

RESOLUTION NUMBER 15-80

THE CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN RUSSELL SWEETMAN ON THE 28th DAY OF  
APRIL, 1980

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

WHEREAS, the City is engaged in the acquisition of  
right of way for the Clyo 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 con-  
nection with said project, and

WHEREAS, this council has determined that the lands  
hereinafter described are necessary for construction in con-  
nection 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 I. This Council hereby declares the necessity and  
intention to appropriate certain real estate in accordance  
with Chapter 163 of the Ohio Revised Code.

Section II. It is the necessity and intention to appropriate  
a fee simple title in the following real estate and/or tem-  
porary right of way in real estate described herein 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:

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 southwest corner of Lot No. 56 of Black Oak Forest Subdivision, Section 1, as recorded in Plat Book 109, Page 67;

thence north zero degree 45' 03" east 62.90 feet with the east right-of-way line of Clio Road to a point;

thence, south 65<sup>0</sup> 34' 52" east 58.16 feet to a point;

thence south 24<sup>0</sup> 25' 08" west 42.00 feet to a point on the south line of said Lot No. 56;

thence, south 89<sup>0</sup> 03' 08" west 36.42 feet to the place of beginning, containing 0.0543 acre and subject to all easements of record.

Grantor acquired title to the above described parcel as recorded in Microfiche No. D 79 538 E 11.

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 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 4806.02 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 54+6.02 on the Clio Road centerline;

thence, north  $89^{\circ} 00' 13''$  east 43.00 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, south  $0^{\circ} 45' 08''$  west 72.00 feet to a point;

thence, north  $89^{\circ} 00' 13''$  east 13.00 feet to a point;

thence, north  $0^{\circ} 45' 08''$  east 24.00 feet to a point;

thence, north  $45^{\circ} 45' 08''$  east 59.37 feet to a point;

thence, north  $89^{\circ} 00' 13''$  east 42.00 feet to a point;

thence, north  $0^{\circ} 45' 08''$  east 10.00 feet to a point;

thence, south  $89^{\circ} 00' 13''$  west 97.00 feet to the true place of beginning, containing 0.061 acres, more or less, and subject to all legal highways and easements of record.

Section III. 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 IV. That for the reasons states in the preamble hereto which is hereby made a part hereof, this Resolution shall take affect and be inforce from and after its adoption as provided by law.

PASSED THIS 28th DAY OF April, 1980

  
Deputy - Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of the 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 Resolution No. 15-80, passed by the Council of the City of Centerville, Ohio, on the 28th day of April, 1980.

  
Clerk of Council