

RESOLUTION NO. 16-737

A RESOLUTION DECLARING THE NECESSITY/INTENT TO APPROPRIATE INTERESTS IN LAND FROM LLK PROPERTIES LLC (PERMANENT PARCEL NUMBER 602-0008-0287-00; PROPERTY DESIGNATED FOR APPROPRIATION, PARCEL NUMBER 602-0008- ) FOR THE PURPOSE OF A PLANNED TRAFFIC IMPROVEMENT PROJECT ON MONTGOMERY AND STEWART ROADS IN THE VILLAGE OF SILVERTON, HAMILTON COUNTY, OHIO

WHEREAS, the Village of Silverton, Ohio has undertaken a planned traffic improvement project on Montgomery and Stewart Roads in the Village of Silverton, Ohio; and

WHEREAS, pursuant to the provisions of Ohio Revised Code Chapter 163 and Ohio Revised Code § 719.04, it is deemed necessary for the Village of Silverton, Ohio to appropriate various interests in real estate in order to complete the planned traffic improvement project on Montgomery and Stewart Roads; and

WHEREAS, a fee simple interest and temporary construction easements (as described in Exhibits A and B hereto) over real estate owned by LLK Properties LLC (acquisition sketch of total parcel is attached as Exhibit C hereto) have been identified as necessary for the planned traffic improvement project on Montgomery and Stewart Roads; and

WHEREAS, the Notice of Intent to Acquire and Good Faith Offer, together with the appraisal as required by Ohio Revised Code § 163.04, was submitted to the property owner via \_\_\_\_\_ on November \_\_\_\_, 2016, and confirmed via \_\_\_\_\_ response from the property owner on November \_\_\_\_, 2016.

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

SECTION I. Council hereby declares the necessity and intent to appropriate a fee simple interest and a temporary construction easement from a portion of real estate owned by LLK Properties LLC, being known as Permanent Parcel Number 602-0008-0287-00; the real estate being appropriated being designated as Parcel Number 602-0008-\_\_\_\_\_.

SECTION II. A legal description of the necessary property interests which shall be acquired are attached hereto as Exhibits A and B. The property interests set forth in Exhibit A are also depicted in the split plat Boundary Survey and Division attached hereto as Exhibit C. The temporary easement property interests to be acquired in the easement exhibit set forth in Exhibit D.

SECTION III. Council hereby declares that the purpose of said appropriation is for the planned traffic improvement project on Montgomery and Stewart Roads in the Village of Silverton, Ohio, a road that will be open to the public without charge, and as such is a "public use" as defined in Ohio Revised Code § 163.01(H)(2).

SECTION IV. The Village Manager shall be and hereby is authorized and directed to cause notice of the adoption of this Resolution to be given immediately to the owner of the above-described real estate, said notice to be served by the Village Manager

or such other person as he may designate, such person to make return of service as provided by law.


SECTION V.

It is found and determined that all formal actions of this Council concerning and relating to the adopting of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Ohio Revised Code § 121.22.

SECTION VI.

This Resolution shall be in force and effect from the earliest time provided by law.

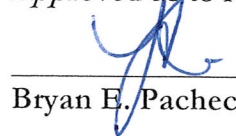
*PASSED this 17<sup>th</sup> day of November 2016.*

  
\_\_\_\_\_  
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. 16-737 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



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
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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;

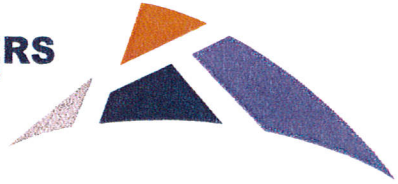
Thence along the north line of said 0.091 acre tract of land, N81°57'48"W a distance of 52.03 feet to a 5/8" iron pin found at the northwest corner of said 0.091 acre tract of land;

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;

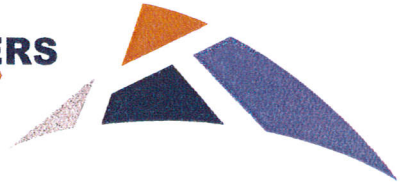
Thence the following nine (9) courses:

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.

**PANEL 2, 200 ACRES**

Curve 1: 4123.2027' East: 4124.6124' BEAR  
 Curve 2: 352.76177' East: 4125.6339'  
 Curve 3: 1209.2427' East: 4126.6339'  
 Curve 4: 1154.8127' East: 4127.6339'  
 Curve 5: 1154.8127' East: 4128.6339'  
 Curve 6: 1154.8127' East: 4129.6339'  
 Curve 7: 1154.8127' East: 4130.6339'  
 Curve 8: 1154.8127' East: 4131.6339'  
 Curve 9: 1154.8127' East: 4132.6339'  
 Curve 10: 1154.8127' East: 4133.6339'  
 Curve 11: 1154.8127' East: 4134.6339'  
 Curve 12: 1154.8127' East: 4135.6339'  
 Curve 13: 1154.8127' East: 4136.6339'  
 Curve 14: 1154.8127' East: 4137.6339'  
 Curve 15: 1154.8127' East: 4138.6339'  
 Curve 16: 1154.8127' East: 4139.6339'  
 Curve 17: 1154.8127' East: 4140.6339'  
 Curve 18: 1154.8127' East: 4141.6339'  
 Curve 19: 1154.8127' East: 4142.6339'  
 Curve 20: 1154.8127' East: 4143.6339'  
 Curve 21: 1154.8127' East: 4144.6339'  
 Curve 22: 1154.8127' East: 4145.6339'  
 Curve 23: 1154.8127' East: 4146.6339'  
 Curve 24: 1154.8127' East: 4147.6339'  
 Curve 25: 1154.8127' East: 4148.6339'  
 Curve 26: 1154.8127' East: 4149.6339'  
 Curve 27: 1154.8127' East: 4150.6339'  
 Curve 28: 1154.8127' East: 4151.6339'  
 Curve 29: 1154.8127' East: 4152.6339'  
 Curve 30: 1154.8127' East: 4153.6339'  
 Curve 31: 1154.8127' East: 4154.6339'  
 Curve 32: 1154.8127' East: 4155.6339'  
 Curve 33: 1154.8127' East: 4156.6339'  
 Curve 34: 1154.8127' East: 4157.6339'  
 Curve 35: 1154.8127' East: 4158.6339'  
 Curve 36: 1154.8127' East: 4159.6339'  
 Curve 37: 1154.8127' East: 4160.6339'  
 Curve 38: 1154.8127' East: 4161.6339'  
 Curve 39: 1154.8127' East: 4162.6339'  
 Curve 40: 1154.8127' East: 4163.6339'  
 Curve 41: 1154.8127' East: 4164.6339'  
 Curve 42: 1154.8127' East: 4165.6339'  
 Curve 43: 1154.8127' East: 4166.6339'  
 Curve 44: 1154.8127' East: 4167.6339'  
 Curve 45: 1154.8127' East: 4168.6339'  
 Curve 46: 1154.8127' East: 4169.6339'  
 Curve 47: 1154.8127' East: 4170.6339'  
 Curve 48: 1154.8127' East: 4171.6339'  
 Curve 49: 1154.8127' East: 4172.6339'  
 Curve 50: 1154.8127' East: 4173.6339'  
 Curve 51: 1154.8127' East: 4174.6339'  
 Curve 52: 1154.8127' East: 4175.6339'  
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 Curve 79: 1154.8127' East: 4202.6339'  
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 Curve 81: 1154.8127' East: 4204.6339'  
 Curve 82: 1154.8127' East: 4205.6339'  
 Curve 83: 1154.8127' East: 4206.6339'  
 Curve 84: 1154.8127' East: 4207.6339'  
 Curve 85: 1154.8127' East: 4208.6339'  
 Curve 86: 1154.8127' East: 4209.6339'  
 Curve 87: 1154.8127' East: 4210.6339'  
 Curve 88: 1154.8127' East: 4211.6339'  
 Curve 89: 1154.8127' East: 4212.6339'  
 Curve 90: 1154.8127' East: 4213.6339'  
 Curve 91: 1154.8127' East: 4214.6339'  
 Curve 92: 1154.8127' East: 4215.6339'  
 Curve 93: 1154.8127' East: 4216.6339'  
 Curve 94: 1154.8127' East: 4217.6339'  
 Curve 95: 1154.8127' East: 4218.6339'  
 Curve 96: 1154.8127' East: 4219.6339'  
 Curve 97: 1154.8127' East: 4220.6339'  
 Curve 98: 1154.8127' East: 4221.6339'  
 Curve 99: 1154.8127' East: 4222.6339'  
 Curve 100: 1154.8127' East: 4223.6339'

# EXHIBIT "C"

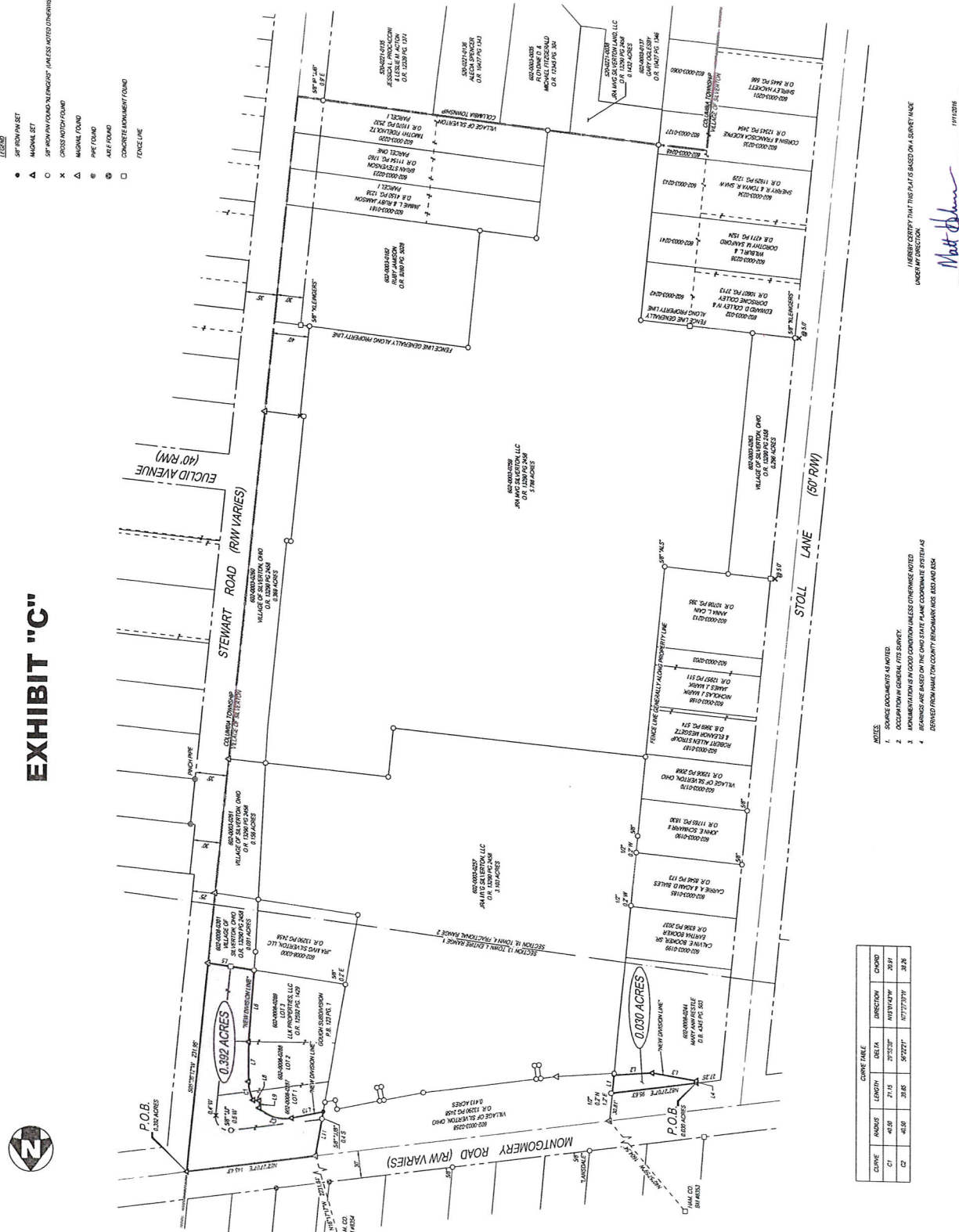


DATE: 02/22/2016  
 PROJECT: 171800000  
 SHEET NO: 1 OF 1

BOUNDARY SURVEY  
 AND DIVISION  
 0.422 ACRES  
 VILLAGE OF SILVERTON, OHIO  
 HAMILTON COUNTY, OHIO

PROJECT NO: 171800000  
 DATE: 11/13/2015  
 SCALE: 1" = 30'

SHEET NAME: MONTGOMERY AND STEWART  
 SHEET NO: 1 OF 1



- LEGEND**
- SP: SPOT/PIVOT SET
  - ▲: MONUMENT SET
  - : SP/PIVOT/BOUNDARY MARKERS (UNLESS NOTED OTHERWISE)
  - ✕: CROSS NOTCH/BOUND
  - △: MONUMENT FOUND
  - : PILE FOUND
  - : A/E FOUND
  - : CONCRETE MONUMENT FOUND
  - : FENCE LINE

STEWART ROAD (RW VARIES)  
 MONTGOMERY ROAD (RW VARIES)  
 STOLL LANE (50' RW)  
 EUCLID AVENUE (40' RW)

**0.392 ACRES**  
 VILLAGE OF SILVERTON, OHIO  
 HAMILTON COUNTY, OHIO

**0.030 ACRES**  
 VILLAGE OF SILVERTON, OHIO  
 HAMILTON COUNTY, OHIO

**0.422 ACRES**  
 VILLAGE OF SILVERTON, OHIO  
 HAMILTON COUNTY, OHIO

**0.030 ACRES**  
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 HAMILTON COUNTY, OHIO

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 HAMILTON COUNTY, OHIO

**NOTES**

1. SOURCE DOCUMENTS REFERED TO.
2. OCCUPY FOR GENERAL FITNESS SURVEY.
3. INFORMATION IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
4. DIMENSIONS ARE BASED ON THE ONE STATE PLANE COORDINATE SYSTEM 43.

DERIVED FROM PLAT ON COUNTY BENCHMARK WGS 83 AND 84

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
C1	4150	7115	37°23'58"	N15°14'47"	7818
C2	4150	3045	56°22'21"	N17°17'37"	3416

PROPERTY OWNERS:  
 JAMES J. WALKER  
 ROBERT ALBERTSON  
 VILLAGE OF SILVERTON, OHIO  
 AMY E. SCHEIDT  
 CAROL A. MOYER  
 BRYAN BOGGS  
 CALVIN BOGGS  
 MONTGOMERY ROAD  
 HAMILTON COUNTY, OHIO

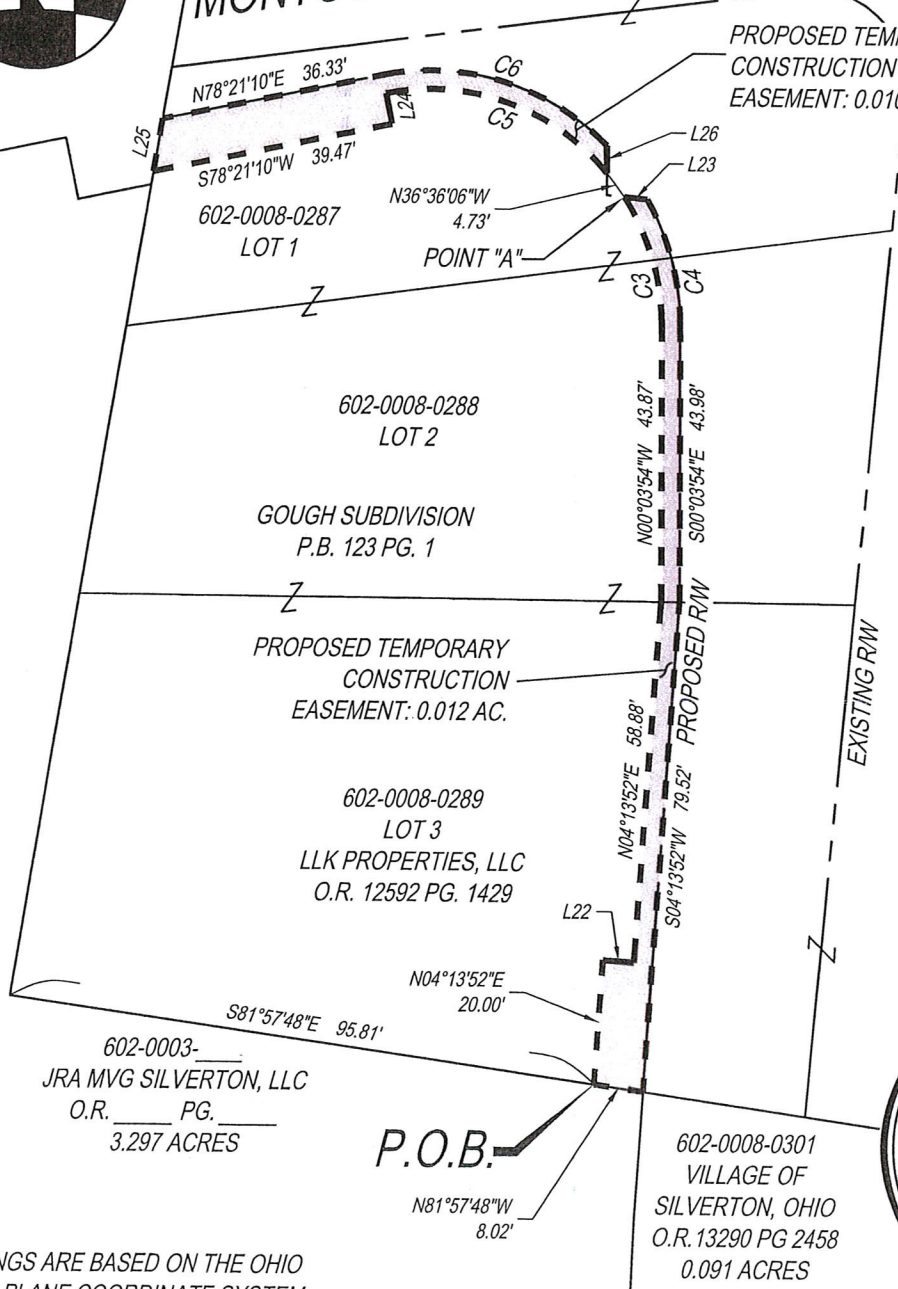
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 CALVIN BOGGS  
 MONTGOMERY ROAD  
 HAMILTON COUNTY, OHIO



**EXHIBIT "D"**

**MONTGOMERY ROAD (R/W VARIES)**



*Matthew D. Habedank*  
 11/11/2016

**NOTE:**  
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM AS DERIVED FROM HAMILTON COUNTY BENCHMARK NOS. 8353 AND 8354.

**THE KLEINGERS GROUP**

CIVIL ENGINEERING  
 SURVEYING  
 LANDSCAPE ARCHITECTURE  
 www.kleingers.com

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 West Chester, OH 45069  
 513.779.7851

**TEMPORARY CONSTRUCTION EASEMENTS**

SECTION 13, TOWN 4, E.R. 1  
 VILLAGE OF SILVERTON  
 HAMILTON COUNTY, OHIO

PROJECT NO:	090041VEA061
DATE:	11/09/2016
SCALE:	
SHEET NO.	<b>1 OF 2</b>



LINE TABLE		
LINE	BEARING	DISTANCE
L22	S85°46'08"E	5.00
L23	S84°18'04"E	3.77
L24	S11°38'50"E	5.00
L25	N09°48'01"E	8.60
L26	S00°03'54"E	4.41

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
C3	37.50	21.79	33°17'21"	N16°42'34"W	21.48
C4	40.50	21.15	29°55'38"	S15°01'43"E	20.91
C5	37.50	40.01	61°07'25"	N71°05'07"W	38.14
C6	40.50	39.85	56°22'21"	S73°27'39"E	38.26



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West Chester, OH 45069  
513 779.7851

**TEMPORARY  
CONSTRUCTION  
EASEMENTS**  
SECTION 13, TOWN 4, RANGE 1  
VILLAGE OF SILVERTON  
HAMILTON COUNTY, OHIO

PROJECT NO: **090041VEA061**

DATE: **11/09/2016**

SCALE:

SHEET NO.

**2 OF 2**