

RESOLUTION NO. 14-84

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Jeffrey Silver
ON THE 16th DAY OF April, 1984.

TO DECLARE THE NECESSITY AND INTENTION OF
ACQUIRING CERTAIN PARCELS OF REAL ESTATE FOR
THE BIGGER ROAD IMPROVEMENT PROJECT IN THE
CITY OF CENTERVILLE, OHIO.

WHEREAS, the City is engaged in the acquisition of
right-of-way for the Bigger Road Improvement Project in the City
of Centerville, and

WHEREAS, the acquisition of certain parcels of real
estate is immediately necessary for the construction in connec-
tion with said project, and

WHEREAS, this Council has determined that the lands
hereinafter described are necessary for construction in
connection with such project so that there will be no delays 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 estate in accordance with Chapter
163 of the Ohio Revised Code.

Section 2:

It is the necessity and intention to appropriate from
the following real estate a fee simple title and/or temporary
easement and/or channel easement and/or sewer easement and/or
slope easement with said temporary easement in the real estate
described herein to be for and during the period beginning with
the breaking of the ground for the construction of said project
and terminating when the completed work has been fully accepted
by the City of Centerville:

OWNER: Ackley
Charles D. & Mary C. Ackley

Montgomery, COUNTY, OHIO

Washington TOWNSHIP, SECTION 14 TOWN 2, FR./ENTIRE

RANGE 6, MILITARY SURVEY, M.P.S., CITY/VILLAGE OF Centerville

PARCEL NO. 4T TYPE OF INTEREST Temporary Easement

BEING a parcel of land lying on the right side(s) of the centerline of a survey, made by the Department of Transportation and recorded in Book _____, Page _____ of the records of Montgomery County. *in the name of and for the use of the City of Centerville, Ohio

Description:

Beginning at the southwest corner of said section, said point being the intersection of centerlines of the Alexandersville-Bellbrook Pike (State Route 725) and Bigger Road and also being the grantor's southwest property corner;

Thence along the centerline of Bigger Road North 40°-47'-15" East a distance of 405.00 feet to a point, Station 4+05.0;

Thence South 85°-12'-45" East a distance of 90.0 feet to a point 90 feet left of Station 4+05.0 and being the true point of beginning of the tract herein described;

Thence North 40°-47'-15" East a distance of 40.00 feet to a point 55.0 feet right of Station 4+45.0;

Thence South 85°-12'-45" East a distance of 10.0 feet to a point 100.0 feet right of Station 4+45.0;

Thence South 40°-47'-15" West a distance of 40.0 feet to a point 100 feet right of Station 4+05.0;

Thence North 85°-12'-45" West a distance of 10.0 feet to the point of beginning.

The description of this parcel is based on a centerline survey made by Shaw, Weiss & De Naples, Professional Corporation, by George B. Shaw, P.L.S., Ohio Registration Number 5548.

REGISTERED AND FILED BY
OHIO DEPARTMENT OF TRANSPORTATION

Purpose: Driveway Adjustment

It is understood that the strip of land above described contains 0.009 acres, more or less, inclusive of the present road which occupies _____ acres, more or less.

Owner claims title by instrument of record in Deed Book No. 2099, Page 521, Montgomery County Recorder's Office.

ROUTE Bigger Road

SECTION _____

OWNER: Charles D. Ackley / Walter C. Ackley

Montgomery COUNTY, OHIO

Washington TOWNSHIP, SECTION 14 TOWN 2, FR./ENTIRE

RANGE 6 MILITARY SURVEY, M.R.S. _____, CITY/VILLAGE OF Centerville

PARCEL NO. _____ TYPE OF INTEREST Right of Easement

BEING a parcel of land lying on the right side(s) of the centerline of a survey, made by the Department of Transportation and recorded in Book _____, Page _____ of the records of Montgomery County, in the name and for the use of the City of Centerville, Ohio

Description:

Beginning at the Southwest corner of said section, said point being the intersection of centerlines of the Alexandersville-Bellbrook Pike (State Route 725) and Bigger Road and also being the grantor's southwest property corner;

Thence along the centerline of Bigger Road North 4°-47'-15" East a distance of 17.04 feet to a point, Station 0+17.04;

Thence South 85°-12'-45" East a distance of 55.0 feet to a point on the right-of-way line of said road and being the true point of beginning of the tract herein described;

Thence along said line North 4°-47'-15" East a distance of 652.72 feet to a point on the grantor's north property line, 55.0 feet right of Station 6+69.76;

Thence along said line South 89°-11'-15" East a distance of 15.04 feet to a point, 70.0 feet right of Station 6+70.8;

Thence South 00°-23'-17" East a distance of 221.71 feet to a point, 90.0 feet right of Station 4+50.0;

Thence South 4°-47'-15" West a distance of 350.00 feet to a point, 90.0 feet right of Station 1+00.0;

Thence South 17°-42'-03" West a distance of 89.49 feet to a point on the north right-of-way line of said State Route, 70.0 feet right of Station 0+12.78;

Thence along said line North 67° 51'-39" West a distance of 15.72 feet to the point of beginning.

Purpose: Roadway Construction

The description of this parcel is based on a centerline survey made by Shaw, Weiss & DeNaples Professional Corporation, by George B. Shaw, P.L.S., Ohio Registration Number 5248.

THIS INSTRUMENT WAS RECORDED IN

It is understood that the strip of land above described contains 0.457 acres, more or less, inclusive of the present road which occupies _____ acres, more or less.

Owner claims title by instrument of record in Deed Book No. 2099, Page 521, Montgomery County Recorder's Office.

EXHIBIT SHEET A-1

ROUTE Bigger Road
SECTION _____

OWNER: Ackley
Charles D. and Mary C. Ackley
Montgomery, COUNTY, OHIO

Washington TOWNSHIP, SECTION 14 TOWN 2, FR./ENTIRE
RANGE 6, MILITARY SURVEY, M.R.S., CITY/VILLAGE OF Centerville

PARCEL NO. _____ AWD _____ TYPE OF INTEREST Warranty Deed

BEING a parcel of land lying on the Right side(s) of the centerline of a survey, made by the Department of Transportation* and recorded in Book _____, Page _____ of the records of Montgomery County. *in the name of and for the use of the City of Centerville, Ohio

Description:

Beginning at the southwest corner of said section, said point also being the intersection of centerlines of the Alexandersville-Bellbrook Pike (State Route 725) and Bigger Road;

Thence along the west line of said section and the centerline of Bigger Road North 4°47'15" East, a distance of 665.94 feet to a point, being the grantor's northwest property corner and Station 6+65.94 of said centerline survey;

Thence along said north property line South 89°11'15" East, a distance of 55.13 feet to a point on the right-of-way line of said road and being 55.0 feet right of Station 6+69.76;

Thence along said right-of-way line parallel to said centerline South 4°47'15" West, a distance of 686.94 feet to the grantor's south property line and the centerline of Alexandersville-Bellbrook Pike, being Station 103+57.62 of said State Route centerline survey;

Thence along said property and centerline North 67°51'39" West, a distance of 57.62 feet to the point of beginning.

The description of this parcel is based on a centerline survey made by Shaw, Weiss & De Naylor, Professional Corporation, by George B. Shaw, P.L.S., Ohio Registration Number 5548.

Grantor reserves the right of first refusal and claims to and from any residual area.

It is requested that the strip of land above described contains 0.854 acres, more or less, inclusive of the present road which occupies 0.335 acres, more or less.

Owner claims title by instrument of record in Deed Book No. 2099, Page 521,
Montgomery County Recorder's Office.

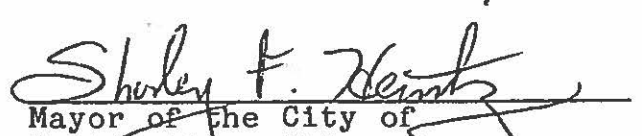
Section 3.

That the Municipal Attorney be and he is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owner, 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 Municipal Attorney, and to make return of said service of notice in the manner provided by law.

Section 4.

That for the reasons stated in the preamble hereto which is hereby made a part hereof, this Resolution shall take effect and be in force from and after its adoption as provided by law.

PASSED THIS 16th DAY OF April, 1984.


Mayor of the City of
Centerville, Ohio

ATTEST:

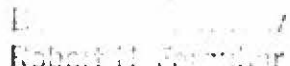

Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 14-84, passed by the Council of the City of Centerville, Ohio, on the 16th day of April, 1984.


Clerk of Council

Approved as to form, consistency with existing ordinances, the charter & laws of the State of Ohio.


Robert H. Farquhar
Municipal Attorney

ALTICK & CORWIN