

ORDINANCE NO. 2018-6

AN ORDINANCE AUTHORIZING THE SOLICITOR TO INITIATE PROCEEDINGS TO APPROPRIATE PROPERTY FOR THE PURPOSE OF A ROAD IMPROVEMENT PROJECT – THE HAM-MALSBAR Y ROAD EXTENSION – ON MALSBAR Y 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. 2018-22, 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. 2018-22 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 Wittrock Properties, LLC, Permanent Parcel Number 612-0120-0103-00, 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 Wittrock Properties, LLC, Permanent Parcel Number 612-0120-0103-00, 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 10<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Thomas C. Adamec, Mayor

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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  
File No, 170386