

Dayton Legal Blank Co., Form No. 30045

Resolution No. 2002-07 Passed April 9 192002

A RESOLUTION OF INTENT TO APPROPRIATE A FEE SIMPLE INTEREST IN 0.608 ACRES, MORE OR LESS FOR ROADWAY PURPOSES, SUCH PREMISES BEING SITUATED IN THE CITY OF POWELL, COUNTY OF DELAWARE AND STATE OF OHIO DESCRIBED ON THE ATTACHMENT HERETO.

WHEREAS, Council has determined that the widening and straightening of Seldom Seen Road is necessary.

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

Section 1: Council hereby considers it necessary and declares its intention to appropriate for the purpose of making, repairing or widening roads open to the public without charge a fee simple interest in and to the premises consisting of 0.608 acres, more or less situated in the City of Powell, Delaware County, Ohio as more particularly described on the attachment hereto as Exhibit A.

Section 2: That the Mayor and City Manager shall forthwith cause written notice of the passage of this Resolution to be given to the owners and persons in possession of having an interest of record in the premises. The notice shall be served and returned according to law.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this 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 4: That this Resolution shall take effect at the earliest possible date permitted by law.

VOTE ON RESOLUTION 2002-07: Y 7 N 0

Art Schultz 4/9/02
Mayor

Dawn Nauman 4/9/02
Clerk of Council

This ordinance or resolution has been posted in three (3) public places as defined in ordinance 44-11 dated 4-3-04 on this date 4/12/02

Signature of Clerk of Council



RALPH AND CURL, ENGINEERS

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COLUMBUS, OHIO 4321

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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 No1, 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.

Iron pins set have a plastic cap stamped (P. S. 5634)
This description was prepared from measurements obtained from a field survey made by me in
February 2001.



RALPH AND CURL, ENGINEERS
Joseph R. Wolfel
Joseph R. Wolfel
Registered Surveyor 5634

Approved by Powell Planning and Zoning Commission , No subdivision plat required .

David M. Betz 10/08/01
David M. Betz, Director of Development