

ORDINANCE NO. 2018-5

AN ORDINANCE AUTHORIZING THE SOLICITOR TO INITIATE PROCEEDINGS TO APPROPRIATE PROPERTY FOR THE PURPOSE OF A ROAD IMPROVEMENT PROJECT – THE HAM-MALSBARY ROAD EXTENSION – ON MALSBARY ROAD IN THE CITY OF BLUE ASH, HAMILTON COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Blue Ash, Ohio, by Resolution No. 2018-21, adopted May 10, 2018, declared the necessity and intention of appropriating a fee simple property interest and a temporary construction easement described in this Ordinance for the public purpose of constructing a road 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, notice of the adopting of Resolution No. 2018-21 has been served on the person(s) in possession of or having an interest in the property; and

WHEREAS, the City needs to appropriate certain property for public purposes described in detail below to accomplish the Road Improvement Project on Malsbary Road in the timeline outlined by the City of Blue Ash, Ohio.

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

SECTION I.

That for the public purpose of the Road Improvement Project on Malsbary Road in the City of Blue Ash, Ohio, the fee simple interest set forth in the attached Exhibit A, over real estate owned by The Randolph Company, Permanent Parcel Number 612-0120-0102-00, is appropriated.

SECTION II.

That for the public purpose of the Road Improvement Project on Malsbary Road in the City of Blue Ash, Ohio, the temporary construction easement set forth in the attached Exhibit B, over real estate owned by The Randolph Company, Permanent Parcel Number 612-0120-0102-00, is appropriated.

SECTION III.

That the Solicitor for the City of Blue Ash, Ohio is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interest and the temporary construction easement described above.

SECTION IV.

This Ordinance is declared to be an emergency measure necessary to preserve the public peace, health, safety and welfare of the citizens of the City of Blue Ash, Ohio; the reason for the emergency being the immediate need to authorize the Solicitor to initiate appropriation proceedings so that the City may acquire the property needed for the project described above as soon as possible. Accordingly, this Ordinance shall take effect and be in force from and after its passage and approval.

Passed this 10th day of May, 2018.

Thomas C. Adamec, Mayor

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