

REQUESTED BY:
BARTHOLOMEW

LAW DEPARTMENT
DRAFT NO. 3465

TITLE

A RESOLUTION DECLARING THIS COUNCIL'S INTENT TO APPROPRIATE A PERMANENT UTILITY (U) EASEMENT AND DESIGNATED AS 31-U-TRU-422-9.349 AND A TEMPORARY EASEMENT (TV) AND DESIGNATED AS 31-TV-TRU-422-9.349 IN REAL PROPERTY BEING ALL OF A 0.017 ACRE PARCEL NOW OWNED BY MARC W. BEECHY, A SINGLE PERSON AND KNOWN AS PERMANENT PARCEL NO.39-067700 & 39-067750 FOR THE PURPOSE OF THE TRU-422-9.349 (PARKMAN ROAD) PROJECT, AND REPEALING RESOLUTION NO. 4564/14 AND DECLARING AN EMERGENCY.

RESOLUTION NO. 4577/14

WHEREAS, this Council is committed to the acquisition/construction of the TRU-422-9.349 (Parkman Road Project); and

WHEREAS, said project is in the best interest of the public health, safety and welfare; and

WHEREAS, in pursuit and furtherance of this project, this Council has deemed it necessary and advisable to appropriate a permanent utility (U) easement and designated as 31-U-TRU-422-9.349 and a temporary easement (TV) and designated as 31-TV-TRU-422-9.349 to hereinafter described property and attached as (Exhibit "A") now owned by Marc W. Beechy, a single person; and

WHEREAS, under Ohio law, Council is required to declare its intent to appropriate the property; NOW THEREFORE

BE IT RESOLVED by the Council of the City of Warren, State of Ohio:

Section 1: This Council considers it necessary and declares its intention to appropriate for municipal purposes, a permanent utility (U) easement and designated as 31-U-TRU-422-9.349 and a temporary (TV) easement and estimated as 31-TV-TRU-422-9.349 to the premises as described in attached Exhibit "B" and Exhibit "C".

Section 2: The Mayor is authorized to cause written notice of the passage of this Resolution to be given to the owners and persons in possession or having an interest of record in the premises. The notice shall be served and returned according to law.

Section 3: That effective immediately, Resolution No. 4565/14 be, and the same hereby is, repealed in its entirety.

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety and for the further reason that it is necessary to proceed with the acquisition of property for the TRU-422-9.349 (Parkman Road Project) at the earliest possible time. WHEREFORE, this Resolution shall go into immediate effect.

Passed in Council this 10TH day of September, 2014.

SIGNED: [Signature]
PRESIDENT OF COUNCIL

ATTEST: [Signature]
DEPUTY CLERK

FILED WITH THE MAYOR: 9/10/14

DATE APPROVED: 9/10/14

[Signature]
MAYOR, CITY OF WARREN, OHIO

LEGAL DESCRIPTION

Situated in the City of Warren, County of Trumbull, State of Ohio and known as:

FOR STREET NUMBERING PURPOSES, THE ADDRESS OF THIS PROPERTY IS: 2280
Parkman Road, N.W., Warren, Ohio 44485

PARCEL NO. 1:

Being part of Lot 19 in the original survey of said township and is further bounded and described as follows:

Beginning at a point in the center line of Parkman Road at its intersection with the westerly line of lands now or formerly owned by Clifford C. Ebert; thence N. 50° W. along the center line of Parkman Road a distance of 150.01 feet to a point which is the place of beginning of the parcel of land herein described; thence N. 50° W. along the center line of Parkman Road a distance of 86.68 feet to a point; thence N. 40° E. along the southeasterly line of lands of Camilla Debner, and passing over an iron pin in the northeasterly line of Parkman Road, a distance of 250.50 feet to an iron pin in the southerly line of lands of Clifford C. Ebert; thence S. 64° 21' E. along the said southerly line of Ebert a distance of 13.19 feet to a stone; thence S. 23° 43' W., and passing over an iron pin in the northeasterly line of Parkman Road, a distance of 264.29 feet to the place of beginning and containing within said bounds 0.288 acres of land.

PARCEL NO. 2:

Being a part of Lot 19 in the original survey of said Township, being further bounded and described as follows:

Beginning at a stone in the northeasterly corner of a parcel of land conveyed to K. B. Chamberlain by deed recorded in Trumbull County, Ohio Records of Deeds, Volume 542, Page 554. Said stone being also in the line between lands of the grantor and lands now or formerly owned by C.E. Ebert; thence S. 88° 26' E., along the line between the grantor and Ebert, 10.8 feet to an iron pin at an angle in said line; thence S. 0° 19' W., along the line between the grantor and Ebert 35.15 feet to an iron pin; thence S. 30° 43' 30" W., 195.96 feet to a point in the northeasterly line of Parkman Road, said point being also in the easterly line of K.B. Chamberlain; thence N. 23° 43' E., along Chamberlain's east line 222.62 feet to the place of beginning, containing within said bounds 0.066 acres of land, be the same more or less, but subject to all legal highways.

Being the same premises conveyed by Gerald C. Chamberlain and Kathleen J. Chamberlain, husband and wife, to Taiseer Nubani by Warranty Deed dated March 25, 1992, known as Instrument No. 267766, and subsequently recorded in Off. Rec. 670, page 1020, Trumbull County, Ohio Records of Deeds.

RX 282 U

Rev. 06/09

Ver. Date 12/11/12

PID 83629

PARCEL 31-U
TRU-422-9.34
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF
CITY OF WARREN, TRUMBULL COUNTY, OHIO

This easement is being acquired for the City of Warren to construct and maintain a waterline.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Trumbull, Township of Warren, City of Warren, and being known as part of Section 19, Township 4 North, Range 4 West, and being more particularly described as follows:

Commencing at a point in the intersection of the centerline of right of way & construction USR 422 and the centerline of right of way of Linda Drive, 0.00 feet right of centerline of right of way & construction USR 422 Sta. 115+42.02;

Thence North 53 degrees 02 minutes 39 seconds West, along the centerline of right of way & construction USR 422, a distance of 330.14 feet to a monument box found, 0.00 feet right of centerline of right of way & construction USR 422 Sta. 112+11.88;

Thence North 52 degrees 55 minutes 57 seconds West along the centerline of right of way & construction USR 422, a distance of 549.84 feet to a point in the southwest corner of the Grantor/Owner, the southeast corner of the land of James A. Beedle, Instrument Number 200301240002888, and the centerline of right of way & construction USR 422, 0.00 feet left of centerline of right of way & construction USR 422 Sta. 106+62.04;

Thence North 37 degrees 04 minutes 03 seconds East, along the west line of the Grantor/Owner and the east line of Beedle, a distance of 40.00 feet to a point in the existing north right of way line of USR 422, 40.00 feet left of centerline of right of way & construction USR 422 Sta. 106+62.04 and being the **TRUE POINT OF BEGINNING** of the parcel described herein;

Thence North 37 degrees 04 minutes 03 seconds East, along the Grantor/Owner west line and the east line of Beedle, a distance of 10.00 feet to a point;

Thence South 52 degrees 55 minutes 57 seconds East, a distance of 73.36 feet to a point in the Grantor/Owner east line and the west line of the land of Joseph and Henrietta Furda, Official Record Volume 1250 Page 486 and Instrument Number 200703070006182;

Thence South 27 degrees 47 minutes 33 seconds West, along the Grantor/Owner east line and the west line of Furda, a distance of 10.13 feet to a point in the existing north right of way line of USR 422;

Thence North 52 degrees 55 minutes 57 seconds West, along the existing north right of way line of USR 422, a distance of 75.00 feet to the **TRUE POINT OF BEGINNING**.

The above described area is contained within the Trumbull County Auditor's Permanent Parcel Number 39-067700 and 39-067750 and contains 0.017 acres, of which 0.000 acres are in the present road occupied, leaving a net take of 0.000 acres . Permanent Parcel Number 39-067700 contains 0.016 acres, of which 0.000 acres are in the present road occupied, leaving a net take of 0.016 acres. Permanent Parcel Number 39-067750 contains 0.001 acres, of which 0.000 acres are in the present road occupied, leaving a net take of 0.001 acres.

Grantor/Owner claims title by instrument of record in Official Record Volume 1148 Page 1012 at the Trumbull County Recorder's Office.

This description was prepared and reviewed in December 2012 by William J. Sala, Registered Surveyor No. S-6542.

This description is based on a survey made by Thomas Fok & Associates, Inc., under the direction and supervision of William J. Sala, Registered Surveyor No. S-6542. in October 2010.

The basis of bearing is based on the Ohio North Zone State Plane Coordinates NAD83(94) datum. The bearings are for project use only.



A handwritten signature in cursive script that reads "William J. Sala".

William J. Sala, Registered Surveyor S-6542

RX:287 TV

Rev. 06/09

Ver. Date 03/28/13

PID 83629

PARCEL 31-TV
TRU-422-9.34
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT DRIVE AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO DEPARTMENT OF TRANSPORTATION, TRUMBULL COUNTY,
OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Trumbull, Township of Warren, City of Warren, and being known as part of Section 19, Township 4 North, Range 4 West, and being more particularly described as follows:

Commencing at a point in the Grantor/Owner west line, the east line of the land of James A. Beedle, Instrument Number 200301240002888, and the existing north right of way line of USR 422, 40.00 feet left of centerline of right of way & construction USR 422 Sta. 106+62.04 and being the **TRUE POINT OF BEGINNING** of the parcel described herein

Thence North 37 degrees 04 minutes 03 seconds East, along the Grantor/Owner west line and the east line of Beedle, a distance of 10.00 feet to a point;

Thence South 56 degrees 52 minutes 30 seconds East, a distance of 72.72 feet to a point in the Grantor/Owner east line and the west line of the land of Joseph and Henrietta Furda, Official Record Volume 1250 Page 486 and Instrument Number 200703070006182;

Thence South 27 degrees 47 minutes 33 seconds West, along the Grantor/Owner east line and the west line of Furda, a distance of 15.20 feet to a point in the existing north right of way line of USR 422;

Thence North 52 degrees 55 minutes 57 seconds West, along the existing north right of way line of USR 422, a distance of 75.00 feet to the **TRUE POINT OF BEGINNING**.

The above described area is contained within the Trumbull County Auditor's Permanent Parcel Number 39-067700 and 39-067750 and contains 0.021 acres, of which 0.000 acres are in the present road occupied, leaving a net take of 0.021 acres. Permanent Parcel Number 39-067700 contains 0.020 acres, of which 0.000 acres are in the present road occupied, leaving a net take of

RX 287 TV

0.020 acres. Permanent Parcel Number 39-067750 contains 0.001 acres, of which 0.000 acres are in the present road occupied, leaving a net take of 0.001 acres.

Grantor/Owner claims title by instrument of record in Official Record Volume 1148 Page 1012 at the Trumbull County Recorder's Office.

This description was prepared and reviewed in December 2012 by William J. Sala, Registered Surveyor No. S-6542.

This description is based on a survey made by Thomas Fok & Associates, Inc., under the direction and supervision of William J. Sala, Registered Surveyor No. S-6542. in October 2010.

The basis of bearing is based on the Ohio North Zone State Plane Coordinates NAD83(94) datum. The bearings are for project use only.

This temporary easement is for the purpose of performing the work necessary to construct a drive and grading.



William J. Sala

William J. Sala, Registered Surveyor No. S-6542