

ORDINANCE NO. 16-3529

AN ORDINANCE AUTHORIZING THE SOLICITOR TO INITIATE PROCEEDINGS TO APPROPRIATE PROPERTY FOR THE PUBLIC PURPOSE OF A PLANNED TRAFFIC IMPROVEMENT PROJECT ON MONTGOMERY AND STEWART ROADS IN THE VILLAGE OF SILVERTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Silverton, Ohio, by Resolution No. 16-737, adopted November 17, 2016, declared the necessity and intention of appropriating a fee simple property interest and temporary construction easements described in this Ordinance for the public purpose of a planned traffic improvement project on Montgomery and Stewart Roads in the Village of Silverton, Ohio; and

WHEREAS, notice of the adopting of Resolution No. 16-737 has been served on the person(s) in possession or having an interest in the property; and

WHEREAS, the Village needs to appropriate certain property for public purposes described in detail below to accomplish the planned traffic improvement project on Montgomery and Stewart Roads in the timeline outlined by the Village of Silverton, Ohio.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SILVERTON, OHIO, THAT:

SECTION I. That for the public purpose of a planned traffic improvement project on Montgomery and Stewart Roads in the Village of Silverton, Ohio, the following fee simple interest is appropriated:

LEGAL DESCRIPTION SET FORTH IN EXHIBIT A


SECTION II. That for the public purpose of a planned traffic improvement project on Montgomery and Stewart Roads in the Village of Silverton, Ohio, the following temporary construction easements are appropriated:

LEGAL DESCRIPTION SET FORTH IN EXHIBIT B

SECTION III. That the Solicitor for the Village of Silverton, Ohio is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interest, permanent easement, and the temporary construction easements described above.

SECTION IV. This Ordinance is declared to be an emergency measure necessary to preserve the public peace, health, safety and welfare of the citizens of the Village of Silverton; the reason for the emergency being the immediate need to authorize the Solicitor to initiate appropriation proceedings so that the Village may acquire the property needed for the project described above as soon as possible. Accordingly, this Ordinance shall take effect and be in force from and after its passage and approval.

Passed this 17th day of November, 2016.




John A. Smith, Mayor

ATTEST:



Tom Carroll, Village Manager

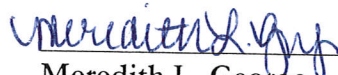
Approved as to form:



Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 16-3529 has been duly made by posting true copies in three (3) of the most public places in said municipality, as determined by Council as follows: 1) Parkview Lane at Railroad; 2) Silverton Municipal Building and 3) The Village of Silverton's Website. Said posting was for a period of fifteen days commencing NOV 18, 2016.



Meredith L. George
Clerk of Council of Silverton, Ohio



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November 8, 2016

Exhibit A
Legal Description
0.392 Acres-LLK Properties, LLC

Situated in Section 13, Town 4, Entire Range 1, City of Silverton, Hamilton County, Ohio, being part of a tract of land conveyed to LLK Properties, LLC in O.R. 12592 Pg 1429 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a magnail set at the intersection of the centerline of Montgomery Road with the centerline of Stewart Road;

Thence along said Stewart Road centerline, S05°36'12"W a distance of 231.95 feet to a magnail found at the northeast corner of a 0.091 acre tract of land conveyed to Village of Silverton, Ohio in O.R. 13290 Pg 2458;

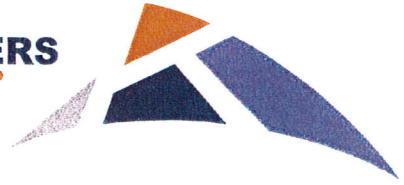
Thence along the north line of said 0.091 acre tract of land, N81°57'48"W a distance of 52.03 feet to a 5/8" iron pin found at the northwest corner of said 0.091 acre tract of land;

Thence along new division lines, the following seven (7) courses:

1. N04°13'52"E a distance of 79.52 feet to a magnail set;
2. N00°03'54"W a distance of 43.98 feet to a magnail set;
3. Along a curve to the left an arc distance of 21.15 feet to magnail set, said curve having a radius of 40.50 feet, a delta of 29°55'38" and a chord bearing N15°01'43"W a distance of 20.91 feet;
4. N84°18'04"W a distance of 6.60 feet to a magnail set;
5. N00°03'54"W a distance of 7.92 feet to a magnail set;
6. Along a curve to the left an arc distance of 39.85 feet to a magnail set, said curve having a radius of 40.50 feet, a delta of 56°22'21" and a chord bearing N73°27'39"W a distance of 38.26 feet to a magnail set;
7. S78°21'10"W a distance of 36.33 feet to a 5/8" iron pin set in the east line of 0.413 acre tract of land conveyed to Village of Silverton, Ohio in O.R. 13290 Pg 2458;

Thence along said east line, N09°48'01"E a distance of 49.57 feet to a magnail found in the aforementioned centerline of Montgomery Road;

THE
KLEINGERS
GROUP



Thence along said centerline, N82°27'07"E a distance of 145.43 feet to the point of beginning. Containing 0.392 acres, more or less and being subject to easements, restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System as derived from Hamilton County Benchmark Nos. 8353 and 8354.

The above description is based on a field survey performed by the Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611.



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November 9, 2016

**Exhibit B
Legal Description
Temporary Construction Easements
LLK Properties, LLC**

Situated in Section 13, Town 4, Entire Range 1, Village of Silverton, Hamilton County, Ohio and being part of a tract of land conveyed to LLK Properties, LLC in O.R. 12592 Pg 1429 of the Hamilton County, Ohio Recorder's Office, the boundary of a Temporary Construction Easement being more particularly described as follows:

Beginning in the south line of Gough Subdivision as recorded in P.B. 123 Pg 1, said point being S81°57'48"E a distance of 95.81 feet from the southwest corner of said subdivision;

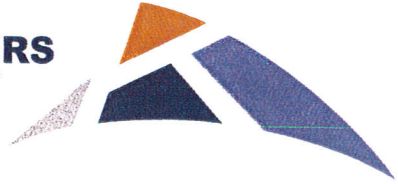
Thence the following nine (9) courses:

1. N04°13'52"E a distance of 20.00 feet;
2. S85°46'08"E a distance of 5.00 feet;
3. N04°13'52"E a distance of 58.88 feet;
4. N00°03'54"W a distance of 43.87 feet;
5. Along a curve to the left an arc distance of 21.79 feet to Point "A", said curve having a radius of 37.50 feet, a delta of 33°17'21" and a chord bearing N16°42'34"W a distance of 21.48 feet;
6. S84°18'04"E a distance of 3.77 feet;
7. Along a curve to the right an arc distance of 21.15 feet, said curve having a radius of 40.50 feet, a delta of 29°55'38" and a chord bearing S15°01'43"E a distance of 20.91 feet;
8. S00°03'54"E a distance of 43.98 feet;
9. S04°13'52"W a distance of 79.52 feet to a point in the aforementioned south line of Gough subdivision;

Thence along said south line, N81°57'48"W a distance of 8.02 feet to the point of beginning.

Also, from the above described Point "A", N36°36'06"W a distance of 4.73 feet to the point of beginning of a temporary construction easement;

Thence the following three (3) courses:



1. Along a curve the left an arc distance of 40.01 feet, said curve having a radius of 37.50 feet, a delta of $61^{\circ}07'25''$ and a chord bearing $N71^{\circ}05'07''W$ a distance of 38.14 feet;
2. $S11^{\circ}38'50''E$ a distance of 5.00 feet;
3. $S78^{\circ}21'10''W$ a distance of 39.47 feet to a point in the west line of the aforementioned Gough subdivision;

Thence along said west line, $N09^{\circ}48'01''E$ a distance of 8.60 feet;

Thence through the aforementioned LLK Properties tract of land the following three (3) courses:

1. $N78^{\circ}21'10''E$ a distance of 36.33 feet;
2. Along a curve to the right an arc distance of 39.85 feet, said curve having a radius of 40.50 feet, a delta of $56^{\circ}22'21''$ and a chord bearing $S73^{\circ}27'39''E$ a distance of 38.26 feet;
3. $S00^{\circ}03'54''E$ a distance of 4.41 feet to the point of beginning.

Bearings are based on the Ohio State Plane Coordinate System as derived from Hamilton County Benchmark Nos. 8353 and 8354.