

VILLAGE OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2016- 15

**A RESOLUTION APPROVING AND AUTHORIZING A TEMPORARY
CONSTRUCTION EASEMENT ON THE PROPERTY OWNED BY KATHLEEN J.
AMBURGY NECESSARY FOR THE CONSTRUCTION OF THE STATE ROUTE
48/MASON-MORROW-MILLGROVE ROAD PROJECT, AND DECLARING AN
EMERGENCY**

WHEREAS, the acquisition of certain easements and property is necessary for the construction of the State Route 48/Mason-Morrow-Millgrove Road Intersection Improvements Project; and,

WHEREAS, a temporary construction easement is necessary along the property of Kathleen J. Amburgy, 604 W. Mason Road, South Lebanon; and,

WHEREAS, Kathleen J. Amburgy desires to grant the Village a temporary easement as described in the attached Exhibit "A" for just consideration as determined by an appraisal by Beck Consulting , and the Village has determined that the consideration recited in the attached Easement is just compensation which the said property owner is willing to accept; and,

WHEREAS, immediate action is required for the Village to process payment for and recording of said temporary construction easement in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and authorizes the Temporary Easement with Kathleen J. Amburgy, 604 W. Mason Road, South Lebanon, a copy of which is attached hereto.

Section 2. Approving the consideration in the amount of \$1,742.00 as recited in the attached Temporary Easement.

Section 3. Authorizing the Fiscal Officer to pay the recordation costs to record the Temporary Easement in the Warren County Recorder's Office as necessary.

Section 4. That the Council is acting in its administrative capacity in adopting this Resolution.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare.

Section 7. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were passed in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 2nd day of June, 2016.

Attest:



Sharon Louallen, Fiscal Officer/Clerk



James D. Smith, Mayor

Rules Suspended: 6/2/16 (if applicable)

Effective Date -

Vote - 5 Yeas 1 Abstain
 ___ Nays

First Reading - / /2016

Effective Date - / /2016

Second Reading - / /2016

Third Reading - / /2016

Vote - 5 Yeas 1 Abstain
 ___ Nays

Prepared by and approved as to form:

PAUL R. REVELSON
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO

By:  _____

Date: 6/2/16

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Kathleen J. Amburgy, married Earl Amburgy, her husband , the Grantor(s) herein, in consideration of the sum of \$1,742.00, to be paid by the Village of South Lebanon, Ohio , the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 15-T
WAR 48 - 8.80

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Warren County Current Tax Parcel No. 1201126005

Prior Instrument Reference: OR 189/PG 216, Warren County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is twenty four months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

And, for the consideration hereinabove written, Earl Amburgy, the spouse of Kathleen J. Amburgy, hereby relinquishes to said Grantee, its successors and assigns, all rights and expectancies of Dower in the above described premises.

IN WITNESS WHEREOF Kathleen J. Amburgy and Earl Amburgy have hereunto set their hands on the 19th day of May, 2016.

Kathleen J. Amburgy
KATHLEEN J. AMBURGY

Earl Amburgy
EARL AMBURGY

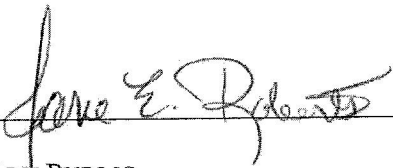
STATE OF OHIO, COUNTY OF WARREN ss:

BE IT REMEMBERED, that on the 19th day of May, 2016, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Kathleen J. Amburgy and Earl Amburgy, who acknowledged the foregoing instrument to be their voluntary acts and deeds.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



JANE E ROBERTS
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 1-29-21



NOTARY PUBLIC

My Commission expires: 1-29-2021

This document was prepared by: Heritage Land Services Agent for the Village of South Lebanon

EXHIBIT A

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Rev. 07/09

LPA RX 887 T

Ver. Date 03/16/2015

PID 94494

**PARCEL 15-T
WAR-48-8.80
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
PERFORM GRADING
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
THE VILLAGE OF SOUTH LEBANON, WARREN COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situate in Section 1, Town 4, Range 3, in The Village of South Lebanon, Union Township, Warren County, State of Ohio, and being part of a 0.613 acre parcel of land as conveyed to KATHLEEN J. AMBURY by instrument as recorded in OR 1269 P 300 of the Official Records of said county and being more particularly bounded and described, with Stations and offsets referenced to the proposed centerline of Mason Morrow Millgrove Road (C.R. 38) as shown on the "WAR-48-8.80 Centerline Plat" as recorded in Plat Book 89 Pages 74 to 77, as follows:

Beginning for reference at the southeast corner of said parcel, in the existing centerline of Mason Morrow Road, 5.01 feet right of Station 58+98.43;

Thence with said east line North 05° 43' 45" East 30.00 feet to a point in the existing north right of way line of Mason Morrow Millgrove Road, 24.99 feet left of Station 58+98.22, said point being the TRUE POINT OF BEGINNING;

PARCEL 15-T

Thence with said north right of way line North 84° 07' 02" West 126.18 feet to a point in the west line of said parcel, 27.96 feet left of Station 57+74.01;

Thence with said west line North 05° 46' 33" East 9.07 feet to a point 37.01 feet left of Station 57+74.61;

Thence along a new line through said parcel South 84° 14' 20" East 126.17 feet to a point in the east line of said parcel, 34.32 feet left of Station 58+98.15;

EXHIBIT A

LPA RX 887 T

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PARCEL 15-T cont'd

Thence with said east line South 05° 43' 45" West 9.34 feet to the TRUE POINT OF BEGINNING, containing 0.0267 acres, (1161 SF), more or less, subject to all legal easements and restrictions of record.

This description is based upon a field survey performed by G. J. Berding Surveying, Inc. under the direction of Gerard J. Berding, Registered Surveyor Number 6880 in 2007 with bearings based on Ohio State Plane Coordinates, South Zone, NAD83 (1996), by GPS and conventional surveying.

This description was prepared by LJB Inc. under the direction of Andrew J. Shahan, Registered Surveyor Number 8378.

Monument Boxes referred as "set" are Centerline Monument Box assemblies to be set during construction, containing a 1" Iron pin to be set by the contractor's registered surveyor. Iron pins referred to as "set" shall be 3/4" by 30" reinforcing rod set by LJB Inc. with Aluminum cap stamped "ODOT R/W - PS 8378 - LJB INC" or "ODOT - PS 8378 - LJB INC".

Evidence of occupation supports the monumentation found in the field and the property lines recited in this description.

Grantor claims title through instrument of record in OR 1269 P 300, Warren County Recorder's Office.

0.0267 acres of the above described area is contained within Warren County Auditor's Permanent Parcel Number (SIDWELL) 12-01-126-005, of which the present road right of way occupies 0.0000 acres, more or less.

Prepared by
LJB Inc.



By: Andrew J. Shahan
Andrew J. Shahan, Ohio PS No. 8378

5/20/2015
Date