

RESOLUTION NO. 09-0406-06

**RESOLUTION DECLARING THE APPROPRIATION BY
THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP
OF PROPERTY AND TO AUTHORIZE THE
TOWNSHIP'S LEGAL ADVISOR TO INITIATE
FORMAL PROCESS TO COMPLETE THE
APPROPRIATION OF REAL PROPERTY**

WHEREAS, the Board of Trustees of Liberty Township, Delaware County, Ohio, is authorized by various sections of the Ohio Revised Code to appropriate real property for the purpose of constructing roadway improvements for egress and ingress to Havener Park including, but not limited to, the Ohio Constitution, Ohio Rev. Code Sections 505.26, 5579.01, 5573.01, and 5549.04, as well as Ohio Rev. Code Chapter 163; and

WHEREAS, the Board of Trustees has formerly declared the necessity and its intent to appropriate tracts of property in fee simple and in easement, and specifically designated the tracts to be appropriated, all as set forth in Resolution No. 09-0217-11; and

WHEREAS, the Board of Trustees has transmitted the Notice of Intent to appropriate (together with an appraisal) to the landowner of record by her legal counsel as reflected in Ohio Rev. Code Section 163.041, not less than 30 days; and

WHEREAS, the Board of Trustees has authorized the Administrator to negotiate with the owner and her representative for the price to be paid for this acquisition, but has been unable to come to an agreement with the owner for the acquisition of interests in the certain 2.00± acre parcel.

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

SECTION ONE: That fee simple title to the following described real property be appropriated for the public purpose of establishing an ingress and egress lane for Havener Park and recreational facility pursuant to the power and authority granted the Township through the Ohio Revised Code including, but not limited to, Sections 505.26, 5549.04, 5573.01, 5579.01, and 163.01, *et seq.*

PERMANENT ACQUISITION REAL PROPERTY DESCRIPTION

Property description attached hereto as Exhibit A.

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

SECTION TWO: That a temporary construction easement of the following described real property for the same described purposes be obtained.

TEMPORARY CONSTRUCTION EASEMENT ACQUISITION

Property description attached hereto as Exhibit B.

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

SECTION THREE: That the Board of Trustees of Liberty Township hereby declares the appropriations of said real property interests are necessary for the stated public purpose of establishing an ingress and egress lane for Havener Park, and that the Board of Trustees has been unable to agree with the owner as to the just compensation to be paid by Liberty Township for the interests in the property.


SECTION FOUR: That the Township's legal advisor be and is authorized to file a complaint for the appropriation of real property in a court of competent jurisdiction and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the foregoing described real property interests, all according to law.

SECTION FIVE: 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.

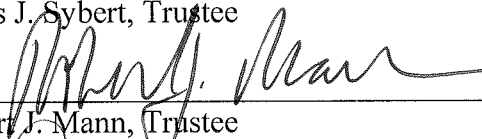
This Resolution shall take effect and be in force from and after the 6 day of April, 2009.

ADOPTED:

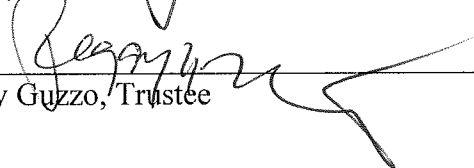
April 6, 2009



Curtis J. Sybert, Trustee



Robert J. Mann, Trustee



Peggy Guzzo, Trustee

APPROVED:



Mark Gerber, Fiscal Officer

RIGHT-OF-WAY ACQUISITION
0.192 ACRE
EAST SIDE OF LIBERTY ROAD
SOUTH OF FORD ROAD

Situated in the State of Ohio, County of Delaware, Township of Liberty, Farm Lot 19, Quarter Township 4, Township 4, Range 19, United States Military District and being out of Tract I as shown in the deed to Hallie L. Heath of record in Deed Volume 529, Page 260 and Official Record 42, Page 1191 and described as follows:

Beginning at a railroad spike found marking the southwest corner of said Tract I, the same being the southwest corner of said Farm Lot 19, being a corner to that 84.359 acre tract conveyed to The Preservation Park District of Delaware County of record in Official Record 755, Page 1249 and in the centerline of Liberty Road (Twp. Rd. 9), said railroad spike being S 03° 39' 54" W, with said centerline, the same being the west line of said Quarter Township 4, 464.25 feet from a railroad spike found marking the centerline intersection of said Liberty Road with Ford Road (Twp. Rd. 142);

Thence **N 03° 39' 54" E**, with the west line of said Tract I, the same being said centerline and said west quarter township line, **208.77 feet** a railroad spike found marking the northwest corner of said Tract I, the same being a corner to that 94.065 acre tract conveyed to The Board of Trustees of Liberty Township, Delaware County, Ohio of record in Official Record 755, Page 1256;

Thence **S 86° 52' 04" E**, with the common line to said Tract I and 94.065 acre tract, **40.00 feet** to an iron pin set;

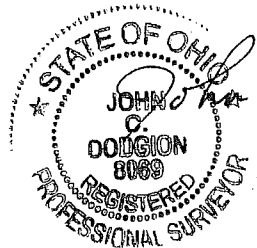
Thence **S 03° 39' 54" W**, across said Tract I, being 40.00 feet easterly of and parallel to said centerline, **208.76 feet** to an iron pin set in the south line of said Tract I, the same being a north line of said 84.359 acre tract;

Thence **N 86° 53' 10" W**, with the common line to said Tract I and 84.359 acre tract, the same being the south line of said Farm Lot 19, **40.00 feet** to the **Point of Beginning**. Containing **0.192 acre**, more or less, inclusive of the present right-of-way which occupies 0.096 acre. Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by John C. Dodgion, P.S. 8069 on March 31, 2008 and is based on existing records and an actual field survey. A drawing of the above description is attached hereto and made a part thereof.

Iron pins set are 3/4" diameter iron pipe, 30" long with a plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System per NAD83, North Zone (1986 Adj.). All references are to the records of the Recorder's Office, Delaware County, Ohio.

ADVANCED CIVIL DESIGN, INC.



C. Dodgion

03/16/2009

John C. Dodgion, P.S. 8069

TEMPORARY CONSTRUCTION EASEMENT

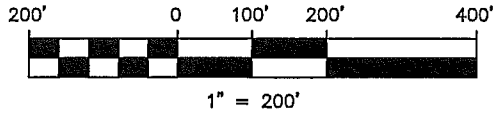
FARM LOT 19
 QTR. TWP. 4, TWP. 4, RNG. 19, USMD
 LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO

LEGEND

- Iron Pin Found ○ Iron Pin Set
- ✕ PK Nail Found ✕ PK Nail Set
- ▲ RR Spike Found △ RR Spike Set
- Ⓜ Monument Box
- Ⓜ Conc. Monument

Iron pins set are 3/4" diameter iron pipe, 30" long with plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System per NAD83, North Zone (1986 Adj.).



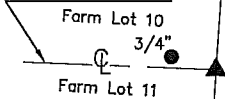
Gary G. Fiorucci
 O.R. 696, Pg. 1899
 5.01 Ac.

William F. Newman, Tr.
 O.R. 689, Pg. 902
 D.V. 441, Pg. 513
 5.00 Ac.

The Board of Trustees of
 Liberty Township, Delaware County, Ohio
 O.R. 755, Pg. 1256
 94.065 Ac.

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00'	S86°52'04"E
L2	208.75'	S03°39'54"W
L3	10.00'	N86°53'10"W
L4	208.76'	N03°39'54"E

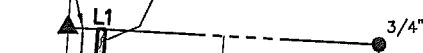
Ford Road
 (Twp. Rd. 142)



Liberty Road (Twp. Rd. 9)

S86°52'04"E
 40.00'

Temporary Construction
 Easement
 0.048 Ac.



Hallie L. Heath
 D.V. 529, Pg. 260
 O.R. 42, Pg. 1191

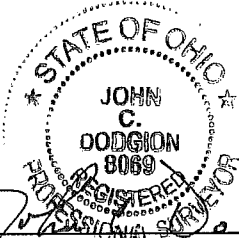
S86°53'10"E
 40.00'

The Preservation Park District
 of Delaware County
 O.R. 755, Pg. 1249
 84.359 Ac.

DRAWN BY: JCD JOB NO.: 07-0002-186
 DATE: 03/31/08 CHECKED BY: DRH

ADVANCED
 CIVIL DESIGN
 ENGINEERS SURVEYORS

422 Beecher Road
 Gahanna, Ohio 43230
 ph 614.428.7750
 fax 614.428.7755



John C. Dodgion, P.S. 8069

03/16/2009