

RESOLUTION NO. 2018-22

A RESOLUTION DECLARING THE NECESSITY/INTENT TO APPROPRIATE INTERESTS IN LAND FROM WITTRUCK PROPERTIES, LLC (PERMANENT PARCEL NUMBER 612-0120-0103-00; PROPERTY DESIGNATED FOR APPROPRIATION, PARCEL NUMBER _____) FOR THE PURPOSE OF A ROAD IMPROVEMENT PROJECT -- THE HAMBALSBARY 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 HAMBALSBARY 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 Wittrock Properties, LLC (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 hand-delivered to the property owner, Wittrock Properties, LLC, on February 12, 2018 and was delivered to the interest holder, WesBanco Bank, Inc., via certified mail on March 29, 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 Wittrock Properties, LLC, being known as Permanent Parcel Number 612-0120-0103-00; 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 1-C 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 Lot 1-C of the CIC Industrial Park Subdivision, recorded in Plat Book 210, Page 10 of the Hamilton County, Ohio records and the property conveyed to Wittrock properties in official record 7934, page 2775, and being more particularly described as follows:

Beginning at an iron pin found at the southeasterly corner of said lot 1-C;

Thence with said easterly property line, North 34°08'50" West, a distance of 355.47 feet to the Northerly line of said lot 1-C;

Thence with the said northerly line, South 55°51'10" West, a distance of 24.57 feet to an iron pin and cap set;

Thence along the westerly line of said dedication, South 34°03'13" East, a distance of 361.05 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 right, having a radius of 59.50 feet, an arc length of 25.98 feet and a chord bearing of North 43°20'42" East, a distance of 25.77 feet to the point of beginning.

Containing 8883.1715 Sq. Feet, 0.2039 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 For Temporary Construction Easement LOT 1-C 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 1-C of the CIC Industrial Park Subdivision, recorded in Plat Book 210, Page 10 of the Hamilton County, Ohio records and the property conveyed to Wittrock properties in official record 7934, page 2775, and being more particularly described as follows:

Beginning at an iron pin and cap at the westerly proposed right of way line of Malsbary road extension and the existing 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 67.50 feet and a chord bearing of South 01°39'37" East, a distance of 63.93 feet to a point at the most southerly line of said lot 1-C;

Thence through said lot 1-C the following courses;

1. South 55°51'10" West a distance of 2.15 feet;
2. North 78°27'32" West a distance of 26.09 feet;
3. South 72°12'44" West a distance of 56.22 feet;
4. North 34°05'48" West a distance of 39.03 feet;
5. North 54°30'55" East a distance of 105.45 feet;
6. North 48°44'14" West a distance of 20.64 feet;
7. North 24°06'57" West a distance of 43.33 feet;
8. North 34°03'13" West a distance of 12.18 feet;
9. North 59°17'17" West a distance of 17.05 feet;
10. North 35°01'14" West a distance of 57.01 feet;
11. North 14°04'50" West a distance of 21.17 feet;
12. North 34°03'13" West a distance of 40.27 feet;
13. North 63°04'21" West a distance of 5.21 feet;
14. North 32°15'06" West a distance of 72.67 feet;
15. North 27°18'07" West a distance of 19.09 feet to a point on the proposed right of way of Malsbary road extension;

Thence with the proposed right of way of said Malsbary road extension, South 34°03'13" East, a distance of 325.63 feet to the place of beginning;



Date
Addressee Name
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Containing

6570.594 Sq. Feet, 0.1508 acres, being subject to all other easements, restrictions, covenants and/or conditions of record.

Description prepared by:

CT Consultants, Inc.
November, 2017
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45. SKETCH OF THE PROPERTY DETAILING THE TAKE AREA

EXHIBIT C

Witrock Properties	
Record Area	6.2730 Acres
Total PRO	- Acres
Net Area	6.2730 Acres
WD	0.2039 Acres
Residue	6.0691 Acres

