

RESOLUTION NO. 18 , 2011

**A RESOLUTION DECLARING THE NECESSITY AND INTENT TO APPROPRIATE
CERTAIN INTEREST IN REAL ESTATE TO SUPPORT THE MONTGOMERY
ROAD CORRIDOR TRAFFIC SIGNAL IMPROVEMENT AND RELATED SIDEWALK
IMPROVEMENTS PROJECT**

WHEREAS, it is necessary to appropriate certain easement rights adjacent to Montgomery Road to support the public roadway and pedestrian sidewalk improvements and a coordinated traffic signalization project through the Montgomery Road corridor within the City; and

WHEREAS, the City has made attempts with all affected property owners within the Corridor to reach an agreement to dedicate these easement rights which efforts have not been successful with three property owners within the defined improvement project; and

WHEREAS, it is necessary to acquire these easement rights both to meet the project requirements from the Ohio Department of Transportation to allow the City to establish that it has control of the property rights upon which certain public improvements have been or will be located to support the traffic signalization and to secure related public roadway and pedestrian sidewalk improvements; and

WHEREAS, Council believes that it is necessary that the easements should be acquired by eminent domain for such public improvement purposes; and

WHEREAS, it is Council's intent that this Resolution meet the initial steps required by Ohio law, specifically RC § 719.04 declaring the City's intent and the necessity to acquire these property rights by appropriation.

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

SECTION 1. The Council hereby determines that it is necessary to appropriate for public use certain easements rights within the City along the Montgomery Road corridor (US 22/Ohio-3), and therefore Council declares its intention to appropriate such easement rights in and to certain real property, hereinafter described, for the purpose of maintaining public roadway improvements including traffic signalization, supporting utilities, and pedestrian sidewalks.

SECTION 2. The property over which such easements shall be acquired, and the specific public improvements, are delineated as follows:

A. A roadway and utility easement is sought for the property titled in the name of Society Bank, N.A. located at 9861 Montgomery Road, Montgomery, Ohio, Auditor's Parcel 603-0008-0225, more particularly described on Schedule A attached, which easement area is described more specifically in Schedule A-1 attached hereto. The specific public improvements to be erected and maintained in such easement area of approximately 35 square feet include a traffic signal control box, traffic signal support and surrounding public paver sidewalk.

B. A roadway and utility easement is sought for the property titled in the name of Christos Kotsovos located at 9501 Montgomery Road, Montgomery, Ohio, Auditor's Parcel 603-0001-0030, more particularly described on Schedule B attached, which easement area is as described more specifically in Schedule B-1 attached hereto. The specific public improvements to be erected and maintained in such easement area of

approximately 20 square feet include a traffic signal support, electrical pull box and public paver sidewalks.

C. A roadway and utility easement is sought for the property titled in the name of Schipper Properties, Inc. located at 9500 Montgomery Road, Montgomery, Ohio, Auditor's Parcel 603-0002-0011, more particularly described on Schedule C attached, which easement area is described more specifically in Schedule C-1 attached hereto. The specific public improvements to be erected and maintained in such easement area of approximately 847 square feet include a traffic signal pole, electrical pull box and public paver sidewalk.

SECTION 3. Pursuant to Ohio law, the Mayor shall cause a written notice of the passage of this Resolution to be given the owners of record of such real estate in question, which notice shall be prepared and served consistent with Ohio law.

SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: July 20, 2011 _____

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

SCHEDULE A

RMH/my 8/27/84
LIMITED

D55013

Book Plat Parcel 140
603-0008-0020-00
Parcel 2 C 603-0008-0025-00
521-7-135

175959

9-B P 52-E

LIMITED WARRANTY DEED

S 5656 8/29/85

10.00 05

Reg. Ind. 015 Soc. Bk.

KNOW ALL MEN, BY THESE PRESENTS, that Society National Bank by its officer named herein, a banking corporation duly organized and existing under the laws of the United States of America (hereinafter called "Grantor"), whose address is 127 Public Square, Cleveland, Ohio 44114, does hereby grant, bargain, sell and convey to Society Bank, N.A., a national banking corporation duly organized and existing under the laws of the United States of America (hereinafter called the "Grantee"), its successors and assigns forever, with limited warranty covenants, the following described real estate:

PARCEL I. Situated in Section 4, Town 4, Entire Range 1, Sycamore Township, Miami Purchase, Hamilton County, Ohio, and bounded as follows:

Beginning at a point in the center line of Montgomery Road 508 feet Northwardly on said center line from the South line of Section 4, and running thence West at right angles 200 feet; thence Northwardly parallel to said Montgomery Road 85 feet; thence Eastwardly at right angles 200 feet to the center of Montgomery Road; thence with the center line Southwardly 85 feet to the place of beginning, subject to all legal highways, and being the same premises described in Deed recorded in Deed Book 2665, Page 611, of the Hamilton County, Ohio, Records.

90
52

PARCEL II. Lying and being in Section 4, Town 4, Entire Range 1, Sycamore Township, in the Village of Montgomery, County of Hamilton, State of Ohio, and being more particularly described as follows:

Beginning at the intersection of the North line of Mitchell Farm Lane a 50 foot street produced Eastwardly and the West line of Montgomery Road a 60 foot street produced Southwardly to an intersection; thence North 17 degrees, 5 minutes, 30 seconds East along Montgomery Road; 12.50 feet to the place of beginning for this description; thence from said beginning point, North 17 degrees, 5 minutes, 30 seconds East, along the West line of Montgomery Road, 56 feet to the South line of the property of Irma Matthes; thence North 72 degrees, 54 minutes, 30 seconds West, along the South line of the Matthes property and parallel with Mitchell Farm Lane, 170 feet; thence South 18 degrees, 45 minutes, 40 seconds East, 84.51 feet to the North line of Mitchell Farm Lane; thence South 72 degrees, 54 minutes, 30 seconds East, along the North line of Mitchell Farm Lane, 108 feet, thence Eastwardly on a curved line tangent to the last described course and deflecting toward the left, having a radius of 12.50 feet for a distance of 19.63 feet, chord of said curve bearing North 62 degrees, 5 minutes, 30 seconds East, 17.68 feet to the West line of Montgomery Road and the place of beginning.

AUG 27 All: 53

Subject to an easement for slopes along the West line of the above described property required for the building of the service drive from Mitchell

Examined & Complied with Sec. 319.212 R.C. Conveyance
is exempt from tax under Sec. 319.54 (F)3.
JOS. E. DE COURCY, JR., AUDITOR
HAMILTON COUNTY, OHIO

1.05

603-8-60, 21; 225 51-52
ALL: 53
AUG 27



CDS ASSOCIATES, INC.

**Legal Description
Roadway & Utility Easement
Society Bank, N.A.**

Situated in Section 4, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, being a Roadway and Utility Easement over and through the property conveyed to Society Bank, N.A. by deed recorded in Deed Book 4320, Page 1325 (all references to recorded documents are to those of the Hamilton County Recorder's Office in Cincinnati, Ohio) and being more particularly described as follows:

Commencing at the grantor's northeast corner, being in the centerline of Montgomery Road;

Thence along the centerline of Montgomery Road, being the grantor's easterly line, South 20°57'48" West, a distance of 85.00 feet;

Thence continuing along the grantor's easterly line, North 69°02'12" West, a distance of 30.00 feet to the westerly line of Montgomery Road;

Thence along the westerly line of Montgomery Road, being the grantor's easterly line, South 20°57'48" West, a distance of 45.00 feet to the Principal Point of Beginning for this description;

Thence continuing along the westerly line of Montgomery Road, South 20°57'48" West, a distance of 3.50 feet to a point;

Thence through the grantor's property, along the herein described easement, North 69°02'12" West, a distance of 10.00 feet;

Thence continuing through said grantor's property, North 20°57'48" East, a distance of 3.50 feet;

Thence continuing through said grantor's property, South 69°02'12" East, a distance of 10.00 feet to the point of beginning;

Containing 35 square feet, more or less, and being subject to all easements, restrictions, covenants and/or conditions of record.

CDS Associates, Inc.
August 2, 2010
Revised June 10, 2011
2008215-000

Mitchell Farm NW Revised.txt

Parcel name: Mitchell Farm NW Rev

North: 455320.2821 East : 1444283.0989
Line Course: S 20-57-48 W Length: 3.50
North: 455317.0138 East : 1444281.8467
Line Course: N 69-02-12 W Length: 10.00
North: 455320.5915 East : 1444272.5086
Line Course: N 20-57-48 E Length: 3.50
North: 455323.8598 East : 1444273.7608
Line Course: S 69-02-12 E Length: 10.00
North: 455320.2821 East : 1444283.0989

Perimeter: 27.01 Area: 35 sq.ft. 0.0008 acres

Mapcheck Closure - (Uses listed courses and chords)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 27,000,000.00

EXHIBIT "A"

ROADWAY & UTILITY EASEMENT

SITUATED IN:
SECTION 4, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO

NORTH AND BEARING SYSTEM
BASED ON OHIO STATE PLANE
COORDINATES (SOUTH ZONE)

603-8-225
SOCIETY BANK, N.A.
D.B. 4320, PG. 1325

N69°02'12"W, 10.00'
N20°57'48"E, 3.50'
ROADWAY & UTILITY
EASEMENT
35 SQ. FT.

S69°02'12"E, 10.00'

45.00'
S20°57'48"W

30.00
N69°02'12"W

S20°57'48"W 85.00'

MITCHELL FARM LANE

50' RW

EX. RW

EX. RW

EX. TRAFFIC SIGNAL
EQUIPMENT EASEMENT
D.B. 4217, PG. 810

EX. PUBLIC EASEMENT

EX. SIDEWALK EASEMENT

EX. TRW

MONTGOMERY ROAD

60' RW

EX. RW

EX. RW

REV. OCTOBER 26, 2010
AUGUST 2, 2010 (REVISED JUNE 10, 2011)
2008215-000 V ROW.dwg



CDS ASSOCIATES, INC.

Knowledge • Expertise • Innovation

www.cds-assoc.com

11120 Kenwood Road 7000 Dixie Highway
Cincinnati, Ohio 45242-1818 Florence, Kentucky 41042
(P) 513.791.1700 (F) 859.525.0544
(T) 513.791.1936 (F) 859.525.0561



SCHEDULE B

File # 20032085
Parcel Number #: 603-1-30-00 & 603-1-29-00
Eighth Series: 45/198

GENERAL WARRANTY DEED

Christos Kotsovos and Karen Kotsovos, now both divorced and unremarried of Hamilton County, Ohio for valuable consideration paid, grant with general warranty covenants to Christos Kotsovos, divorced and unremarried, whose tax mailing address is 9501 Montgomery Road, Cincinnati, OH 45242 the following described real property:

See attached Exhibit A for a complete legal description

Subject to and together with all easements, restrictions and legal highways, if any, of record.

Prior Instrument Reference: Being the same real property acquired by Christos Kotsovos and Karen Kotsovos, then husband and wife, the Grantor(s) herein, by Deed recorded in Official Record Book 4315 Page 299 and by Deed recorded in Official Record Book 5229 Page 159 of the Hamilton County, Ohio Records.

Signed this 18th day of January, 20 05.

Christos Kotsovos
Christos Kotsovos

Rebecca Prem Groppa
Hamilton County Recorders Office
Doc #: 05-0012408 Type: DE
Filed: 01/21/05 10:53:56 AM \$28.00
Off.Rec.: 09838 01934 F T19 2 305

State of Ohio, County of Hamilton ss:

0983801934FB

Be it remembered, that on this 18th day of January, 20 05 before me, a Notary Public, personally came Christos Kotsovos, now both divorced and unremarried, one of the Grantors in the foregoing Deed, acknowledged the signing thereof to be his voluntary act and deed.

In testimony thereof, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

Michelle L. Donovan
Notary Public, State of Ohio



MICHELE L. DONOVAN
Notary Public, State of Ohio
My Commission Expires 12-23-08

Signed this 18th day of January, 20 05.

Karen Kotsovos
Karen Kotsovos

State of Ohio, County of Hamilton ss:

Be it remembered, that on this 18th day of January, 20 05 before me, a Notary Public, personally came Karen Kotsovos, now both divorced and unremarried, one of the Grantors in the foregoing Deed, acknowledged the signing thereof to be her voluntary act and deed.

In testimony thereof, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

Michelle L. Donovan
Notary Public, State of Ohio



Convey. number:
Deed number: 43686
Instr. number: 46073
Date of filing: 01/21/2005
MICHÈLE L. DONOVAN
Notary Public, State of Ohio
My Commission Expires 12-23-08
Dusty Rhodes
Hamilton County Auditor
Sales amount: 0
Permissive fee: 0.00
Transfer fee: 1.00
Conveyance fee: 0.00
Fee total: 1.00

This Instrument Prepared By:
David E. Gerner, Esq.
Gerner & Kearns Co. L.P.A.
Attorneys at Law
215 West Ninth Street
Cincinnati, Ohio 45202
(513) 241-7722

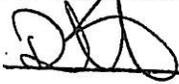
9838 1934

File No: 20032085

EXHIBIT "A"

DESCRIPTION ACCEPTABLE

Tax Parcel No. 603-1-29-00:

Attorney - 

Situate in Section (3), Township Four (4), Entire Range One (1), Miami Purchase, Hamilton County, State of Ohio, in the Village of Montgomery and being Lot No. Nineteen (19) of the Subdivision of Lodowick Weller, a plat of which is recorded in Deed Book P, Page 14, of the Hamilton County, Ohio Deed Records.

Tax Parcel No. 603-1-30-00:

Situate in the Village of Montgomery, County of Hamilton, and State of Ohio, and lying and being in Sycamore Township, Section Three, Township Four, Entire Range One, of the Miami Purchase, and being all of Lot Sixteen (16) of Lodwick Weller's Subdivision in the Village of Montgomery, a plat of which is recorded in Deed Book P, Page 14, of the Land Records of Hamilton County, Ohio. Said Lot Sixteen (16) being more particularly described as follows: Being on the northwest corner of Montgomery Pike and Remington Road (formerly called State and Weller Streets), and having a frontage of ninety-six (96') feet more or less on Montgomery Pike, and one hundred (100') feet more or less on Remington Road, and bounded on the west by Lot Nineteen (19), and on the north by Lot Seventeen (17) of said subdivision.

Subject to and together with all easements, restrictions and legal highways, if any, of record.

9838 1935



CDS ASSOCIATES, INC.

**Legal Description
Roadway & Utility Easement
Christos Kostovos**

Situated in Section 3, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, being a Roadway and Utility Easement over and through Lot 16 of Ludowick Weller's Addition to the Town of Montgomery, recorded in Deed Book P-1, Page 14 (all references to recorded documents are to those of the Hamilton County Recorder's Office in Cincinnati, Ohio) and the property conveyed to Christos Kostovos by deed recorded in Official Record 9838, Page 1934, being more particularly described as follows:

Beginning beginning at the intersection of the northerly line of Remington Road with the westerly line of Montgomery Road, being the grantor's southeasterly corner;

Thence along the northerly line of Remington Road, North 68°23'23" West, a distance of 8.00 feet;

Thence through the grantor's property, along the herein described easement, North 79°35'20" East, a distance of 9.43 feet to the westerly line of Montgomery Road;

Thence along the westerly line of Montgomery Road, South 21°33'14" West, a distance of 5.00 feet to Point of Beginning;

Containing 20 square feet, more or less, and being subject to all easements, restrictions, covenants and/or conditions of record.

CDS Associates, Inc.
July 30, 2010
2008215-000

AREA BEARINGS (1-4 1)

AREA = 20.0009 (ACRES = .0005)

POINT	BEARING	DISTANCE	NORTH COORDINATE	EAST COORDINATE
1			5000.0000	5000.0000
2	N 68 23 23.000 W	8.0000	5002.9463	4992.5623
3	N 79 35 20.000 E	9.4300	5004.6504	5001.8371
4	S 21 33 14.000 W	5.0000	5000.0001	5000.0002
1	S 71 15 03.584 W	.0002	5000.0000	5000.0000

CLOSURE (1-4) 1

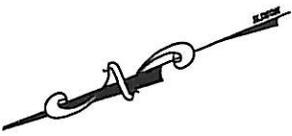
LENGTH OF TRAVERSE = 22.4300
 CLOSURE DISTANCE = .0002
 CLOSURE DIRECTION = S 71 15 03.584 W
 CLOSURE RATIO = 1/ 115185.8

PRINTER OFF

** PRINTER HAS BEEN TURNED OFF

EXHIBIT "A" ROADWAY & UTILITY EASEMENT

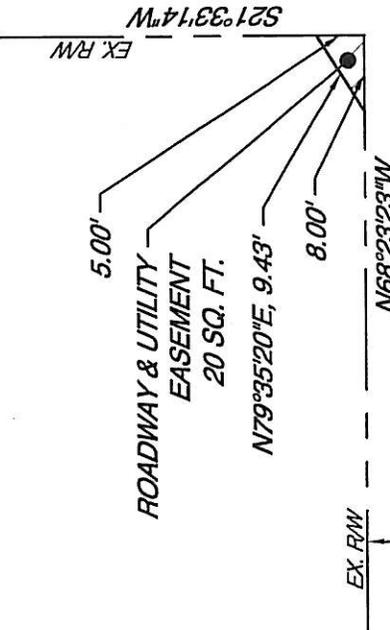
NORTH AND BEARING SYSTEM
BASED ON OHIO STATE PLANE
COORDINATES (SOUTH ZONE)



SITUATED IN:
SECTION 3, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO

603-1-30
CHRISTOS KOSTOVOS
O.R. 9838, PG. 1934
LOT 16
LUDOWICK WELLER'S ADDITION TO
THE TOWN OF MONTGOMERY
D.B. P-1, PG. 14

MONTGOMERY
ROAD



REMINGTON ROAD

JULY 30, 2010
2008215-000 V ROW.dwg

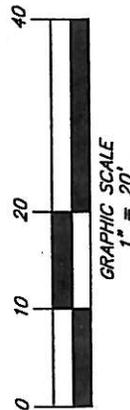


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(f) 513.791.1936 (f) 859.525.0561



SCHEDULE C

GENERAL WARRANTY DEED BY A CORPORATION, No. 32-A
25-53002

(Reprinted 6/92)

Registered in U.S. Patent and Trademark Office
underneath publishing on trademark, Ohio 42301

GENERAL WARRANTY DEED*

717109
FURNITURE BY OTMAR, INC.

45-196-D

the laws of the State of Ohio

HAMILTON COUNTY RECORDER'S OFFICE
Doc #195 - 27972 Type: DE \$ 14.00
Filed: 03/06/1995 10:48:58 AM
Off. No.: 6700 1150 F H43 1 395

for valuable consideration paid, grants, with general warranty covenants,

SCHIPPER PROPERTIES, INC. an Ohio Corporation, whose tax-mailing address is
9500 Montgomery Road, Cincinnati, Ohio 45242

the following REAL PROPERTY: Situated in the County of Hamilton in the State

of Ohio and in the Village of Montgomery, situate in Section 3, Township 4, Entire Range 1, in the Village of Montgomery, Sycamore Township, County of Hamilton, State of Ohio and being Lot Number 6 and 7 in Lodwick Weller's Addition to the Town of Montgomery, as shown in Deed Book P.1, page 14 of the Deed Records of Hamilton County, Ohio.

Beginning at the northeast corner of Montgomery Pike and Remington Road; thence North 14 deg. 15' East, along the easterly line of Montgomery Pike, 176.56 feet to the northwest corner of Lot Number 6 of said addition; thence South 68 deg. 30' East, along the north line of Lot Number 6, 124.61 feet to the northeast corner of Lot Number 6; thence South 14 deg. 45' West, along the east line of Lot Number 6 and Number 7, 161.91 feet to the northerly line of Remington Road; thence North 75 deg. 15' West, along the northerly line of Remington Road, 123.75 feet to the place of beginning.

The above description is a description as per boundary survey plat executed February 25, 1966 recorded February 28, 1966 in His. Book 22, Page 287 of the Recorder of ** Hamilton County, Ohio.
Prior Instrument Reference: Vol. 4295 Page 1803 of the Deed Records of Hamilton County, Ohio.

IN WITNESS WHEREOF, grantor has caused its corporate name to be subscribed hereto by Josef Otmar, its president, thereunto duly authorized by resolution of its board of directors, this day of February 19 95

Signed and acknowledged in the presence of:

Witness: [Signature] FURNITURE BY OTMAR, INC CO
Witness: [Signature] by [Signature] Josef Otmar PRESIDENT

State of Ohio County of Montgomery ss.

BE IT REMEMBERED, That on this 22 day of February, 19 95, before me, the subscriber, a Notary Public in and for said state, personally came Josef Otmar, president, of the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his and its voluntary act and deed, pursuant to authority of its board of directors.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Sharon S. Reeves ne Souden
NOTARY PUBLIC

This instrument was prepared by Barry J. Tuemler, Esq.

- 1. Name of Grantor.
2. Description of land or interest therein, and encumbrances, reservations, exceptions, taxes and assessments, if any.
3. Execution in accordance with Chapter 5301 of the Revised Code of Ohio.

Examined & Compliance with Sec. 322.02 R.C. and Property Transfer Tax 95 02174
Auditor's and Recorder's Stamps
DUSTY RHODES HAMILTON COUNTY, OHIO
6700B1150

Parcel 603-0-11 skg



**Legal Description
Roadway & Utility Easement
Schipper Properties, Inc.**

Situated in Section 3, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, being a Roadway and Utility Easement over and through Lot 7 of Ludowick Weller's Addition to the Town of Montgomery, recorded in Deed Book P-1, Page 14 (all references to recorded documents are to those of the Hamilton County Recorder's Office in Cincinnati, Ohio) and the property conveyed to Schipper Properties, Inc. by deed recorded in Official Record 6700, Page 1150, being more particularly described as follows:

Beginning at the intersection of the northerly line of Remington Road with the easterly line of Montgomery Road, being the grantor's southwesterly corner;

Thence along the easterly line of Montgomery Road, North 21°33'14" East, a distance of 20.95 feet;

Thence through the grantor's property, along the herein described easement, along an arc deflecting to the left, having a radius of 20.00 feet, an arc length of 25.10 feet and a chord bearing South 31°37'24" East, a chord distance of 23.48 feet;

Thence continuing through said grantor's property, South 67°34'40" East, a distance of 104.97 feet to the grantor's easterly line;

Thence along the grantor's easterly line, South 21°36'37" West, a distance of 5.41 feet to the grantor's southeasterly corner, being in the northerly line of Remington Road;

Thence along the northerly line of Remington Road, North 68°23'23" West, a distance of 123.75 feet to Point of Beginning;

Containing 847 square feet, more or less, and being subject to all easements, restrictions, covenants and/or conditions of record.

CDS Associates, Inc.
August 31, 2010
2008215-000