centerline of Bigger Road and the east line of Section 20, being North 04° 47' 15" East as shown on Plat Book 159, Page 32A.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by