

**ORDINANCE NO. 4 , 2021**

**AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO INITIATE PROCEEDINGS TO APPROPRIATE PROPERTY FOR THE PURPOSE OF A ROAD IMPROVEMENT PROJECT ON MONTGOMERY ROAD IN THE CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO**

**WHEREAS**, the Council of the City of Montgomery, Ohio, by Resolution No. 4, 2021, adopted March 3, 2021, 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 sidewalk and related roadway improvements open to the public without charge, specifically a road improvement project on Montgomery Road – the HAM-US22-14.74 Project - in the City of Montgomery, Ohio (“Road Improvement Project”); and

**WHEREAS**, notice of the adoption of Resolution No. 4, 2021 has been served upon 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.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** For the public purpose of the Road Improvement Project in the City of Montgomery, Ohio, the fee simple interest set forth in the attached **Exhibit A**, over real estate owned by Brandi Jo Kelly, now known as Brandi Jo Bock, being Hamilton County Auditor’s Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 and 603-0009-0054 consolidated, is appropriated.

**SECTION 2.** For the public purpose of the Road Improvement Project on Montgomery Road in the City of Montgomery, Ohio, the temporary construction easement set forth in the attached **Exhibit B**, over real estate owned by Brandi Jo Kelly, Hamilton County Auditor's Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 and 603-0009-0054 consolidated, is appropriated.

**SECTION 3.** The Law Director for the City of Montgomery, Ohio, or his designee, 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 4.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: May 5, 2021

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:  
Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

LPA RX 851 WD

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Rev. 06/09

Ver. Date 1/29/2020

PID 104934

**PARCEL 11-WD  
HAM-US22-14.74  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in Section 4, Town 4, Entire Range 1 of the Miami Purchase, Sycamore Township, City of Montgomery, Hamilton County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the east side of the centerline of Montgomery Road (US22/SR3) of Project HAM-US22-14.74, the centerline plat of which is recorded in Plat Book \_\_\_\_, Page \_\_\_\_ of the Hamilton County records, and being located within the following described points in the boundary thereof:

Beginning at a point in the existing easterly right-of-way line of Montgomery Road, being the northwesterly corner of Lot 1 of Jones Farm Subdivision, Block "A and in the grantor's southerly line, being 29.41 feet right of Station 58+97.07;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 31.22 feet to the grantor's southwesterly corner at Station 58+86.58 in the centerline of Montgomery Road;

Thence with the grantor's west line and the centerline of Montgomery Road, North 17 degrees 56 minutes 21 seconds East, a distance of 108.46 feet to the grantor's northwesterly corner at Station 59+95.04 in the centerline of Montgomery Road;

Thence with the grantor's northerly line, North 88 degrees 18 minutes 35 seconds East, a distance of 49.44 feet to an iron pin with cap set in the proposed easterly right-of-way line for Montgomery Road, being 46.57 feet right of Station 60+11.65;



Thence through grantor's property, with the proposed easterly right-of-way line for Montgomery Road, for the following three (3) courses:

1. South 16 degrees 06 minutes 53 seconds West, a distance of 11.58 feet to an iron pin with cap set, being 46.94 feet right of Station 60+00.07;
2. North 72 degrees 01 minutes 49 seconds West, a distance of 2.00 feet to an iron pin with cap set, being 44.94 feet right of Station 60+00.07;
3. South 17 degrees 24 minutes 05 seconds West, a distance of 97.14 feet to an iron pin with cap set in the grantor's southerly line, being 45.85 feet right of Station 59+02.93;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 17.46 feet to the point of beginning;

Containing 0.1134 acre, more or less, of which the Present Road Occupies (P.R.O.) 0.0959 acre, for a net take of 0.0175 acre and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

The above described tract is located in Auditor's Parcel numbers 603-9-16, 603-9-17, and 503-9-54.

This description was prepared and reviewed in January 2020 by CT Consultants, Inc., under the direction of Robert A. Bosworth, P.S., Ohio Registration Number 7750.

This description is based on a survey made in June 2017 under the direction and supervision of CT Consultants, Inc., Jerome Wald, P.S., Ohio Registration Number 6930.

Grantor claims title by deed recorded in Official Record Volume 13060, Page 1730, Hamilton County, Ohio Recorder's Office.

The basis of bearings in this description is based on the Ohio State Plane Coordinate System, South Zone, (NAD83).

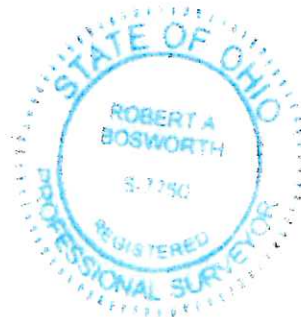
Iron pins set are 5/8" x 30" steel reinforcing bars with plastic identification caps.

Robert A. Bosworth  
Robert A. Bosworth, P.S.  
Registered Professional Surveyor

1-25-2020  
Date

Approved by Montgomery  
Planning Commission

M E Harrison  
Planning Commission Chair



LPA RX 887 T

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Rev. 07/09

Ver. Date 1/29/2020

PID 104934

**PARCEL 11-T  
HAM-US22-14.74  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
PERFORM GRADING AND DRIVEWAY REPLACEMENT  
FOR 24 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in Section 4, Town 4, Entire Range 1 of the Miami Purchase, Sycamore Township, City of Montgomery, Hamilton County, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the east side of the centerline of Montgomery Road (US22/SR3) of Project HAM-US22-14.74, the centerline plat of which is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ of the Hamilton County records, and being located within the following described points in the boundary thereof:

Commencing at a point in the existing easterly right-of-way line of Montgomery Road, being the northwesterly corner of Lot 1 of Jones Farm Subdivision, Block "A and in the grantor's southerly line, being 29.41 feet right of Station 58+97.07;

Thence with the northerly line of said Lot 1 and the grantor's southerly line, North 88 degrees 18 minutes 35 seconds East, a distance of 17.46 feet to an iron pin with cap set in the proposed easterly right-of-way line for Montgomery Road and the Principal Point of Beginning for this description, being 45.85 feet right of Station 59+02.93;

Thence through the grantor's property, with said proposed easterly right-of-way line, North 17 degrees 24 minutes 05 seconds East, a distance of 97.14 feet to an iron pin with cap set, being 44.94 feet right of Station 60+00.07;

Thence continuing through the grantor's property, with said proposed easterly right-of-way line, South 72 degrees 01 minutes 49 seconds East, a distance of 2.00 feet to an iron pin with cap set, being 46.94 feet right of Station 60+00.07;

Thence continuing through the grantor's property, with said proposed easterly right-of-way line, North 16 degrees 06 minutes 53 seconds East, a distance of 11.58 feet to an iron pin with cap in the grantor's northerly line, being the southerly line of Lot 5 of the Grove of Montgomery, the

**EXHIBIT**

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**B**

plat of which is recorded in Plat Book 381, Page 58, and being 46.57 feet right of Station 60+11.65;

Thence with the grantor's northerly line and the southerly line of said Lot 5, North 88 degrees 18 minutes 35 seconds East, a distance of 9.07 feet to a point, being 55.11 feet right of Station 60+14.70;

Thence through the grantor's property, with the herein described temporary construction easement, South 21 degrees 38 minutes 00 seconds West, a distance of 63.37 feet to a point, being 51.03 feet right of Station 59+51.46;

Thence continuing through the grantor's property, with said temporary construction easement, South 02 degrees 13 minutes 33 seconds West, a distance of 10.37 feet to a point, being 53.84 feet right of Station 59+41.47;

Thence continuing through the grantor's property, with said temporary construction easement, South 60 degrees 11 minutes 54 seconds East, a distance of 12.24 feet to a point, being 65.82 feet right of Station 59+38.96;

Thence continuing through the grantor's property, with said temporary construction easement, South 02 degrees 51 minutes 59 seconds West, a distance of 23.64 feet to a point, being 71.97 feet right of Station 59+16.13;

Thence continuing through the grantor's property, with said temporary construction easement, South 75 degrees 25 minutes 37 seconds West, a distance of 16.37 feet to a point in the grantor's southerly line, being 58.16 feet right of Station 59+07.33;

Thence with the grantor's southerly line, South 88 degrees 18 minutes 35 seconds West, a distance of 13.07 feet to the point of beginning;

Containing 0.0298 acre, more or less, and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

The above described tract is located in Auditor's Parcel numbers 603-9-16 and 603-9-17.

This description was prepared and reviewed in January 2020 by CT Consultants, Inc., under the direction of Robert A. Bosworth, P.S., Ohio Registration Number 7750.

This description is based on a survey made in June 2017 under the direction and supervision of CT Consultants, Inc., Jerome Wald, P.S., Ohio Registration Number 6930.

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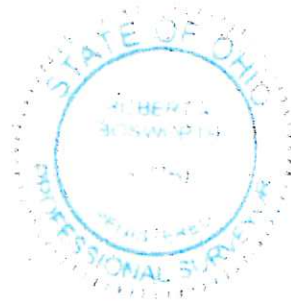
Grantor claims title by deed recorded in Official Record Volume 13060, Page 1730, Hamilton County, Ohio Recorder's Office.

The basis of bearings in this description is based on the Ohio State Plane Coordinate System, South Zone, (NAD83).

Iron pins set are 5/8" x 30" steel reinforcing bars with plastic identification caps.

Robert A. Bosworth, P.S.  
Registered Professional Surveyor  
No. 7750 in Ohio

\_\_\_\_\_  
Date



**EXHIBIT B**  
**To**  
**CONTRACT FOR RIGHT OF ENTRY**

PARCEL(S): 011-WD and 011-T  
HAM-US22-14.74 – PID 104934

If structures are within the area described in Exhibit A, the terms and conditions of occupancy or non-occupancy and access are set forth in this Exhibit. THERE ARE NO STRUCTURES WITHIN THE AREA DESCRIBED IN EXHIBIT A.