

Village of Mantua, Ohio
ORDINANCE 2013-100

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS OWNED BY THE VILLAGE TO THE OHIO DEPARTMENT OF TRANSPORTATION IN RELATION TO PROJECT NUMBER 82913, AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY INSTRUMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, by passage of Resolution 2012-28, Council has previously granted consent for the State of Ohio Department of Transportation's ("ODOT") road and bridge project number 82913 within the Village in the year 2014; and

WHEREAS, the project will occur on and over certain lands currently owned by the Village of Mantua; and

WHEREAS, in the process of surveying the lands over which the project will occur, a small "orphan" parcel of land has been revealed on the east side of State Route 44 which was acquired incidentally to the acquisition of a 21.3 acre parcel on the west side of State Route 44; and

WHEREAS, this orphan parcel of land is not needed for any purpose for which the original acquisition was made; and

WHEREAS, Ohio Revised Code Section 723.121 permits a municipality to convey lands to a department of the State of Ohio, without competitive bidding, when such lands are not needed for the purpose for which they were originally acquired; and

WHEREAS, the Service Committee has recommended the conveyance of this orphan parcel of land to ODOT; and

WHEREAS, this Council now wishes to convey this parcel of land to ODOT and authorize the Mayor to execute all necessary instruments to complete the transfer.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, Portage County, Ohio, two-thirds or more of all members elected thereto concurring, that:

SECTION 1: The parcel of land described in "Exhibit A", attached hereto and incorporated herein by reference, was originally acquired by the Village of Mantua incidental to the acquisition of lands for public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts or viaducts.

SECTION 2: It is hereby found and determined that the parcel of land described in "Exhibit A" is not needed for any of the purposes set forth in Section 1 herein, and may be transferred pursuant to the authority set forth in Ohio Revised Code section 723.121.

SECTION 3: Consideration for the transfer authorized herein is included in the amount set forth and previously accepted by this Council pursuant to Ordinance 2013-86; no additional payment shall be required by the Village or tendered by ODOT.

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SECTION 4: This Council hereby authorizes the Mayor of the Village of Mantua to execute all documents necessary to effect the conveyance in fee simple of the parcel described in "Exhibit A" to the Ohio Department of Transportation.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning a relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance is hereby declared an emergency measure, effective immediately upon its passage, in order to adhere to the established timeline for Ohio Department of Transportation Project number 82913, and to further ensure the health, safety and welfare of the inhabitants of the Village of Mantua.

Passed by Council this 21st day of January, 2014.

ATTEST:

Linda S. Clark, Mayor

Jenny August, Clerk-Treasurer

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Ordinance was duly published by public posting at pre-designated posting places on the ____ day of _____, 2014.

Jenny August, Clerk-Treasurer

Approved as to legal form by:

Michele Stuck, Solicitor

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EXHIBIT A

Situated in the Village of Mantua, County of Portage, State of Ohio and being part of Lot 41 in Mantua Township. Also being part of a tract of land conveyed to the Village of Mantua by File Number 200129163 of the records of Portage County, more fully bounded and described as follows:

Beginning at a 5/8" iron pipe found at the intersection of the centerline of Original Main St. and the centerline of right of way of Canada Road and also being at a property corner of said grantor, being at Sta. 1070+05.89 55.84 feet right of the centerline of right of way for State Route 44 recorded as Plat 27-2013 of the records of Portage County:

Thence N 14°46'38" E, 22.74 feet along the grantor's easterly property line and the centerline of Original Main St to a point on the northerly right of way line of Canada Road and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

1. Thence N 89°50'12" W, along the northerly right of way of Canada Road, a distance of 17.40 feet to the easterly right of way of State Route 44;
2. Thence 72.13 feet along a curve to the left on the easterly right of way of State Route 44, having a radius of 2899.79 feet, a central angle of 1° 25' 30", a chord distance of 72.12 feet, and a chord bearing N 28° 16' 50" E to the centerline of Original Main St ;
3. Thence S 14°46'38" W, 65.74 feet along to the centerline of Original Main St, the grantor's easterly property line and the westerly property line of James E. III and Deborah Haylett as recorded in File No.200528163 of the records of Portage County, to the **TRUE PLACE OF BEGINNING**.

The above described area contains 0.012 acres, located within Portage County Auditor's Permanent Parcel Number 24-040-20-00-006-006.

Grantor claims title by deed recorded in File Number 200129163 of the records of Portage County.

The basis of bearings for this description is based on the Ohio State Plane Coordinate System NAD 83 (CORS07), North Zone (3401)

This description was prepared by John Messmore, of the State of Ohio, Department of Transportation, Registered Surveyor No. 8060.

This description is based on survey made by the State of Ohio, Department of Transportation under the direction and supervision of Peter A. Trivelli, Registered Surveyor No. 8031