

RESOLUTION NO. 5-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Kingseed 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-BELLBROOK ROAD
RECONSTRUCTION AND WIDENING PROJECT
FROM JUNE LOWRY, PARCEL NOS. 11-WD, 11-
WD1 AND 11-T.

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 Exhibits "A", "B" and "C" 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. Bial
Mayor of the City of Centerville, Ohio

ATTEST:

Marie Ann Saughel
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 5-01, passed by the Council of the City of Centerville, Ohio, on the 22nd day of January, 2001.

Marie Ann Saughel
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

Exhibit "A"

WARRANTY DEED

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.B.S., Washington Township, and bounded and described as follows:

PARCEL NO. 11.WD.

Being a part of a 1.491 acre parcel acquired by June Lowry as recorded in M. F. #00-018 A09 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, 2785.19 feet to a railroad spike found at the intersection of Alex-Bell Road and Clio Road at P.I. Station 1089 + 30.95;

Thence, continuing with the centerline of Alex-Bell Road, South 75° 40' 52" East, 100.00 feet to a mag nail set at the northeast corner of a parcel acquired by the City of Centerville as recorded in M.F. #80-376 A01, at Station 1090 + 30.95, said mag nail being the True Place of Beginning of the land herein described;

Thence, continuing with the centerline of said road, South 75° 40' 52" East, 102.85 feet to a mag nail set in the northeast corner of the Grantor's tract and the northwest corner of a parcel acquired by June Lowry in M.F. #00-018 A12 at Station 1091 + 33.80;

Thence, with the Grantor's east line and the west line of aforesaid Lowry parcel, South 05° 14' 58" West, 60.76 feet to an iron pin set in the new right-of-way, 60.00 feet right of Station 1091 + 43.38;

Thence, with the new right-of-way line, North 75° 40' 52" West, 141.30 feet to an iron pin set in the existing right-of-way line, 60.00 feet right of Station 1090 + 02.08;

Thence, with the east line of aforesaid City of Centerville parcel, North 61° 14' 03" East, 39.53 feet to an iron pin set 33.00 feet right of Station 1090 + 30.95;

Thence, continuing with the east line of the City of Centerville parcel, North 14° 19' 08" 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 0.157 of an acre, more or less, including the present road which occupies 0.080 of an acre, more or less.

Of the above described area, 0.157 of an acre is to be deleted from Auditor's Tax Duplicate Number 068-006-07-0011.

The description for parcel number 11.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

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

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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. 11.WD1

Being a part of a 1.003 acre parcel acquired by June Lowry as recorded in M. F. #00-018 A12 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, 2785.19 feet to a railroad spike found at the intersection of Alex-Bell Road and Clio Road at P.I. Station 1089 + 30.95;

Thence, continuing with the centerline of Alex-Bell Road, South 75° 40' 52" East, 202.85 feet to a mag nail set at the northwest corner of the Grantor's tract and the northeast corner of a parcel acquired by June Lowry in M.F. #00-018 A09, at Station 1091 + 33.80, said mag nail being the True Place of Beginning of the land herein described;

Thence, continuing with the centerline of said road, South 75° 40' 52" East, 111.00 feet to a mag nail set in the northeast corner of the Grantor's tract at Station 1092 + 44.80;

Thence, with the Grantor's east line and the west line of a parcel acquired by the City of Centerville in M.F. # 94-713 C07, South 04° 53' 09" West, 60.82 feet to a point in the new right-of-way, 60.00 feet right of Station 1092 + 54.77, witness a 5/8" iron pin found at South 04° 53' 09" West, 0.96 feet;

Thence, with the new right-of-way line, North 75° 40' 52" West, 111.39 feet to an iron pin set in the Grantor's west line and the east line of aforesaid Lowry parcel, 60.00 feet right of Station 1091 + 43.38;

Thence, with the Grantor's west line and the east line of aforesaid Lowry parcel, North 05° 14' 58" East, 60.76 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 0.153 of an acre, more or less, including the present road which occupies 0.084 of an acre, more or less.

Of the above described area, 0.153 of an acre is to be deleted from Auditor's Tax Duplicate Number 068-006-07-0053.

The description for parcel number 11.WD1 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. Studabaker, 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 plans on file in the Department of Transportation, Columbus, Ohio.

Grantor claims title by instrument(s) of record in Deed 00-018 A12 Montgomery County Recorder's Office

