

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
RESOLUTION NO. 11-R-39

A RESOLUTION OF INTENTION TO APPROPRIATE THE INTEREST IN VARIOUS PORTIONS OF PROPERTIES TO ACCOMMODATE THE WIDENING OF NORTH DIXIE DRIVE AND ITS ASSOCIATED RIGHT-OF-WAY

WHEREAS, the orderly and balanced development of the City of Vandalia is necessary for the health, safety and general welfare of the citizens; and

WHEREAS, the need for improvements to the public roadway is increasing; and

WHEREAS, widening of North Dixie Drive and its associated right-of-way is necessary to make it possible to meet the continually increased demand for expanded roadways; and

WHEREAS, the City deems it necessary to appropriate the properties described below for a standard highway easement and temporary easement for purpose of grading and driveway reconnection; and

WHEREAS, Ohio Revised Code Section 719.04 prescribes that the legislative authority of a municipal corporation, whenever it is deemed necessary to appropriate property, must pass a resolution declaring such intent, defining the purpose of the appropriation, and setting forth the pertinent description of the land and the estate or interest therein described to be appropriated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. It is the intent of the City of Vandalia to appropriate in fee the property listed on the attached "Exhibit A" as parcel 6-WD MOT-North Dixie-3B, the record title owners of the fee simple interest in and to said real estate being Greg A. Barnett and Bobbi J. Barnett and to appropriate a temporary easement for the property listed on the attached "Exhibit A" as parcel 6-T MOT-North Dixie-3B, the record title owners of the fee simple interest in and to said real estate also being Greg A. Barnett and Bobbi J. Barnett; the pertinent description of the land to be appropriated are also listed on the attached "Exhibit A" which is incorporated herein by this reference.

Section 2. Subject to, and in compliance with applicable United States Bankruptcy laws, it is the intent of the City of Vandalia, to appropriate in fee the property listed on the attached "Exhibit B" as parcel 5-WD MOT-North Dixie-3B, the record title owners of the fee simple interest in and to said real estate being Greg A. Barnett and Bobbi J. Barnett and to appropriate a temporary easement for the property listed on the attached "Exhibit B" as parcel 5-T MOT-North Dixie-3B, the record title owners of the fee simple interest in and to said real estate also being Greg A. Barnett and Bobbi J. Barnett; the pertinent description of the land to be appropriated, if permitted by United States Bankruptcy Code, are also listed on the attached "Exhibit B" which is incorporated herein by this reference. In no event shall this

Resolution be deemed an action against a debtor as contemplated by United States Bankruptcy Code, 11 U.S.C. § 362. No judicial action shall commence against the property owners set forth in this section II or against the property described in Exhibit B in violation of the United States Bankruptcy Code.

Section 3. The purpose of such acquisition is necessary to accommodate the widening of North Dixie Drive and its associated right-of-way.

Section 4. This Resolution shall take effect immediately upon its adoption by Council.

Passed this 11 day of July, 2011.

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council