

RESOLUTION NO. 09-0217-11

**RESOLUTION DECLARING THE NECESSITY AND INTENT
TO APPROPRIATE REAL PROPERTY FOR THE
CONSTRUCTION OF ROADWAY IMPROVEMENTS AND
OPERATION OF TOWNSHIP HAVENER PARK PROPERTY**

WHEREAS, the Board of Trustees of Liberty Township, Delaware County, Ohio, has previously reiterated its commitment to the establishment of public parks for its residents through the passage of Resolution No. 03-106; and

WHEREAS, Liberty Township has identified, acquired, and developed a parcel of land on which the establishment of Havener Park and Deer Haven Preserve is ongoing; and

WHEREAS, the Township Trustees have been notified by the Delaware County Engineer that the construction of an ingress turn lane on Liberty Road, south of the Havener Park entrance, is necessary for the Engineer to approve operation of the road access; and

WHEREAS, the Township Trustees have secured engineering plans for the design of the ingress turn lane and provided those plans to property owners who would be affected by the roadway improvement.

**IT IS THEREFORE RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY
TOWNSHIP, DELAWARE COUNTY, OHIO:**

SECTION ONE: That the Board of Trustees hereby declares the necessity and intent to appropriate fee simple title in and to the following described 0.192± acres of real estate, of which 0.096± acre lies in the present occupied roadway, necessary to construct a roadway improvement for Havener Park pursuant to, and in accordance with, §§ 5549.04, 5573.01, 5579.01, and Chapter 163 of the Ohio Revised Code.

PERMANENT ACQUISITION

Along the western portion of the property extending from the centerline of Liberty Road east for 40' along the entire Liberty Road frontage.

Hallie L. Heath
4167 Liberty Road
Delaware County, Ohio 43015

SECTION TWO: That the Board of Trustees hereby declares the necessity and intent to appropriate an easement interest into the following described .048± acres necessary to facilitate construction of the roadway improvement.

TEMPORARY ACQUISITION

A ten-foot wide temporary construction easement adjacent to and east of the acquisition permanent property owned by Hallie L. Heath, 4167

Liberty Road, Delaware County, Ohio 43015; Parcel No.
41942001045000

Both the permanent acquisition and the temporary acquisition are reflected on the attached map.

SECTION THREE: That the Administrator is hereby authorized to cause written notice of this Resolution of necessity and intent to appropriate interest in the property to be served upon the owners, persons in possession of, or persons having a real or possible interest of record in the above-described premises in the manner prescribed by Ohio Revised Code § 163.041.

SECTION FOUR: That the Administrator is authorized to negotiate with the property owner for a mutually agreeable purchase price of not less than the good faith offer set forth equal to or greater than the appraised value of both interests in the property.


SECTION FIVE: That the Administrator and legal counsel are furthermore instructed to pursue any "quick take" procedures which may be available under Ohio law for the acquisition of these interests in the real property for purposes of facilitating the roadway improvement project in the event negotiations are not successful.

SECTION SIX: It is found and determined that all formal actions of the Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Trustees, and that all deliberations of the Trustees and of any of its committees that resulted in such formal actions were, unless otherwise excepted or exempted, conducted in meetings open to the public and in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

This Resolution shall take effect and be in force from and after the 17 day of February, 2009.

ADOPTED:

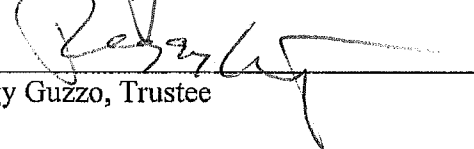
February 17, 2009



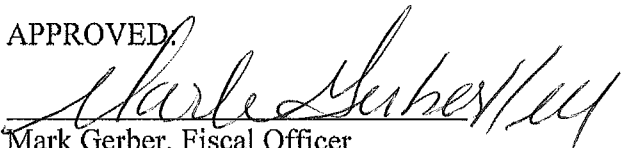
Curtis J. Sybert, Trustee



Robert J. Mann, Trustee

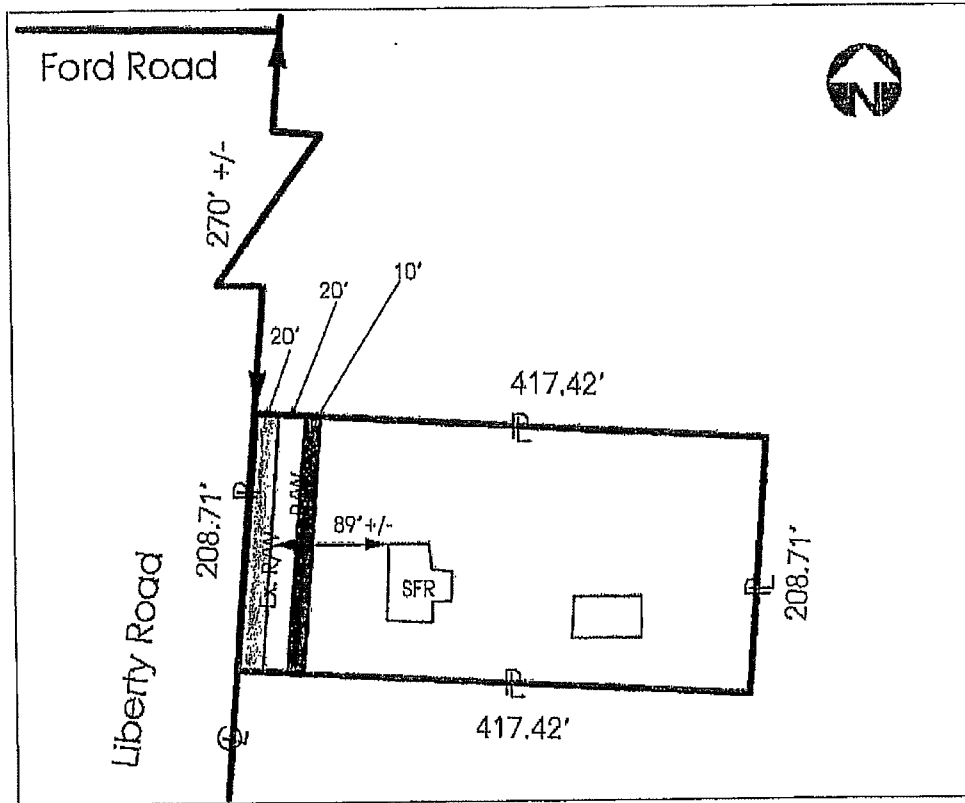





Peggy Guzzo, Trustee

APPROVED:


Mark Gerber, Fiscal Officer

SKETCH OF SUBJECT PROPERTY



-  Permanent take (0.096 acres)
-  Temporary take (0.048 acres)
-  P.R.O. (0.096 acres)