

## **RESOLUTION NO. 046-17**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEDICATE A PORTION OF CITY OWNED PROPERTY AS RIGHT OF WAY FOR THE INDUSTRIAL DRIVE STREET IMPROVEMENTS PROJECT, P.I.D. NUMBER 102253; AND DECLARING AN EMERGENCY**

**WHEREAS**, it has been determined that the Industrial Drive Street Improvements Project, P.I.D. Number 102253, requires two (2) small portions of City of Napoleon owned properties as a right of way. The properties are Parcel 11-WD1 and Parcel 11-WD2 on Industrial Drive, these parcels being situated in the Township of Liberty, City of Napoleon, County of Henry, State of Ohio, and being part of the NW ¼ of Section 7, T5N, R7E; **Now Therefore**,

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the City Manager is hereby authorized to execute any and all documents for the dedication of portions of the known properties as Parcel 11-WD1 and Parcel 11-WD2 as right of way for the Industrial Drive Street Improvements Project, P.I.D. Number 102253, in accordance with specifications as provided in "Exhibit A" attached.

Section 2. That, the right of way dedication shall be executed on forms approved by the Law Director.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

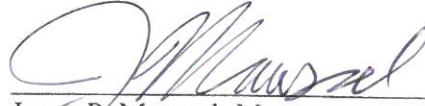
Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time in order to meet the time restraints of the project, which affect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the repair process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: August 7, 2017

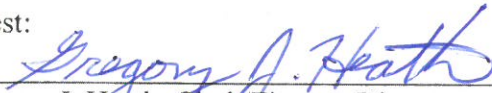
  
Travis B. Sheaffer, Council President

Approved: August 7, 2017


  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 046-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 14th day of August, 2017; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

  
Gregory J. Heath, Clerk/Finance Director

**EXHIBIT A**

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 03/24/17

PID 102253

**PARCEL 11-WD1  
HEN-INDUSTRIAL DRIVE  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF NAPOLEON, HENRY COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

---

**[Surveyor's description of the premises follows]**

---

Situated in the Township of Liberty, City of Napoleon, County of Henry, State of Ohio, and being part of the NW 1/4 of Section 7, T5N, R7E, and being part of a 4.088 acre tract of land conveyed by deed to The City of Napoleon by deed recorded as OR 242, Page 524 of the Henry County Official Records, a tract of land more particularly bounded and described as follows:

Being a parcel of land lying on the right side of the existing centerline of right of way and construction of Industrial Drive as shown in HEN-Industrial made by the Ohio Department of Transportation as recorded on Slide # \_\_\_\_\_ of the Henry County Plat Records

Beginning at a cross chiseled in the top of a steel monument box marking the northeast corner of the NW 1/4 of Section 7 on the centerline of Industrial Drive at station 14+70.40;

thence with the east line of the northwest quarter of said Section 7 and centerline of Industrial Drive, South 00 degrees 58 minutes 18 seconds West a distance of 1309.60 feet to a point at station 27+80.00;

thence at right angles to said centerline, North 89 degrees 01 minutes 42 seconds West a distance of 45.00 feet to an iron pin set at the northeast corner of the grantor's tract and in the existing west right of way line of Industrial Drive 45.00 feet right of station 27+80.00, and being the True Point of Beginning of the following described tract of land;

thence with the existing west right of way line of Industrial Drive and the grantor's east line, South 00 degrees 58 minutes 18 seconds West a distance of 25.00 feet to an iron pin set 45.00 feet right of station 28+05.00;

## **EXHIBIT A**

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

thence North 42 degrees 13 minutes 02 seconds West a distance of 48.04 feet to an iron pin set at a northerly corner of the grantor's tract and in the south right of way line of Independence Drive 77.88 feet right of station 27+69.97;

thence with the existing south right of way line of Independence Drive and the grantor's north line, South 72 degrees 04 minutes 24 seconds East a distance of 34.37 feet to the True Point of Beginning.

The above described area contains 0.009 acres of land, more or less, of which the present road occupies 0.000 acres of land, more or less, of which 0.009 acres is part of Henry County Auditor's Permanent Parcel number 280700760200.

Iron pins set are 5/8" diameter steel rods, 30" long, with a cap stamped "PETERMAN ASSOCIATES". The stations referred to herein are from the existing centerline of right of way and construction of Industrial Drive unless otherwise mentioned, as found on ODOT Right of Way Plan HEN-Industrial Drive.

This description was prepared and reviewed in March 2017 by Nick E. Nigh, Registered Surveyor Number 7384, State of Ohio.

This description is based upon a survey made under the direction and supervision of Nick E. Nigh, Registered Surveyor Number 7384, State of Ohio between May 2016 and June 2016.

The basis of bearings in this description is based upon City of Napoleon control monuments provided to the surveyor at the time of the survey and available from the City of Napoleon Engineering Department. The bearing of the east line of the northwest quarter of Section 7 is S00°58'18"W.

**EXHIBIT A**

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 03/24/17

PID 102253

**PARCEL 11-WD2  
HEN-INDUSTRIAL DRIVE  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF NAPOLEON, HENRY COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the Township of Liberty, City of Napoleon, County of Henry, State of Ohio, and being part of the NW 1/4 of Section 7, T5N, R7E, and being part of a 5.010 acre tract of land conveyed by deed to The City of Napoleon by deed recorded as OR 218, Page 433 of the Henry County Official Records, a tract of land more particularly bounded and described as follows:

Being a parcel of land lying on the right side of the existing centerline of right of way and construction of Industrial Drive as shown in HEN-Industrial made by the Ohio Department of Transportation as recorded on Slide # \_\_\_\_\_ of the Henry County Plat Records

Beginning at a cross chiseled in the top of a steel monument box marking the northeast corner of the NW 1/4 of Section 7 on the centerline of Industrial Drive at station 14+70.40;

thence with the east line of the NW 1/4 of said Section 7 and centerline of Industrial Drive, South 00 degrees 58 minutes 18 seconds West a distance of 1932.38 feet to a point at station 34+02.78;

thence at right angles to said centerline, North 89 degrees 01 minutes 42 seconds West a distance of 40.00 feet to an iron pin set at the southeast corner of said the grantor's tract and at the existing right of way line intersection of Industrial Drive and Interchange Drive 40.00 feet right of station 34+02.78, and being the True Point of Beginning of the following described tract of land;

**EXHIBIT A**

Page 2 of 2

LPA RX 851 WD

Rev. 06/09

thence with the existing north right of way line of Interchange Drive and the grantor's south line, North 88 degrees 57 minutes 44 seconds West a distance of 25.00 feet to an iron pin set 65.00 feet right of station 34+02.76;

thence North 46 degrees 00 minutes 17 seconds East a distance of 35.34 feet to an iron pin set in the west right of way line of Industrial Drive and the grantor's east line 40.00 feet right of station 33+77.78;

thence with the existing west right of way line of Industrial Drive and the grantor's east line, South 00 degrees 58 minutes 18 seconds West a distance of 25.00 feet to the True Point of Beginning.

The above described area contains 0.007 acres of land, more or less, of which the present road occupies 0.000 acres of land, more or less, of which 0.007 acres is part of Henry County Auditor's Permanent Parcel number 280700780300.

Iron pins set are 5/8" diameter steel rods, 30" long, with a cap stamped "PETERMAN ASSOCIATES". The stations referred to herein are from the existing centerline of right of way and construction of Industrial Drive unless otherwise mentioned, as found on ODOT Right of Way Plan HEN-Industrial Drive.

This description was prepared and reviewed in March 2017 by Nick E. Nigh, Registered Surveyor Number 7384, State of Ohio.

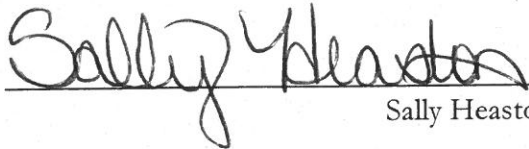
This description is based upon a survey made under the direction and supervision of Nick E. Nigh, Registered Surveyor Number 7384, State of Ohio between May 2016 and June 2016.

The basis of bearings in this description is based upon City of Napoleon control monuments provided to the surveyor at the time of the survey and available from the City of Napoleon Engineering Department. The bearing of the east line of the northwest quarter of Section 7 is S00°58'18"W.

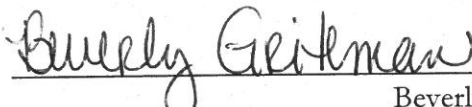


STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 14th day of August 2017.

  
Sally Heaston

Subscribed and sworn to before me this  
17th day of August, 2017

  
Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$155.40  
Notary Fee: \$1.50

**Summary of Ordinance No.(s) 045-17; 047-17  
and Resolution No. 046-17**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance 045-17**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2017; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the second quarter budget adjustments to the 2017 budget for the City of Napoleon, Ohio.

**Ordinance 047-17**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) STATE ROUTE 108 RESURFACING PROJECT, P.I.D. NUMBER 101211, PORTIONS OF WHICH ARE LOCATED WITHIN CITY LIMITS; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to consent to the ODOT State Route 108 Resurfacing Project of which portions are located within City limits.

**Resolution 046-17**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO DEDICATE A PORTION OF CITY OWNED PROPERTY AS RIGHT OF WAY FOR THE INDUSTRIAL DRIVE STREET IMPROVEMENTS PROJECT, P.I.D. NUMBER 102253; AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the City Manager to dedicate a portion of property as a right of way for the Industrial Drive Street Improvements Project.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director