

ORDINANCE NO. 16 - 3532

AN ORDINANCE AUTHORIZING THE VILLAGE TO DEDICATE APPROXIMATELY 0.413 ACRES OF PROPERTY CURRENTLY COMPRISING PORTIONS OF MONTGOMERY ROAD FROM THE VILLAGE OF SILVERTON AND TO CONFIRM SUCH DEDICATION, AND DECLARING AN EMERGENCY

WHEREAS, R.C. 723.03 requires that a street dedication must be accepted and confirmed by ordinance; and

WHEREAS, the Village of Silverton owns approximately 0.413 acres of property (the "Property") currently comprising portions of Montgomery Road, more particularly described in the attached Exhibit A and being Parcel No. 602-0008-0258 of the Hamilton County Auditor's tax map; and

WHEREAS, the Village Council of the Village of Silverton wants to convey and the Village of Silverton wants (1) to accept and to dedicate the Property as public right of way so that so that the Property comes under the control of the Village of Silverton and can be properly maintained as a public road for the traveling public and (2) to confirm such dedication of the Property as public right of way; and

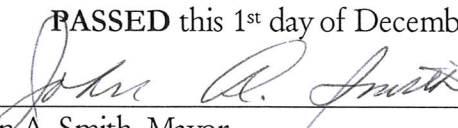
NOW THEREFORE, BE IT ORDAINED by the Village Council of Silverton, that:

SECTION I. The Village hereby accepts the dedication of the Property as more particularly described in the survey attached as Exhibit A and confirms such dedication by this Ordinance.

SECTION II. The Village Manager is hereby authorized to execute all documents necessary to effectuate the transfer and dedication of the Property.

SECTION III. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of the Village of Silverton and shall take effect and be in force from and after its passage and approval; the reason for the emergency being the immediate need for the City to accept and to dedicate the Property so that those portions of Montgomery Road set forth in Exhibit A can be dedicated and confirmed as public right of way and so that the City can properly maintain the Property as a public road for the traveling public.

PASSED this 1st day of December, 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. 16-3532 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) Silverton Municipal Building; 2) Parkview Ave at the Train Depot; 3) Silverton's Official Website. Said posting was for a period of fifteen days commencing Dec 2, 2016.



Meredith L. George, Clerk of Council



CINCINNATI
COLUMBUS
DAYTON

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Ordinance 16-3532

November 21, 2016

Exhibit A

Legal Description
0.413 Acres

Situated in Section 13, Town 4, Entire Range 1, City of Silverton, Hamilton County, Ohio, being part of a 10.125 acre tract of land conveyed to JRA MVG Silverton, LLC in O.R. _____ Pg _____ of the Hamilton County, Ohio Recorder's Office, the boundary of which being particularly described as follows:

Beginning at a magnail set in the centerline of Montgomery Road, said point being S82°27'07"W a distance of 145.43 feet from the intersection of said centerline with the centerline of Stewart Road;

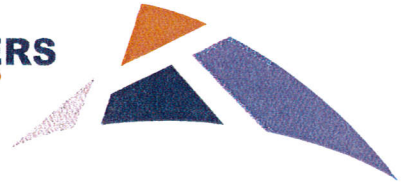
Thence along the west line of Gough Subdivision as recorded in P.B. 123 Pg 1, S09°48'01"W a distance of 60.31 feet to a 5/8" iron pin set;

Thence along new division lines, the following thirteen (13) courses:

1. S78°21'10"W a distance of 12.00 feet to a 5/8" iron pin set;
2. N11°38'50"W a distance of 10.00 feet to a 5/8" iron pin set;
3. S78°21'10"W a distance of 48.53 feet to a 5/8" iron pin set;
4. S11°38'50"E a distance of 15.00 feet to a 5/8" iron pin set;
5. S78°21'10"W a distance of 5.01 feet to a 5/8" iron pin set;
6. N11°38'50"W a distance of 15.00 feet to a 5/8" iron pin set;
7. S78°21'10"W a distance of 45.10 feet to a 5/8" iron pin set;
8. S82°27'07"W a distance of 128.02 feet to a 5/8" iron pin set;
9. S07°32'53"E a distance of 15.00 feet to a 5/8" iron pin set;
10. S82°27'07"W a distance of 5.00 feet to a 5/8" iron pin set;
11. N07°32'53"W a distance of 15.00 feet to a 5/8" iron pin set;
12. S82°27'07"W a distance of 17.94 feet to a magnail set;
13. S86°03'15"W a distance of 64.07 feet to a 5/8" iron pin set in the east line of a tract of land conveyed to Mary Ann Restle in D.B. 4345 Pg 503;

Thence along said east line, N05°36'12"E a distance of 52.86 feet to a magnail set in the aforementioned centerline of Montgomery Road;

THE
KLEINGERS
GROUP



Thence along said centerline, N82°27'07"E a distance of 331.92 feet to the point of beginning.

Containing 0.413 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.