

RESOLUTION NO. 09-0506-03

**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. 09-0406-08; and

WHEREAS, the Board of Trustees has transmitted the Notice of Intent to appropriate (together with an appraisal) to the landowner of record as required by Ohio Rev. Code Section 163.041, not less than 30 days ago; 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 5.00± 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.

William F. Newman
Successor Trustee to Estate of Estelle Kindred
600 South High Street
Columbus, Ohio 43215-5622

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 maps.

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 marketable title in the property.

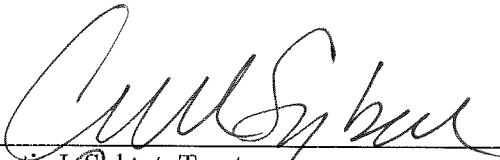
SECTION FOUR: That the Township's legal advisor be and is authorized to file a complaint for the appropriation of real property in a court of competent jurisdiction and to have a jury impaneled to make inquiry into and assess the just compensation to be paid for the foregoing described real property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

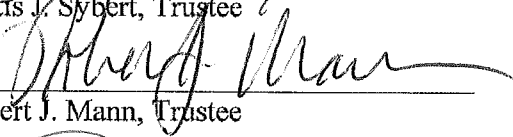
SECTION FIVE: It is found and determined that all formal actions of the Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Trustees, and that all deliberations of the Trustees and of any of its committees that resulted in such formal actions were,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

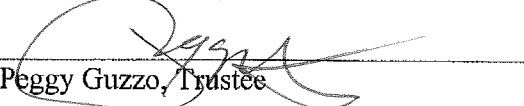
This Resolution shall take effect and be in force from and after the 6 day of May, 2009.

ADOPTED:

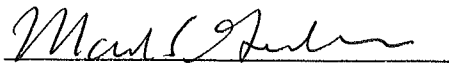
May 6, 2009


Curtis J. Sybert, Trustee


Robert J. Mann, Trustee


Peggy Guzzo, Trustee

APPROVED:


Mark Gerber, Fiscal Officer