

RESOLUTION NO. R -2001 -03

DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE MASON-MONTGOMERY ROAD WIDENING PROJECT AND DECLARING AN EMERGENCY (REBER AUTO BODY & REPAIR, INC.)

WHEREAS, the Council for the City of Mason, Ohio, has determined the necessity for the widening and improvement of Mason-Montgomery Road; and

WHEREAS, Council has determined that it is necessary to acquire certain rights-of-way and easements in order to make the improvements identified as the Mason-Montgomery Road Widening Project.

WHEREAS, the property which is being appropriated shall be used for the purpose of improving Mason-Montgomery Road, such road being open to the public, without charge, and the property interest shall be appropriated under the procedure of Ohio Rev. Code §163.06(B) and Ohio Constitution Art. I §19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, Ohio, *any* members thereto concurring:

Section 1. That it is the intent of the City of Mason to appropriate for public use the real property, listed and identified on Exhibit "A", and incorporated herein by reference, appropriating such property which is necessary in the public interest to accomplish the construction of the Mason-Montgomery Road Widening Project.

Section 2. That the purpose of said taking of interests in the real estate described hereinabove is for the public use, to wit: construction of a road which will be open to the public without charge.

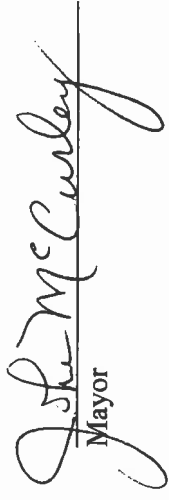
Section 3. That the City Manager is hereby authorized and directed to cause a written notice of the adoption of the Resolution to be given to the owners, persons in possession, or persons having an interest of record in the above-described premises. Said notice shall be served according to law by persons so designated and such persons shall make return of service in a manner provided by law.

Section 4. That the taking of the interest in the real estate described above shall be according to the procedure of Ohio Rev. Code §163.06(B), commonly known as the "quick take" procedure, as authorized by Ohio Constitution Art. I §19. Pursuant to such procedure, if the City is unable to reach an agreement to purchase the property prior to the passage of an ordinance to appropriate, the City shall take immediate possession of the property described above at the time of filing a complaint for appropriation and deposit of the value of property appropriated, as determined by the City. The City shall take possession of any and all structures at the earliest date provided by law.

Section 5. That at any time subsequent to the effective date of this Resolution and prior to the passage of an ordinance to appropriate, the City Manager is hereby authorized to acquire by purchase the real property interests herein described in this Resolution.

Section 6. That this Resolution is hereby declared to be an emergency measure necessary to provide 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 and begin construction of the road at the earliest possible date.

Passed this 12th day of March, 2001.


Mayor

Attest:


Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Resolution R -2001, adopted by the Council of the City of Mason on _____, 2001.

Clerk of Council

March 12, 2001

Exhibit "A"

The legal descriptions and legal interest to be acquired on each parcel are attached made a part of this Resolution of Intent. Explanation of the type of interest being acquired is as follows:

WD: Warranty Deed, Fee Simple Interest

<u>Parcel No.</u>	<u>Identified Owner</u>
1630 153 004 - WD	Reber Auto Body & Repair, Inc.
1630 153 003 - WD	

Exhibit A

County Warren
City of Mason
Roadway Improvement Plans

LEGAL DESCRIPTION

PARCEL NO. 8-WD

OWNER: Reber Auto Body & Repair
TYPE OF INTEREST: Warranty Deed

Situated in Section 30, Town 4, Range 2, City of Mason, Warren County, State of Ohio, and being a 0.010 acre tract of land in part of Lot #120 as known and designated on the list of lots in said City of Mason and the lands of Reber Auto Body & Repair as recorded in Official Records 049, Page 739 of the Warren County Ohio Records and further described as follows:

Beginning at the Southwest corner of aforementioned Lot #120, said point being at the intersection of the Easterly right-of-way line of Mason-Montgomery Road and the Northerly right-of-way line of Main Street (S.R. #42) and at a point 48.28 feet left of centerline station 112+08.03 of the City of Mason Roadway Improvement Plans;

thence along said Easterly right-of-way line, North 06°37'10" West, 35.00 feet;
thence North 03°46'31" East, 0.92 feet;
thence leaving said Easterly right-of-way line, along a curve to the left having a radius of 30.00 feet, an arc length of 49.47 feet, a chord bearing of South 66°29'39" East, a chord distance of 44.05 feet to a point in the aforementioned Northerly right-of-way line of Main Street (S.R. #42);
thence along said Northerly right-of-way line, South 60°03'32" West, 26.82 feet;
thence South 70°15'28" West, 14.00 feet to the point of beginning containing 428.64 square feet or 0.010 acres of land and being subject to all easements and right-of-ways of record.

Owner claims title by instrument of record in Official Records 049, Page 739 recorded in the Warren County Ohio Records. Auditors Parcel No. 16-30-153-004.

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.