

RESOLUTION NO. 09-0406-08

**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 a turn lane on Liberty Road, north 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 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 0.160± acres of real estate, of which .107± 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 REAL PROPERTY DESCRIPTION

Property description attached hereto as Exhibit A.

Estelle Kindred Trust
William F. Newman, Successor Trustee
600 South High Street
Columbus, Ohio 43215

SECTION TWO: That the Board of Trustees hereby declares the necessity and intent to appropriate an easement interest into the following described .053± acres necessary to facilitate construction of the roadway improvement.

TEMPORARY CONSTRUCTION EASEMENT ACQUISITION

Property description attached hereto as Exhibit B.

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

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 interest in the property.

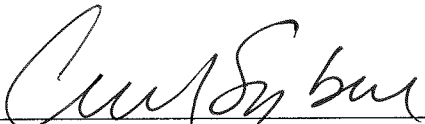
SECTION FIVE: That the Administrator is furthermore instructed to pursue any "quick take" procedures which may be available under Ohio law for the acquisition of these interests in the real property for purposes of facilitating the roadway improvement project in the event negotiations are not successful.


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.

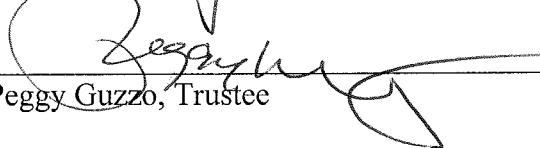
This Resolution shall take effect and be in force from and after the 6 day of April, 2009.

ADOPTED:

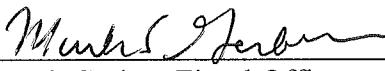
April 6, 2009


Curtis J. Sybert, Trustee


Robert J. Mann, Trustee


Peggy Guzzo, Trustee

APPROVED:


Mark Gerber, Fiscal Officer

**RIGHT-OF-WAY ACQUISITION
0.160 ACRE
EAST SIDE OF LIBERTY ROAD
NORTH 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 that 5.00 acre tract conveyed to William F. Newman, Tr. of record in Deed Volume 441, Page 513 and Official Record 689, Page 902 and described as follows:

Beginning at a railroad spike found marking the southwest corner of said 5.00 acre tract, the same being a corner of 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 and in the centerline of Liberty Road (Twp. Rd. 9), said railroad spike being N 03° 39' 54" E, with said centerline, the same being the west line of said Quarter Township 4, 648.47 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 5.00 acre tract, the same being said centerline and said west quarter township line, **232.69 feet** to a railroad spike found marking the northwest corner of said 5.00 acre tract, the same being the southwest corner of that 5.100 acre tract conveyed to Gary C. Fiorucci of record in Official Record 696, Page 1889 and the northwest corner of said Farm Lot 19;

Thence S 86° 47' 51" E, with the common line to said 5.00 acre and 5.100 acre tracts, the same being the north line of said Farm Lot 19, **30.00 feet** to a 5/8" iron pipe found;

Thence S 03° 39' 54" W, across said 5.00 acre tract, being 30.00 feet easterly of and parallel to said centerline, **232.71 feet** to an iron pin set in the south line of said 5.00 acre tract, the same being a north line of said 94.065 acre tract;

Thence N 86° 46' 12" W, with a common line to said 5.00 acre and 94.065 acre tracts, **30.00 feet** to the **Point of Beginning**. Containing **0.160 acre**, more or less, inclusive of the present right-of-way which occupies 0.107 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.

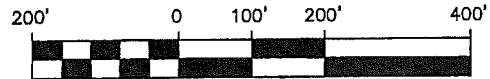
John C. Dodgion, P.S. 8069

RIGHT-OF-WAY ACQUISITION

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

LEGEND

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



Gary G. Florucci
O.R. 696, Pg. 1889
5.100 Ac.

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	232.69'	N03°39'54"E
L2	30.00'	S86°47'51"E
L3	232.71'	S03°39'54"W
L4	30.00'	N86°46'12"W

**Ford Road
(Twp. Rd. 142)**

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

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.).

Liberty Road (Twp. Rd. 9)

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

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



422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fox 614.428.7755

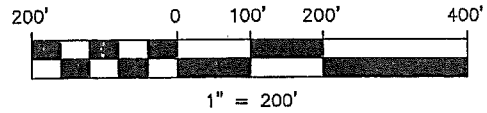
ENGINEERS | SURVEYORS

TEMPORARY CONSTRUCTION EASEMENT

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

LEGEND

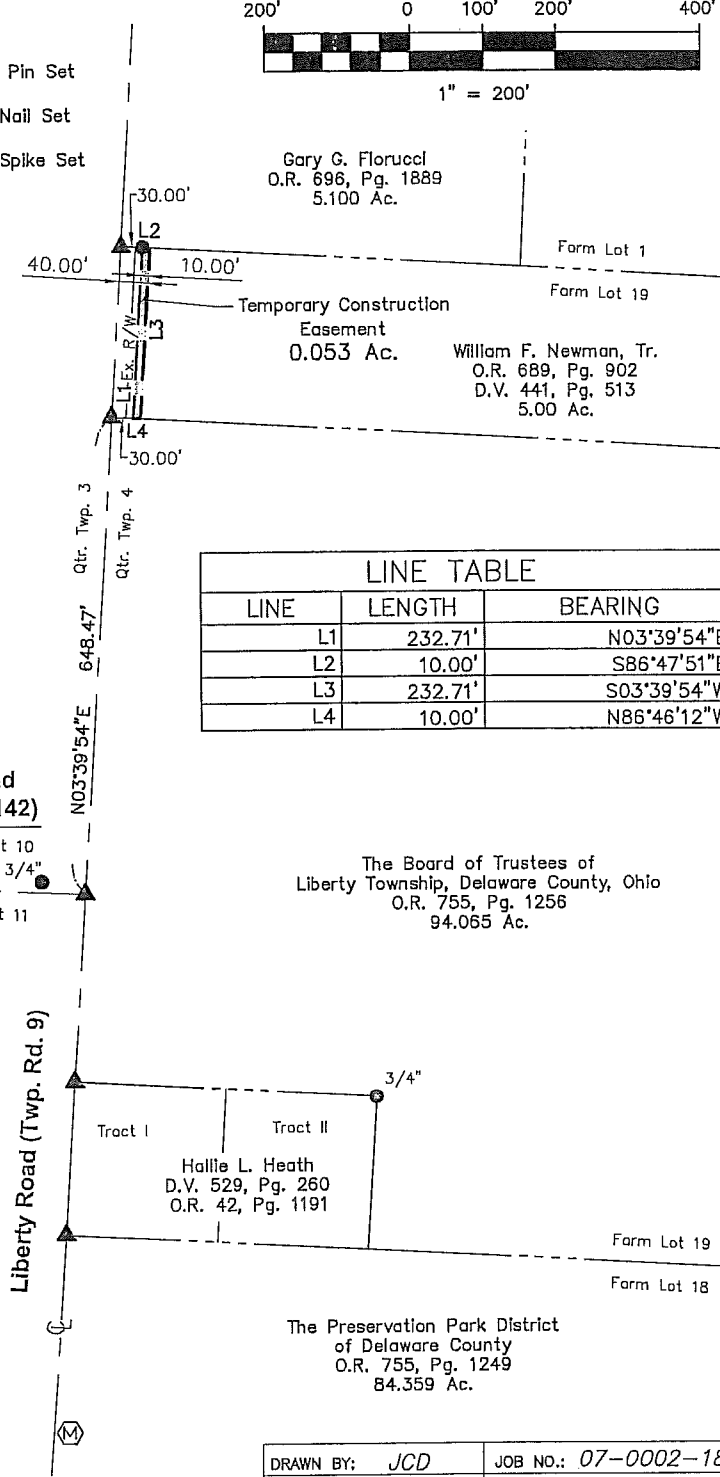
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