

RESOLUTION NO. 2005-5

DECLARING THE NECESSITY AND INTENTION TO APPROPRIATE PROPERTY FOR THE SNIDER ROAD REALIGNMENT PROJECT AND DECLARING AN EMERGENCY (MASON DEVELOPMENTAL RESOURCES, INC.)

WHEREAS, the Council of the City of Mason, Ohio has determined the necessity for the realignment and improvement of Snider 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 Snider Road Realignment Project; and

WHEREAS, the property which is being appropriated shall be used for the purpose of improving Snider 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, six 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 outstanding fee simple interests and various easements described, which are necessary in the public interest to accomplish the construction of the Snider Road Realignment Project.

Section 2. That the purpose of said taking of outstanding 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 this 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 25th day of April, 2005.



Mayor

Attest:



Clerk of Council

4/21/2005
239014.1

Certificate of Publication

I, the undersigned Clerk of Council of the Municipality of Mason, Ohio hereby certify that the foregoing ordinance was published as required by Section 4.16 of the Charter of said Municipality by posting a copy in the lobby of the municipal building.



Clerk of Council

Exhibit "A"

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

- 3-WD: Warranty Deed, Fee Simple Interest
- 3-S: Stormwater Sewer Easement
- 3-T: Temporary Construction and Grading Easement



LEGAL DESCRIPTION
PARCEL 3-S

Situated in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 1.000 acre tract of land heretofore conveyed to Connie D., Inc., by deed recorded in Official Record Volume 292, Page 26 of the Warren County, Ohio Deed Records, and being more particularly described as follows:

Commencing at the intersection of the existing centerline of Reading Road (U.S. Route No. 42) and the westerly line of Section 35, being also the existing centerline of Snider Road;

Thence along the existing centerline of Snider Road and the westerly line of Section 35, S. 04°32'00" W., a distance of 243.61 feet, more or less, to a point being the intersection of the westerly prolongation of the Grantor's northerly line;

Thence along the westerly prolongation of said northerly line S. 76°03'34" E., a distance of 68.49 feet to the proposed easterly right-of-way line of Snider Road and being the principle point of beginning for this description;

Thence from said principle point of beginning, along the Grantor's northerly line S. 76°03'34" E., a distance of 10.01 feet to a point;

Thence through the Grantor's property on the following two (2) courses and distances:

1. S. 8°22'59" W., a distance of 5.72 feet to a point;
2. N. 81°37'01" W., a distance of 10.00 feet to a point in proposed easterly right-of-way line of Snider Road;

Thence along the proposed easterly right-of-way line of Snider Road on a curve to the left (said curve having a radius of 290.00 feet, with a chord bearing N. 8°42'36" E., a chord distance of 6.69 feet) an arc length of 6.69 feet to the point of beginning;

Containing 0.0014 acre, more or less, and being subject to all other easements, restriction, covenants, and/or conditions of record.

The above description and bearing system is based on a plat of survey prepared by CDS Associates, Inc., in August 2001, at the direction of Lee A. Russell, Registered Professional Surveyor #6840 in Ohio, with said plat filed in Survey Record _____ Plat No. _____ of the Warren County Engineer's Record of Land Surveys.

Containing . 0.0196 acre, more or less, and being subject to all other easements, restrictions, covenants, and/or conditions of record.

The above description and bearing system is based on a plat of survey prepared by CDS Associates, Inc., in August 2001, at the direction of Lee A. Russell, Registered Professional Surveyor #6840 in Ohio, with said plat filed in Survey Record ___ Plat No. ___ of the Warren County Engineer's Record of Land Surveys.

**LEGAL DESCRIPTION
PARCEL 3-T**

Situated in Section 35, Town 4, Entire Range 2, City of Mason, Warren County, Ohio, being part of a 1.000 acre tract of land heretofore conveyed to Connie D., Inc., by deed recorded in Official Record Volume 292, Page 26 of the Warren County, Ohio Deed Records, and being more particularly described as follows:

Commencing at the intersection of the existing centerline of Reading Road (U.S. Route No. 42) and the westerly line of Section 35, being also the existing centerline of Snider Road;

Thence along the existing centerline of Snider Road and the westerly line of Section 35, S. 04°32'00" W., a distance of 243.61 feet, more or less, to a point being the intersection of the westerly prolongation of the Grantor's northerly line;

Thence along the westerly prolongation of said northerly line S. 76°03'34" E., a distance of 40.55 feet to the Grantor's northwesterly corner and being in the existing easterly right-of-way line of Snider Road;

Thence along the existing easterly right-of-way line of Snider Road S. 4°32'00" W., a distance of 152.00 feet to the Grantor's southwesterly corner;

Thence along the Grantor's southerly property line S. 76°03'34" E., a distance of 7.50 feet to a point in the proposed easterly right-of-way line of Snider Road and the principle point of beginning for this description;

Thence from said principle point of beginning, along the proposed easterly right-of-way line of Snider Road on the following two (2) courses and distances:

1. N. 12°36'38" E., a distance of 126.95 feet to a point;
2. On a curve to the left (said curve having a radius of 290.00 feet, with a chord bearing N. 10°59'26" E., a chord distance of 16.39 feet) an arc length of 16.40 feet to a point;

Thence through the Grantor's property on the following eight (8) courses and distances:

1. S. 81°37'01" E., a distance of 10.00 feet to a point;
2. S. 11°35'03" W., a distance of 27.31 feet to a point;
3. S. 82°59'36" E., a distance of 9.04 feet to a point;
4. S. 12°36'38" W., a distance of 36.50 feet to a point;
5. S. 4°50'35" E., a distance of 10.00 feet to a point;
6. S. 12°36'38" W., a distance of 25.17 feet to a point;
7. S. 4°23'57" E., a distance of 20.56 feet to a point;
8. S. 6°06'02" W., a distance of 25.47 feet to a point in the grantor's southerly line;

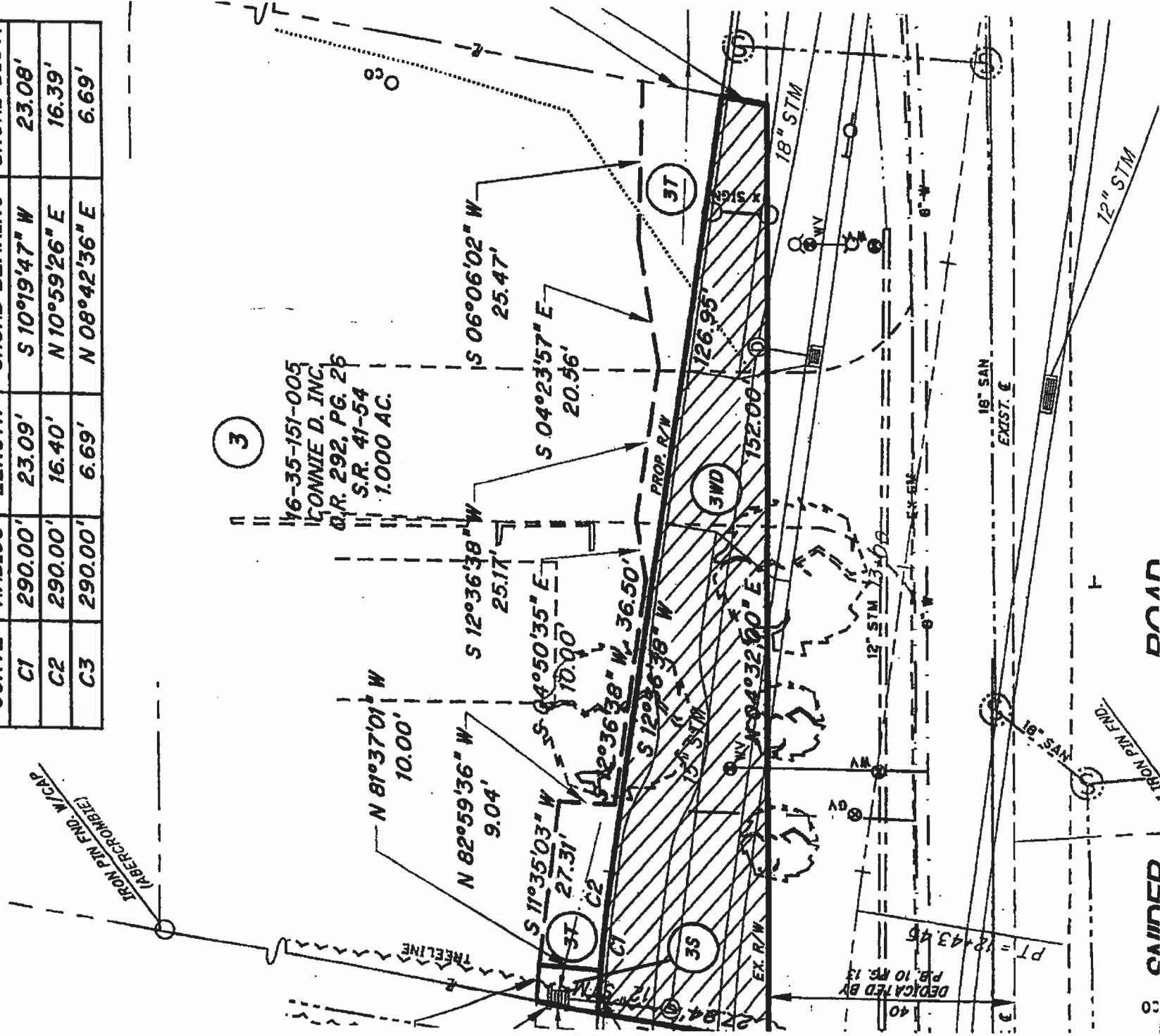
Thence along the Grantor's southerly line N. 76°03'34" W., a distance of 12.91 feet to the point of beginning;

6111 UT MASUIN
WARREN COUNTY, OHIO

EXHIBIT A

PAGE 3 OF 3

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
C1	290.00'	23.09'	S 10°19'47" W	23.08'
C2	290.00'	16.40'	N 10°59'26" E	16.39'
C3	290.00'	6.69'	N 08°42'36" E	6.69'



3
46-35-151-005
CONNIE D. INC
Q.R. 292, PG. 26
S.R. 41-54
1.000 AC.

DEDICATED BY
P.B. 10 RS. 13
PT = 12+43.45

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100