RESOLUTION NUMBER	19-80
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## THE CITY OF CENTERVILLE, OHIO

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SPONSORED	BY	COUNCILMAN	SHIRLEY	HEINTZ	ON	THE	28th	DAY	OF
APRIL		,198	0 -						

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 Centrville, and

WHEREAS, the acquisition of certain parcels of real estate in immediately necessary for the construction in connection 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, safty and welfare.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES;

<u>Section I.</u> 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 temporary 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:

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 northwest corner of Lot No. 93 of Black Oak Forest Subdivision, Section 2, as recorded in Plat Book 102, page 17;

thence, north 89° 03' 08" east 36.42 feet with the north line of said Lot No. 93 to a point;

thence, south 24° 25' 08" west 26.69 feet to a point;

thence, north  $65^{\rm O}$  34' 52" west 28.05 feet to a point on the cast right-of-way line of Clyo Road;

thence, north zero degree 45' 08" east 12.10 feet with the east right-of-way line of Clyo Road to the point of beginning, containing 0.014 acre, more or less, and subject to all easements of record.

Grantor acquired title to the above described parcel as referenced in plat vol. 10% page 17.

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: Being part of the lands deeded to Southwestern Reserve Company as recorded in Deed Book 102, Page 17 (in Montgomery County Deed Records), and being more fully described as follows:

Beginning at the northwest corner of Lot No. 93 of Black Oak Forest Subdivision, Section 2, as recorded in Plat Book 102, page 17;

thence, south  $0^{\rm O}$  45' 08" west 12.10 feet to a point marking the true place of beginning of the easement herein conveyed;

thence, south 65° 34' 52" east 28.05 feet to a point;

thence, south 75° 59' 12" west 36.81 feet to a point on the right-of-way line of Clyo Road;

thence, north  $0^{\circ}$  45' 08" east 25.00 feet with the east right-of-way line of Clyo Road to the true point of beginning, containing 0.007 acre, more or less, and subject to all easements of record.

A temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clyo 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:

0.0	Being a parcel of land situated in the City of Centerville, County of ontgomery, State of Ohio, Section 19 , Town 2
	ange 6 , and lying on the side
	of a survey, made by Stephen Worl nd recorded in Book
	nd being located within the following described points in the boundary
	hereof:
	eing a parcel of land in the northwest quarter of Section 19, Town 2, Range 6, B.M.R.S., ashington Township, City of Centerville, Montgomery County, Ohio; being part of the lands eeded to Southwestern Reserve Company contained in Lots # 91, 92, 93, 94 and 119 Black ak Forest (Section 2) Subdivision as recorded in Deed Book 102, Page 17 (in Montgomery county Deed Records); and being more fully described as follows;
	ommencing for reference at an existing railroad spike at the southeast corner of said outhwest quarter, spike also being located at the intersection of the centerline of lyo Road and Franklin Street;
	hence, north $0^0$ 45' 08" east 3756.00 feet with the east line of said quarter and centerine of Clyo Road to a point located at Station 43+56 on the Clyo Road centerline;
	hence, south 89 <sup>0</sup> 03' 08" east 43.00 feet with the grantor's south line to a point marking he true point of beginning of the easement herein conveyed;
	hence, south 89 <sup>0</sup> 03' 08" east 20.00 feet with the grantor's south line to a point;
	hence, north 0° 45' 08" east 644.00 feet to a point;
	hence, north 89° 08' 08" east 10.00 feet to a point;
	hence, north 0° 45' 08" east 276.98 feet to a point on the grantor's north line;
	hence, north 89° 03' 08" west 30.00 feet to a point;
	hence, south 0 <sup>0</sup> 45' 08" west 920.98 feet to the true place of beginning, containing .486 acres, more or less, and subject to all legal highways and easements of record.
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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. 19-80 , passed by the Council of the City of Centerville, Ohio, on the 28th day of April , 1980.

Clerk of Council