

RESOLUTION NUMBER 16-80

THE CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN LEONARD STUBBS 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, safty  
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 braking of the ground for the  
construction of said project and terminating when the  
completed work has been fully accepted by the City of  
Centerville:

CLYO ROAD

LEGAL DESCRIPTION

Parcel No. 18

GRANTOR: Marjorie L. Nearing  
GRANTEE: City of Centerville  
PREPARED: December 10, 1979

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 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, north zero degree 45' 08" east 353.50 feet with the centerline of Clyo Road to a point at station 36+50.37, said point marking the principle place of beginning of the parcel herein conveyed;

thence, north 89° 14' 52" west 43.00 feet with the north line of the Willard C. Nearing tract as recorded in Deed Book 1845, page 651, to a point;

thence, north zero degree 45' 08" east 1764.60 feet to a point;

thence, north zero degree 33' 03" east 584.87 feet to a point;

thence, north 49° 14' 26" west, 73.86 feet to a point on the existing south right-of-way of Alexandersville-Bellbrook Road;

thence, north zero degree 27' 15" west 33.00 feet to a point on the centerline of Alexandersville-Bellbrook Road;

thence, north 89° 32' 45" east 100.00 feet with the grantor's north line and north line of Section 19 to the northeast corner of said northwest quarter section;

thence, south zero degree 33' 03" west 667.38 feet with the grantor's east line to a point at Station 54+15.05 on Clyo Road;

thence, south zero degree 45' 08" west 1764.68 feet with the grantor's east line and centerline of Clyo Road to the principle place of beginning, containing 2.475 acres, more or less, and subject to all legal highways and easements of record. The present right-of-way occupied consists of 1.177 acres, more or less.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 1482, page 166.

This description was prepared on December 10, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 1979.

CLYO ROAD

LEGAL DESCRIPTION

Parcel No. 16

GRANTOR: Marjorie L. Nearing  
GRANTEE: City of Centerville  
PREPARED: October 29, 1979

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 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, south  $89^{\circ} 45' 08''$  west 43.03 feet with the south line of said quarter to a point;

thence, north zero degree  $45' 08''$  east 195.00 feet to a point on the south line of the Willard C. Nearing tract as recorded in Deed Book 1845, page 651;

thence, south  $89^{\circ} 14' 52''$  east 43.00 feet with the W. Nearing tract to a point on the east line of said quarter and Station 34+90.37 centerline of Clyo Road;

thence, south zero degree  $45' 08''$  west 193.50 feet, with the east line of said quarter and centerline of Clyo Road to the place of beginning, containing 0.192 acre, more or less, and subject to all legal highways and easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 1482, page 166.

This description was prepared on October 29, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo 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 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+96.87 on the centerline of Clyo Road;

thence, north zero degree 45' 08" east 433.13 feet with the centerline of Clyo Road;

thence, north  $89^{\circ} 14' 52''$  west 43.00 feet to a point on the west right-of-way line of Clyo Road, said point being the principle place of beginning of the easement herein conveyed, said point being located 43 feet left of Station 37+ 30 on the centerline of Clyo Road;

thence, continuing north  $89^{\circ} 14' 52''$  west 27.00 feet to a point;

thence, north zero degree 45' 08" east 30.00 feet to a point;

thence, south  $89^{\circ} 14' 52''$  east 27.00 feet to a point 43 feet left of Station 37+60 on the centerline of Clyo Road;

thence, south zero degree 45' 08" west 30.00 feet with the west line of Clyo Road to the principle place of beginning, containing 0.019 acre, more or less, and subject to all easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 149 page 166.

This description was prepared on December 12, 1979 by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo 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 AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike in the southeast corner of said northwest quarter, said spike being located at the grantor's southeast corner and Station 32+ 96.87 on the centerline of Clio Road;

thence north zero degree 45' 08" east 2006.98 feet to a point at Station 53+03.85 on the centerline of Clio Road;

thence, north 89° 14' 52" west 43.00 feet to a point on the west right-of-way line of Clio Road marking the principle place of beginning of the tract herein conveyed;

thence north 65° 34' 52" west 65.05 feet to a point;

thence north 24° 25' 08" east 68.69 feet to a point;

thence south 65° 34' 52" east 33.94 feet to a point on the west right-of-way line of Clio Road 43.00 left of Station 53+78.85;

thence south zero degree 45' 08" west 75.00 with the west right-of-way line of Clio Road to the principle place of beginning, containing 0.078 acre, more or less, and subject to all easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 148 page 166.

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 Wort 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 2696.87 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 32+96.87 on the Clio Road centerline;

thence, north  $88^{\circ} 45' 08''$  west 43.03 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, north  $0^{\circ} 45' 08''$  east 195.00 feet to a point;

thence, north  $89^{\circ} 14' 52''$  west 15.00 feet to a point;

thence, south  $0^{\circ} 45' 08''$  west 195.52 feet to a point on the grantor's south line;

thence, north  $88^{\circ} 45' 08''$  east 15.00 feet with the grantor's south line to the true place of beginning, containing 0.067 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. 16-80, passed by the Council of the City of Centerville, Ohio, on the 28th day of April, 1980.

  
Clerk of Council