

# RECORD OF ORDINANCES

Ordinance No. .... 2002-20

Passed .....

May 7,

YE 2002

## AN ORDINANCE APPROPRIATING THE FEE SIMPLE INTEREST IN 0.608 ACRES, MORE OR LESS NORTH OF SELDOM SEEN ROAD FOR ROADWAY PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, Council has previously adopted a *Resolution of Intent* to appropriate this property pursuant to *Resolution Number 2002-07* passed on April 9, 2002 and,

WHEREAS, the Municipality has been unable to agree with BUS General Partnership, the property owner, and Council has therefore determined to proceed with such appropriation pursuant to the provisions of the Constitution of the State of Ohio, Article I, §19, Article XVIII, §3 and §7, Ohio Revised Code §17.01, Ohio Revised Code §719.01 et seq and the Charter of the City of Powell.

### NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL DELAWARE COUNTY, OHIO AS FOLLOWS:

**Section 1:** The fee simple title in and to the following described parcel of real estate consisting of 0.608 acres, more or less, is hereby appropriated for the purpose of making, repairing or widening of Seldom Seen Road, a road open to the public without charge, in accordance with the provisions of the Seldom Seen Road Reconstruction Project, pursuant to the Charter of the City of Powell, and the Constitution and Laws of the State of Ohio. Said premises being more particularly described as follows:

#### SEE ATTACHED LEGAL DESCRIPTION -- 0.608 Acres, More or Less

**Section 2:** Council hereby fixes the value of the fee simple interest as **eight thousand sixty one dollars (\$8,061.00)** which sum shall be deposited with the Clerk of Courts of the Common Pleas Court of Delaware County, Ohio for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of Powell shall take possession and enter upon the property pursuant to law.

**Section 3:** Council hereby finds the appropriation is necessary for the stated public purpose, that the City has been unable to agree with the owner of the property, and that the city intends to take immediate possession of the property which immediate possession is necessary for the stated public purposes, the making, repairing or widening of Seldom Seen Road, a road open to the public without charge.

**Section 4:** That the City Law Director is directed to file a **Petition for Appropriation** in the Court of Common Pleas of Delaware County, Ohio and to have a jury impaneled to assess the compensation to be paid for the real estate described above. The City Law Director is authorized to engage the services of special counsel with the approval of the City Manager.

**Section 5:** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this **Ordinance** were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

**Section 6:** Council hereby finds and determines that an emergency exists immediately affecting the health, welfare and safety of the residents of the Municipality of Powell necessitating the immediate implementation of this legislation, such emergency arising out of the necessity to commence construction at the earliest possible date to allow the project to complete with favorable weather conditions.

**Section 7:** That this **Ordinance** shall take affect immediately upon its passage.

VOTE ON RULES SUSPENSION:      Y   6        N   0  

VOTE ON ORDINANCE 2002-20:      Y   6        N   0  

Art Schultz      Date  
Art Schultz, Mayor

Dawn Nauman 5/7/02  
Dawn Nauman  
Clerk of Council

This ordinance or resolution has been posted in three (3) public places as required in ordinance 44-11 dated 4-3-94 on this date 5/7/02

September 28, 2001

DESCRIPTION OF A 0.608 ACRE TRACT  
NORTH OF SELDOM SEEN ROAD WEST OF VILLAGE PARK DRIVE  
POWELL, OHIO

EXHIBIT "A"

Situated in the State of Ohio, County of Delaware, City of Powell, being in lot 37, Section 4, Township 3, Range 19, United States Military Lands, being a 0.608 acre tract out of that original 87.522 acre tract as described to BUS General Partnership of record in deed volume 488, page 658, all references are to those of record in the Recorder's Office Delaware County, Ohio, said 0.608 acre tract being more particularly described as follows:

Beginning at a point in the centerline of Seldom Seen Road, said point being North 82° 17' 09" West, a distance of 200.00 feet from a railroad spike found at the centerline intersection of said Seldom Seen Road and Village Park Drive as the same is shown and delineated upon the record plat of Amended Powell Place Phase 2, of record in Cabinet No 1, Slides 349, 349A, and 349B, a point on the line between farm lots 36 and 37, a point on the south line of said 87.522 acre tract;

Thence North 82° 17' 09" West, along the centerline of said Seldom Seen Road, the line between farm lots 36 and 37, the south line of said 87.522 acre tract, a distance of 519.69 feet to a point in the east line of the C S X Transportation tract of record in deed volume 110, page 530, the southwest corner of said 87.522 acre tract;

Thence North 14° 29' 40" West, along the east line of said C S X Transportation tract, the west line of said 87.522 acre tract, a distance of 54.01 feet to an iron pin set;

Thence South 82° 17' 09" East, into said 87.522 acre tract, parallel to and 50.00 feet north of (as measured at right angles to) the centerline of said Seldom Seen Road, a distance of 540.10 feet to an iron pin found at the northwest terminus of said Seldom Seen Road, as shown on the record plat of said Amended Powell Place Phase 2;

Thence South 7° 42' 51" West, a distance of 50.00 feet to the Point of Beginning containing 0.608 acres more or less of which 0.204 acres is existing right-of-way.

Subject to all right-of-way, easements, and restrictions, if any, of previous record.

Note: the bearing system is based on the centerline of Seldom Seen Road as shown on the plat of John D. Wolf Commerce Park Section 2 of record in Cabinet No. 1, Slides No. 542 and 542A.

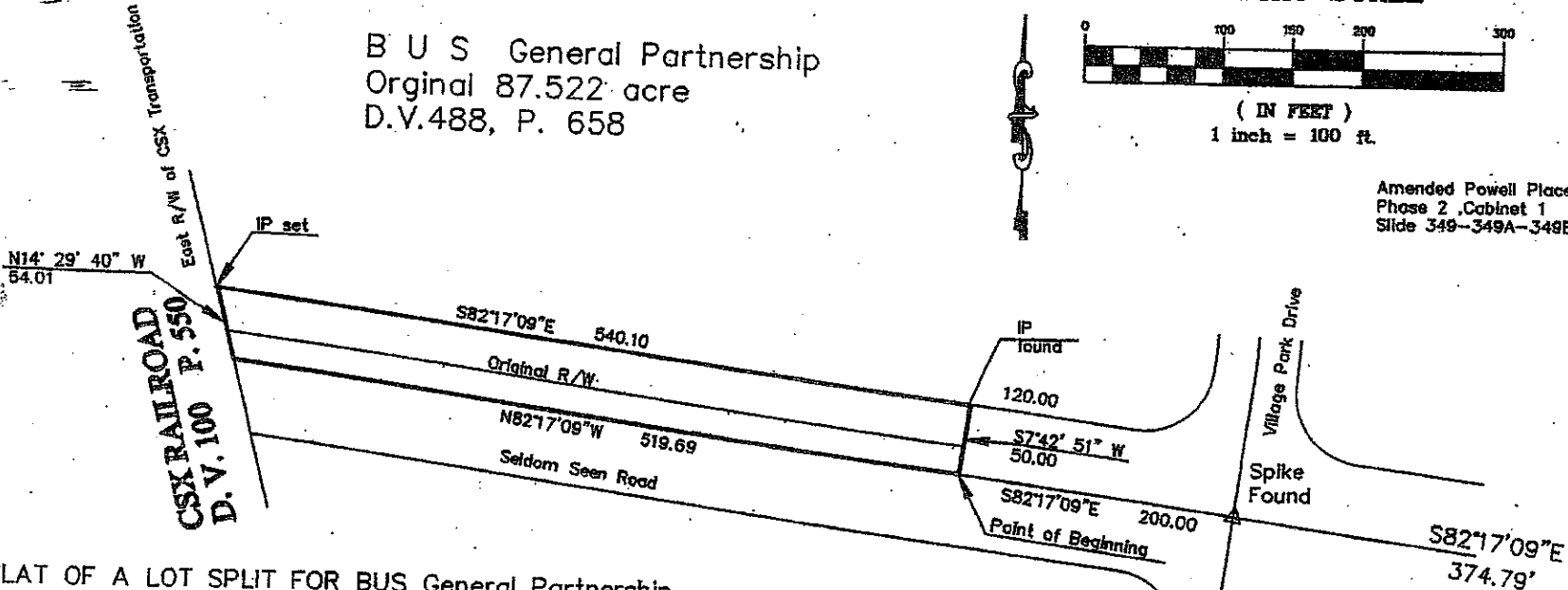
**GRAPHIC SCALE**



( IN FEET )  
1 inch = 100 ft.

Amended Powell Place  
Phase 2, Cabinet 1  
Slide 349-349A-349B

**B U S General Partnership**  
Original 87.522 acre  
D.V.488, P. 658



**Ralph and Curt, Engineers**  
 Consulting Engineers - Surveyors - Appraisers  
 3720 East Fifth Avenue  
 Columbus, Ohio 43219  
 Telephone 614/237-8416  
 Fax 614/237-8417  
 E-mail: rafandcure@aol.com

**R&C**  
**Ralph**  
**& Curt**  
**Engineers**

**PLAT OF A LOT SPLIT FOR BUS General Partnership**

LOCATED IN FARM LOT 37, SECTION 4, TOWNSHIP  
3, RANGE 19, UNITED STATES MILITARY LANDS,  
CITY OF POWELL, DELAWARE COUNTY, OHIO

Amended Subdivision Plat of  
John D. Commerce Park Section No. 1  
Cabinet No. 2 Slides 180 - 180A

John D. Wolf Commerce Park, Section 2  
Cabinet No.1, Slides No. 542-542A

**EXHIBIT "B"**

For 0.608 acre tract North of Seldom Seen Road,  
West of Village Park Drive, Powell, Ohio.

The bearing system is based on the centerline of  
Seldom Seen Road as shown on the plat of  
John D. Wolf Commerce Park, Section 2 of record in  
Cabinet No.1, Slides No. 542-542A.



We hereby certify that the above plat was prepared from  
an actual survey and to the best of our knowledge is correct.

*Joseph R. Wolfe*  
Joseph R. Wolfe  
Registered Surveyor No. 5634