



Christy M. Holmes  
Wood & Lamping  
600 Vine Street  
Suite 2500  
Cincinnati, OH

Dear Christy M. Holmes:

Please find the following parcels on the Mason-Montgomery Road Widening Project to be appropriated.

<u>Parcel</u>	<u>Name</u>
8WD	Reber Auto Body
10WD,T	James E. & Beth E. Dapp
11WD,X,S,S-1,U,T,T-1	Katherine M., William A & Lisa Richardson
13WD,X,S,T	Michael R. & Nancy E. Mink
14WD,X,T,T-1	N. J. Policicchio & Denise Beauchamp
16WD,T	Theodore J. & Tonya G. Honerlaw
17WD,T	John J. & Linda S. Favaron
19WD,T	Thomas J. & Erin M. Winters
35WD,T	Jane L. Honerlaw
36WD,T	Ralph L. Wilberding

I will continue to negotiate and inform you of any changes with these owners until I hear otherwise from you. Please contact me at 948-3141 ext. 48 if I may be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve M. Capan". The signature is fluid and cursive, with the first name "Steve" and last name "Capan" clearly distinguishable.

Steve M. Capan  
M-E Companies, Bayer/Becker  
Engineers for the City of Mason

cc. Richard J. Fair, P. E.  
City Engineer

Ray Schork, P. E.  
Bayer/Becker Engineers

ORDINANCE NO. 2001-67

**AUTHORIZING THE CITY LAW DIRECTOR TO FILE PETITIONS  
FOR APPROPRIATION OF PROPERTIES NECESSARY FOR THE  
MASON-MONTGOMERY ROAD WIDENING PROJECT,  
DETERMINING PUBLIC EXIGENCY AND DECLARING AN  
EMERGENCY (THEODORE AND TONYA HONERLAW)**

WHEREAS, the Council of the City of Mason finds that it is necessary to appropriate the property described on Exhibit "A", attached hereto and incorporated herein by reference, to widen Mason-Montgomery Road; and

WHEREAS, the City has been unable to agree with the owners of the property mentioned herein as to the value of said take; and

WHEREAS, Resolution No. 2001-8 has been adopted declaring the necessity and intention to appropriate such property; and

WHEREAS, notice of the adoption of said Resolution has been given according to law; and

WHEREAS, a public exigency exists imperatively requiring its immediate seizure to allow the widening of Mason-Montgomery Road for public safety purposes, said road being open to the public, without charge; and

WHEREAS, this is land only and there are no structures involved; and

WHEREAS, the Council of the City of Mason has determined that the value of the property appropriated, together with damages to the residue, is as set out in Exhibit "B", attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, members elected thereto concurring:

Section 1. That the City Law Director be and he is hereby authorized and directed to file a petition for appropriation in a Court of competent jurisdiction, to have a jury impaneled, to make inquiry into and assess the compensation to be paid for the real estate described in Exhibit "A" for the Mason-Montgomery Road Widening Project.

Section 2. That appropriation of said property is pursuant to Ohio Revised Code §§163.06, 719.05 and Ohio Constitution Art. I §19.

Section 3. That title to the property described in Exhibit "A" needs to be taken by the City of Mason for supplying safe roadway to its citizens and inhabitants as a public exigency, imperatively requiring its immediate seizure for providing safe and adequate roadway for a portion of the City.

Section 4. That the Council of the City of Mason hereby affixes the value of such property, together with the damages, if any, to the residue, as set out in the attached Exhibit "B".

Section 5. That said amount of dollars be deposited with the Court of Common Pleas, Warren County, Ohio, for the use and benefit of the owners of the property appropriated and upon such deposit with said court, the City of Mason shall take possession of and enter upon such property pursuant to and in accordance with the Charter of the City of Mason and the Constitution and laws of the State of Ohio.

Section 6. That the Council of the City of Mason, Ohio, finds that the appropriation of property herein is necessary for supplying safe roadway for itself and its inhabitants, that the City has been unable to agree with the owners of the property mentioned herein as to the value of said take, together with the damages, if any, to the residue, and that the City wishes to take possession of and enter upon the property described in Exhibit "A", which immediate possession is necessary to meet the needs of the City.

Section 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to acquire the property immediately to allow the City and its contractors to enter on the property to construct the roadway.

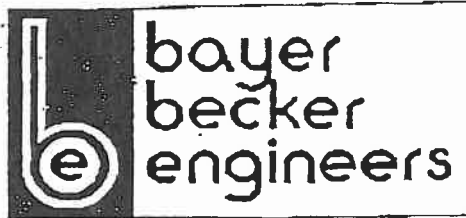
Passed this *3<sup>rd</sup>* day of April, 2001.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

4/5/2001



engineers  
planners  
architects  
surveyors

700 Nilles Road  
Fairfield, Ohio 45014  
p. 513.829.2149  
f. 513.829.2457  
fairfield@bayerbecker.com

County Warren

City of Mason  
Roadway Improvement Plans

Exhibit A

LEGAL DESCRIPTION

PARCEL NO. 16-WD

OWNER: Theodore J. Honerlaw  
TYPE OF INTEREST: Warranty Deed

Situated in Section 36, Town 4, Range 2, City of Mason, Warren County, State of Ohio, and being a 0.057 acre tract of land in part of the lands of Theodore J. Honerlaw as recorded in Deed Book 1470, Page 853 of the Warren County Ohio Records and further described as follows:

Beginning at a point found by measuring from the Southeast corner of aforementioned Section 36, along the Easterly line of said section North 03°59'56" East, 1918.41 feet to a point 21.56 feet right of centerline station 122+60.67 of the City of Mason Roadway Improvement Plans; thence North 04°24'51" East, 111.98 feet to the Southeast corner of the aforementioned lands of Theodore J. Honerlaw and at a point 18.08 feet right of centerline station 121+48.59 of the City of Mason Roadway Improvement Plans and the true point of beginning;

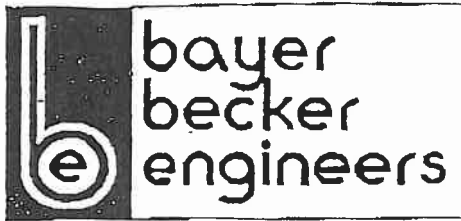
- thence from the point of beginning thus found, leaving said section line, along the Southerly line of said lands of Theodore J. Honerlaw, North 85°08'09" West, 22.44 feet;
- thence leaving said Southerly line, North 02°17'04" East, 102.17 feet to a point in the Northerly line of said lands of Theodore J. Honerlaw;
- thence along said Northerly line, South 85°08'09" East, 26.23 feet to a point in the aforementioned Easterly line of said Section 36;
- thence leaving said Northerly line, along said section line, South 04°24'51" West, 102.07 feet to the point of beginning containing 2483.87 square feet or 0.057 acres of land and being subject to all easements and right-of-ways of record and of which 2042.11 square feet or 0.047 acres of land are present road occupied.

(Continued on Page 2)

Page 2. Continued: County Warren  
City of Mason  
Roadway Improvement Plans  
LEGAL DESCRIPTION  
PARCEL NO. 16-WD

Owner claims title by instrument of record in Deed Book 1470, Page 853 recorded in the Warren County Ohio Records. Auditors Parcel No. 16-36-431-002.

The above description is based upon a survey of the City of Mason Roadway Improvement Plans by Bayer-Becker Engineers, under the direction of Todd K. Turner Registered Surveyor #7684 in the State of Ohio.



engineers  
planners  
architects  
surveyors

700 Nilles Road  
Fairfield, Ohio 45014  
p. 513.829.2149  
f. 513.829.2457  
fairfield@bayerbecker.com

County Warren

City of Mason  
Roadway Improvement Plans

~~Exhibit B~~

LEGAL DESCRIPTION

PARCEL NO. 16-T

OWNER: Theodore J. Honerlaw

TYPE OF INTEREST: Temporary Construction and Grading Easement

Situated in Section 36, Town 4, Range 2, City of Mason, Warren County, State of Ohio, and being a 0.034 acre Temporary Construction and Grading Easement in part of the lands of Theodore J. Honerlaw as recorded in Deed Book 1470, Page 853 of the Warren County Ohio Records and further described as follows:

Beginning at a point found by measuring from the Southeast corner of aforementioned Section 36, along the Easterly line of said section North 03°59'56" East, 1918.41 feet to a point 21.56 feet right of centerline station 122+60.67 of the City of Mason Roadway Improvement Plans; thence North 04°24'51" East, 111.98 feet to the Southeast corner of the aforementioned lands of Theodore J. Honerlaw and at a point 18.08 feet right of centerline station 121+48.59 of the City of Mason Roadway Improvement Plans; thence leaving said section line, along the Southerly line of said lands of Theodore J. Honerlaw, North 85°08'09" West, 22.44 feet to a point 40.50 feet right of centerline station 121+47.63 of the City of Mason Roadway Improvement Plans and the true point of beginning;

- thence from the point of beginning thus found, continuing along said Southerly line, North 85°08'09" West, 11.66 feet;
- thence leaving said Southerly line, North 01°05'04" West, 102.62 feet to a point in the Northerly line of said lands of Theodore J. Honerlaw;
- thence along said Northerly line, South 85°08'09" East, 17.70 feet;
- thence leaving said Northerly line, South 02°17'04" West, 102.17 feet to the point of beginning containing 1498.48 square feet or 0.034 acres of land.

(Continued on Page 2)

Page 2 Continued: County Warren  
City of Mason  
Roadway Improvement Plans  
LEGAL DESCRIPTION  
PARCEL NO. 16-T

Owner claims title by instrument of record in Deed Book 1470, Page 853 recorded in the Warren County Ohio Records. Auditors Parcel No. 16-36-431-002.

The above description is based upon a survey of the City of Mason Roadway Improvement Plans by Bayer-Becker Engineers, under the direction of Todd K. Turner Registered Surveyor #7684 in the State of Ohio.



Exhibit "B

The legal description and legal interests hereby appropriated from the owners are attached and made a part of this Ordinance. Explanation of the type of interest being acquired is as follows:

WD: Warranty Deed, Fee Simple Interest  
T: Temporary Easement for Work or Access  
P: Permanent Easement  
D: Damage to Residue

Parcel No.	Identified Owners	Determined Fair Market Value (Appraised Value)
16-36-431-002	Theodore and Tonya G. Honerlaw	\$580.00 WD \$ 400.00 T