

RESOLUTION NO. 2018-21

A RESOLUTION DECLARING THE NECESSITY/INTENT TO APPROPRIATE INTERESTS IN LAND FROM THE RANDOLPH COMPANY (PERMANENT PARCEL NUMBER 612-0120-0102-00; PROPERTY DESIGNATED FOR APPROPRIATION, PARCEL NUMBER _____) FOR THE PURPOSE OF A ROAD IMPROVEMENT PROJECT – THE HAM-MALSBAR Y ROAD EXTENSION -- IN THE CITY OF BLUE ASH, HAMILTON COUNTY, OHIO

WHEREAS, the City of Blue Ash, Ohio has undertaken to construct a road that will be open to the public without charge, specifically a road improvement project on Malsbary Road – the HAM-Malsbary Road Extension – in the City of Blue Ash, Ohio (“Road Improvement Project”); and

WHEREAS, pursuant to the provisions of Ohio Revised Code Chapter 163 and Ohio Revised Code § 719.04, it is deemed necessary for the City of Blue Ash, Ohio to appropriate various interests in real estate in order to complete the Road Improvement Project on Malsbary Road; and

WHEREAS, a fee simple interest and a temporary construction easement (as described in Exhibits A and B hereto) over real estate owned by The Randolph Company (a sketch of the property detailing the take area is attached as Exhibit C hereto) have been identified as necessary for the Road Improvement Project on Malsbary Road; 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 delivered to the property owner, The Randolph Company, via certified mail on February 21, 2018.

Now therefore, be it resolved by the Council of the City of Blue Ash, Ohio

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 The Randolph Company, being known as Permanent Parcel Number 612-0120-0102-00; the real estate being appropriated being designated as Parcel Number _____.

SECTION II.

The legal descriptions of the necessary property interests which shall be acquired are attached hereto as Exhibits A and B.

SECTION III.

Council hereby declares that the purpose of said appropriation is for the Road Improvement Project on Malsbary Road in the City of Blue Ash, 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 City 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 and interest holders of the above-described real estate, said notice to be served by the City 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 full force and take effect immediately upon its adoption.

PASSED this 10th day of May, 2018.

Thomas C. Adamec, Mayor

ATTEST:

Jamie K. Eifert, Clerk of Council

Approved as to form:

Bryan E. Pacheco, City Solicitor

EXHIBIT A



LEGAL DESCRIPTION DEDICATION OF MALSARY ROAD EXTENSION LOT 2-B CIC INDUSTRIAL PARK

Situated in Section 16, Town 4, Entire Range 1, Sycamore township, City of Blue Ash, Hamilton County, Ohio, being a 25' dedication, over and through part of Lot 2-B of the CIC Industrial Park Subdivision, recorded in Plat Book 210, Page 10 of the Hamilton County, Ohio records and the property conveyed to The Randolph Company in official record 9313, page 4956, and being more particularly described as follows:

Beginning at an iron pin found at the southwesterly corner of said lot 2-B;

Thence with said westerly property line, North 34°08'50" West, a distance of 355.47 feet to the Northerly line of said lot 2-B;

Thence with the said northerly line, North 55°51'10" East, a distance of 25.43 feet to an iron pin and cap set;

Thence along the easterly line of said dedication, South 34°03'13" East, a distance of 360.90 to an iron pin and cap set at the existing right of way of Malsary road;

Thence with the right of way of said road along an arc deflecting to the left, having a radius of 59.50 feet, an arc length of 25.62 feet and a chord bearing of South 68°11'26" West, a distance of 25.43 feet to the point of beginning.

Containing 8980.2517 Sq. Feet, 0.2062 acres, being subject to all other easements, restrictions, covenants and/or conditions of record.

Description prepared by:

CT Consultants, Inc.
November, 2017
File No, 170386

EXHIBIT B



**LEGAL DESCRIPTION
Temporary Construction Easement
LOT
2-B CIC INDUSTRIAL PARK**

Situated in Section 16, Town 4, Entire Range 1, Sycamore Township, City of Blue Ash, Hamilton County, Ohio, being a temporary construction easement, over and through Lot 2-B of the CIC Industrial Park Subdivision, recorded in Plat Book 210, Page 10 of the Hamilton County, Ohio records and the property conveyed to The Randolph Company in official record 9313, page 4956, and being more particularly described as follows:

Beginning at an iron pin found at the southwesterly corner of said lot 2-B;

Thence with the proposed right of way of Malsbary road extension, North 34°03'13" West, a distance of 360.90 feet to an iron pin and cap set at intersection of said proposed right of way of Malsbary road extension and the northerly line of lot 2-B;

Thence with the northerly line of lot 2-B, North 55°51'10" East, a distance of 16.05 feet to a point;

Thence through said lot 2-B, South 31°49'32" East, a distance of 339.32 feet to a point;

Thence North 61°12'40" East, a distance of 57.12 feet to a point;

Thence North 82°34'48" East, a distance of 43.60 feet to a point;

Thence South 82°32'47" East, a distance of 19.16 feet to a point;

Thence South 18°15'55" West, a distance of 22.00 feet to a point;

Thence South 40°35'29" West, a distance of 63.72 feet to a point in the right of way of Malsbary road;

Thence with the right of way of said road along an arc deflecting to the left, having a radius of 59.50 feet, an arc length of 59.75 feet and a chord bearing of North 70°42'21" West, a distance of 57.27 feet to the place of beginning;

Containing 7692.477 Sq. Feet, 0.177 acres, being subject to all other easements, restrictions, covenants and/or conditions of record.

Description prepared by:

CT Consultants, Inc.
November, 2017
File No, 170386

EXHIBIT C

45. SKETCH OF THE PROPERTY DETAILING THE TAKE AREA

The Randolph Company	
Record Area	4.2150 Acres
Total PRO	- Acres
Net Area	4.2150 Acres
WD	0.2062 Acres
Residue	4.0088 Acres

