

RESOLUTION NUMBER 17-80

THE CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN JEFFREY SILER 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:

CLYO ROAD

LEGAL DESCRIPTION
Parcel No. 17

GRANTOR: Willard C. 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:

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

Thence, north zero degree 45' 08" east 193.50 feet with the east line of said quarter and centerline of Clyo Road to a point at Station 34+90.37, said point marking the principle place of beginning of the parcel herein conveyed;

thence, continuing north zero degree 45' 08" east 160.00 feet with the east line of said quarter and centerline of Clyo Road to a point at the grantor's northeast corner;

thence, north 89° 14' 52" west 43.00 feet with the grantor's north line to a point;

thence, south zero degree 45' 08" west 160.00 feet to a point on the grantor's south line;

thence, south 89° 14' 52" east 43.00 feet with the grantor's south line to the principle place of beginning, containing 0.158 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. 1841 page 651.

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 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 2890.37 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 34+90.37 on the Clio Road centerline;

thence, north $89^{\circ} 14' 52''$ west 43.00 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, north $0^{\circ} 45' 08''$ east 160.00 feet to a point on the grantor's north line;

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

thence, south $0^{\circ} 45' 08''$ west 160.00 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ east 15.00 feet with the grantor's south line to the true place of beginning, containing 0.055 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. 17-80, passed by the Council of the City of Centerville, Ohio, on the 28th day of April, 1980.


Clerk of Council