

**CITY OF XENIA, OHIO  
ORDINANCE 2018 – 35**

**APPROPRIATING FEE SIMPLE INTERESTS AND/OR TEMPORARY CONSTRUCTION  
EASEMENTS IN THE PROPERTIES LOCATED AT 335 E. CHURCH STREET,  
182 N. COLUMBUS STREET, 191 N. COLUMBUS STREET AND THE CORNER OF  
N. COLUMBUS STREET AND E. CHURCH STREET**

**WHEREAS**, the Ohio Department of Transportation has required that this City obtain the necessary rights-of-way and temporary construction easements for the State to complete State Project GRE-42-10.29;

**WHEREAS**, in accordance with Ohio Revised Code Section 719.04, this Council passed Resolution 2018-AA on September 27, 2018, declaring the City's intent to appropriate the necessary rights-of-way and temporary construction easements needed to complete the ODOT Project;

**WHEREAS**, in accordance with Ohio Revised Code Sections 719.05 and 163.04, written notice was given to the affected property owners along with a copy of the appraisal and a written good faith offer to purchase the needed rights-of-way and temporary construction easements; and

**WHEREAS**, Ohio Revised Code Sections 719.05 and 163.04 further state because the City was unable to agree with certain property owners on a conveyance or the terms of a conveyance for the needed rights-of-way and temporary construction easements, this Council may pass an ordinance, by a two-thirds vote of the members elected thereto, directing such appropriations to proceed.

**NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS**, at least five (5) members of the City Council concurring, that:

**Section 1.** It is hereby found that (a) appropriations are necessary for the stated public purpose of roadway improvements; (b) the City has been unable to agree with the property owners listed in Sections 2-5, below, and that the other requirements of ORC 163.04 have been met; (c) the City intends to obtain immediate possession of the property upon the filing of the petitions for appropriation, which immediate possession is necessary for the stated public purpose.

**Section 2.** A temporary construction easement, consisting of 0.014 acres more or less, on the property located at 191 N. Columbus Street, as shown on the attached Exhibit A, owned by the Estate of Quinn E. Ames, Jr., is hereby appropriated for the public purpose of roadway improvements. Council hereby fixes the value of the temporary construction easement as Five Hundred Twenty-Seven Dollars (\$527).

**Section 3.** Fee simple title in and to right-of-way, consisting of 0.005 acres more or less, and a temporary construction easement, consisting of 0.022 acres more or less, on the property located at 335 E. Church Street, as shown on the attached Exhibit B, owned by Dianna Lane, are hereby appropriated for the public purpose of roadway improvements. Council hereby fixes the value of the permanent right-of-way as \$302 and the temporary construction easement as \$77, for a total of Three Hundred Seventy-Nine Dollars (\$379).

**Section 4.** Fee simple title in and to right-of-way, consisting of 0.019 acres more or less, and a temporary construction easement, consisting of 0.015 acres more or less, on the property located at 182 N. Columbus Street, as shown on the attached Exhibit C, owned by Charles Porter, are hereby appropriated for the public purpose of roadway improvements.

Council hereby fixes the value of the permanent right-of-way as \$15,000 and the temporary construction easement as \$60, for a total of Fifteen Thousand Sixty Dollars (\$15,060).

**Section 5.** Fee simple title in and to right-of-way, consisting of 0.0125 acres more or less, on Greene County Parcel No. M40000200050002200, as shown on the attached Exhibit D, owned by the Unknown Heirs of Nathaniel Williams, is hereby appropriated for the public purpose of roadway improvements. Council hereby fixes the value of the permanent right-of-way as One Thousand Five Hundred Dollars (\$1,500).

**Section 6.** Upon the effective date of this Ordinance, the Law Director is hereby authorized to file petitions for appropriation in a court of competent jurisdiction for the appropriations listed in Sections 2 – 5, above.

**Section 7.** At the time of filing the said petitions for appropriation, the Law Director shall also deposit with the court, for the use and benefit of the owners of the property appropriated, the values set forth in this Ordinance for said properties and interests therein. Upon such deposit, the City shall take possession of and enter upon the appropriated rights-of-way and temporary construction easements pursuant to law.

**Section 8.** The Finance Director is hereby authorized to provide the Law Director with checks or other instruments necessary to make the deposits with the court required under Section 7, above, provided that such amounts have been properly appropriated therefore.

**Section 9.** It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this 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 10.** This Ordinance shall become effective as of December 20, 2018.

Introduction: November 8, 2018  
Passed: November 20, 2018

Attest:

  
Michelle D. Johnson  
City Clerk

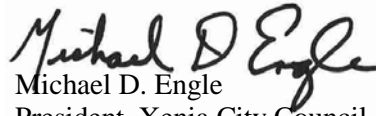
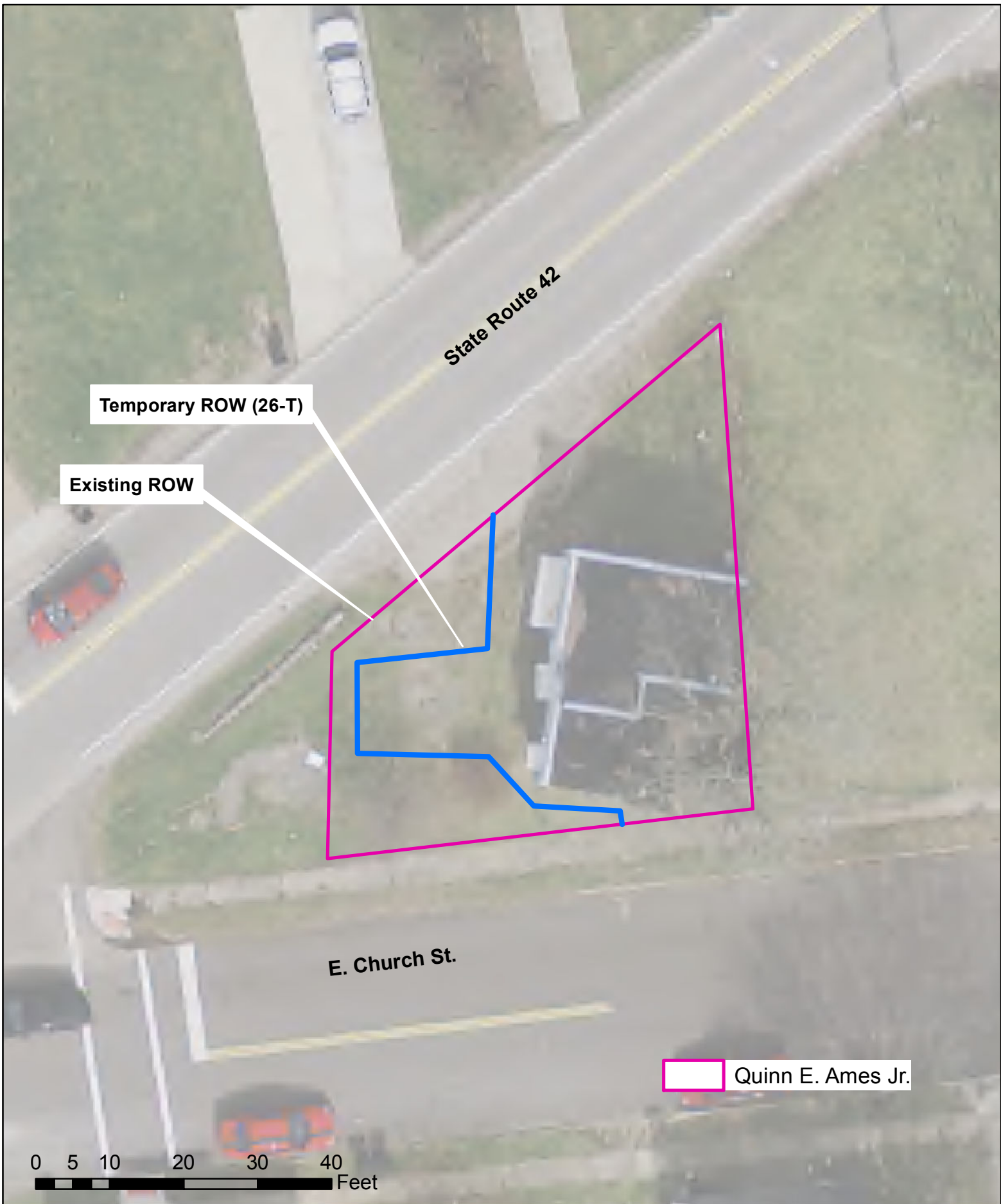
  
Michael D. Engle  
President, Xenia City Council

Exhibit A -  
Quinn E. Ames Jr.  
191 N. Columbus St.



Temporary ROW (26-T)

Existing ROW

State Route 42

E. Church St.

Quinn E. Ames Jr.

0 5 10 20 30 40 Feet

Exhibit B -  
Dianna Lane  
335 E. Church St.



Temporary ROW (16-T)

Existing ROW

Proposed ROW (16-WD)

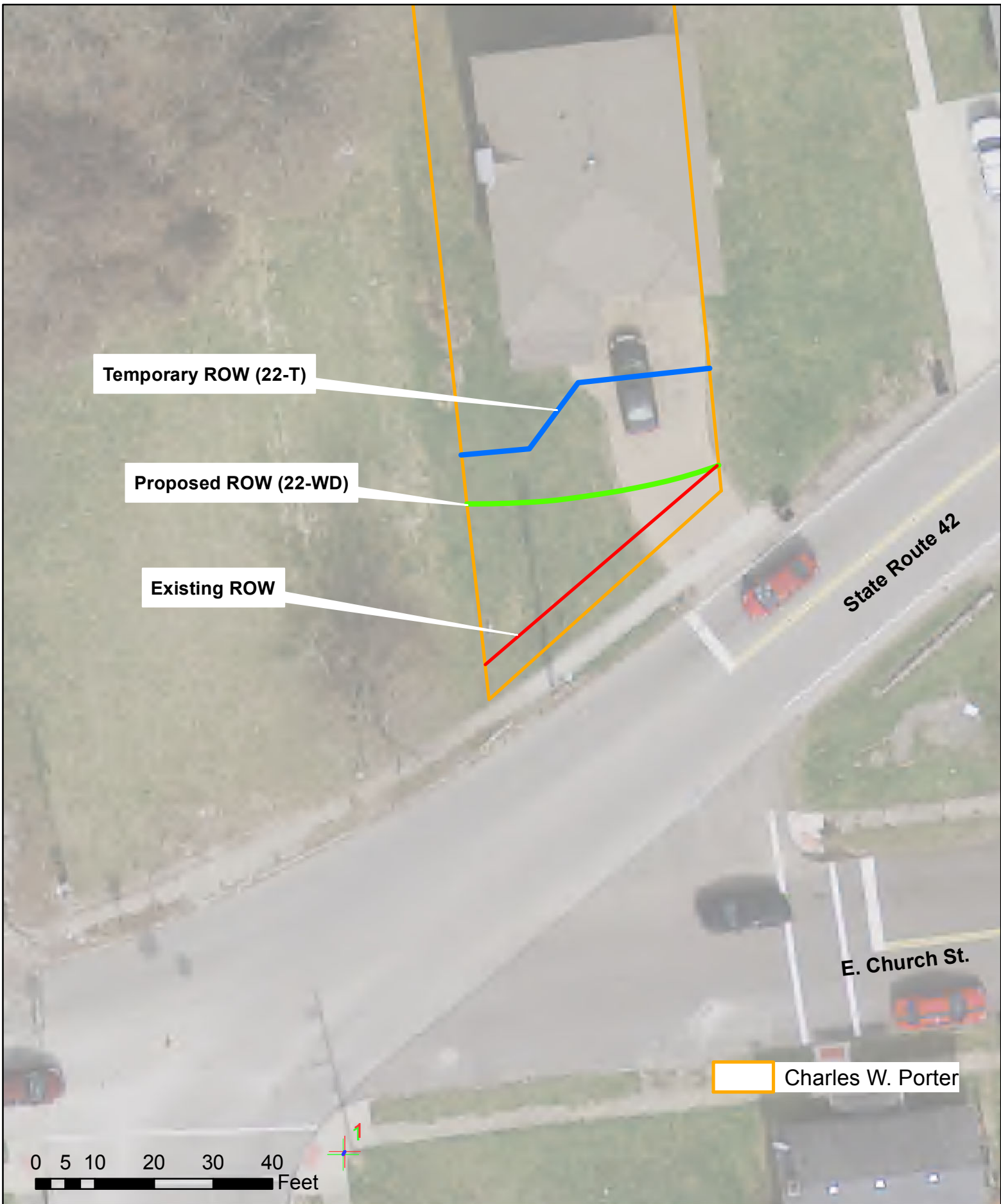
E. Church St.

State Route 42

Dianna Lane

0 5 10 20 30 40 Feet

Exhibit C -  
Charles W. Porter  
182 N. Columbus St.



Temporary ROW (22-T)

Proposed ROW (22-WD)

Existing ROW

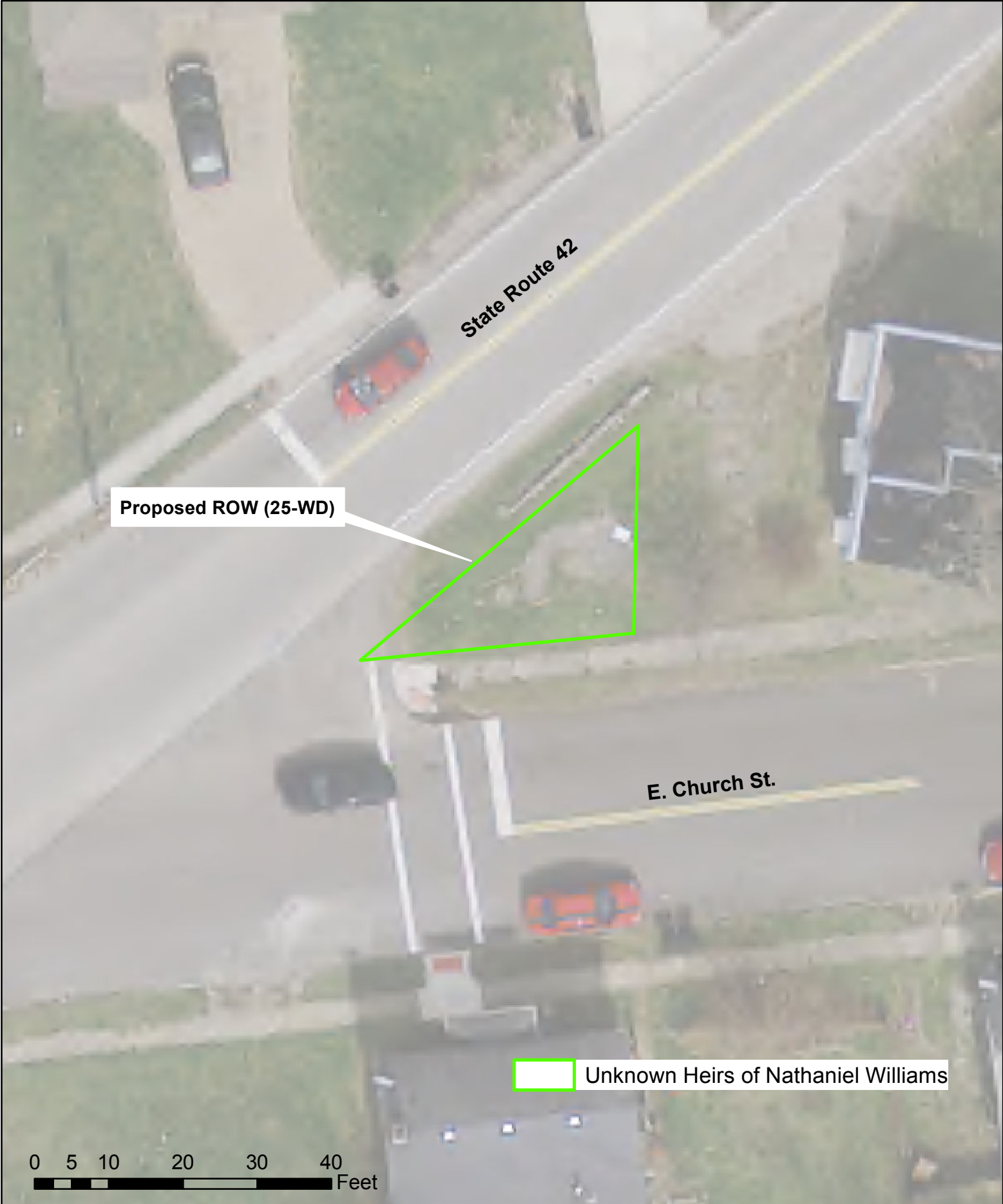
State Route 42

E. Church St.

Charles W. Porter

0 5 10 20 30 40 Feet

Exhibit D -  
Unknown Heirs of Nathaniel Williams  
000 N. Columbus St.



Proposed ROW (25-WD)

State Route 42

E. Church St.

Unknown Heirs of Nathaniel Williams

0 5 10 20 30 40 Feet