

**CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
ORDINANCE NO. 14-02**

AN ORDINANCE DIRECTING THE APPROPRIATION OF CERTAIN LAND LOCATED ALONG SOUTH DIXIE DRIVE FOR PUBLIC ROAD PURPOSES AND DECLARING AN EMERGENCY.

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, there is a need for acquisition of right-of-way for maintenance and improvements to the public roadway known as South Dixie Drive; and

WHEREAS, the City deems it necessary to appropriate certain property listed herein for public and road purposes;

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

Section 1. Fee simple title in and to the real estate titled in the name of Mildred Wines, being Parcel 7B WD and more particularly described on the attached Exhibit A, which is incorporated herein by this reference, is hereby appropriated for the public purpose of improving a road open to the public without charge, pursuant to the laws of the state of Ohio. Council hereby fixes the value of the property so taken, all of which is currently located with an existing right of way at \$300.00, which sums shall be deposited with the Court of Common Pleas, Montgomery County, Ohio, for the use and benefit of the owners of the property appropriated. After such deposit, the City of Vandalia shall take possession of and enter upon the property pursuant to law.

Section 2. Fee simple title in and to the real estate titled in the name of Vandalia Properties, Ltd., being Parcel 10 WD and more particularly described on the attached Exhibit B-1, which is incorporated herein by this reference, is hereby appropriated for the public purpose of improving a road open to the public without charge, pursuant to the laws of the state of Ohio. Council hereby fixes the value of the property so taken, at \$650.00 which sums. Along with any other compensation that may be due, shall be deposited with the Court of Common Pleas, Montgomery County, Ohio, for the use and benefit of the owners of the property appropriated. After such deposit, the City of Vandalia shall take possession of and enter upon the property pursuant to law.

Section 3. Temporary Easement upon the real estate titled in the name of Vandalia Properties, Ltd., being Parcel 10 T1 and more particularly described on the attached Exhibit B-2, which is incorporated herein by this reference, is hereby appropriated for the public purpose of improving a road open to the public without charge, pursuant to the laws of the state of Ohio. Council hereby fixes the value of the property so taken, at \$917.00, which sums shall be deposited with the Court of Common Pleas, Montgomery County, Ohio, for the use and benefit of the owners of the property appropriated. After such deposit, the City of Vandalia shall take possession of and enter upon the property pursuant to law.

Section 4. Temporary Easement upon the real estate titled in the name of Vandalia Properties, Ltd., being Parcel 10 T2 and more particularly described on the attached Exhibit B-3, which is incorporated herein by this reference, is hereby appropriated for the public purpose of improving a road open to the public without charge, pursuant to the laws of the state of Ohio. Council hereby fixes the value of the property so taken, at \$1,174.00, which sums shall be deposited with the Court of Common Pleas, Montgomery County, Ohio, for the use and benefit of the owners of the property appropriated. After such deposit, the City of Vandalia shall take possession of and enter upon the property pursuant to law.

Section 5. Council finds that all of the above appropriations are necessary for the stated public purpose of improving a road open to the public without charge that the City has been unable to agree with the owners of the property, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purposes.

Section 6. The City Law Director is directed to file a petition for appropriation in a court of competent jurisdiction and to have a jury impaneled to assess the compensation to be paid for the real estate described above.

Section 7. It is found and determined that all formal actions of the City Council concerning and relating to the adoption of this ordinance were conducted in open meetings of this Council, and that all deliberations of this Council and of any of its committees resulting in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This ordinance is hereby declared to be an emergency measure necessary in order to provide for the continued protection of the public peace, health, safety and welfare and for the further reason that it is important to have all the necessary right of way for the South Dixie road improvement project secured at the earliest time, and accordingly, this Ordinance shall be effective immediately upon its passage.

Section 9. This ordinance shall become effective at the earliest time permitted by law.

Passed this 21st day of January, 2014.

APPROVED:

Arlene Setzer, Mayor

ATTEST:

Douglas L. Knight
Interim Clerk of Council