

**ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
WORKS TO EXECUTE ALL DOCUMENTS NECESSARY TO
TRANSFER TITLE ASSOCIATED WITH THE NECESSARY RIGHT
OF WAY FOR THE ST RT 739 CULVERT REPLACEMENT
PROJECT AND DECLARING AN EMERGENCY**

WHEREAS, the Council has been advised and has determined it necessary to make a transfer of title as to certain lands owned by the City for a specific segment of land along St. Rt. 739 associated with a culvert replacement, said land being necessary for public right of way,

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Public Works Director is authorized to execute all documents necessary, including but not limited to a General Warranty Deed to enable the culvert replacement along St. Rt. 739. The specific area to be transferred, having been previously surveyed and as is contained on Exhibit A attached hereto.

Section 2. This Ordinance is hereby declared to be an emergency necessary for the welfare of the City of Marion and the inhabitants thereof due to the need to move as quickly as possible in order to meet project time lines and to move the project forward without delay; and as such shall take effect and be enforce immediately upon its passage by two thirds vote of all members elected and by approval of the Mayor, otherwise it shall become effective from and after the earliest period allowed by law.

That this ordinance shall become effective from and after the earliest period allowed by law.

APPROVED:

Todd Schneider
President of Council

Mayor Scott Schertzer

ATTEST:

Clerk of Council

EXHIBIT A

RX 250 WD

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Ver. Date 09/12/19

PID 108756

**PARCEL 5-WD
MAR-739-8.03
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

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 city of Marion, County of Marion and State of Ohio and being part of the Northwest Quarter of Section 33, Township 5 South, Range 15 East of the Congress Lands South and East of the First Principal Meridian and being within a 0.500 acre conveyed to the City of Marion, Ohio of record in Deed Book 464, Page 18 and is bounded and described as follows:

Being a parcel of land lying on the RIGHT side of the centerline of existing right-of-way made for the State of Ohio Department of Transportation as shown by plat recorded in Volume ___, Page ___, of the Marion County Records and being located within the following described points in the boundary thereof:

Beginning at the intersection of the westerly line of said Section 33 with the northerly line of the said 0.500 acre tract and also being at centerline Station 426+22.93 of the centerline of existing right-of-way of State Route 739;

Thence along the said centerline of existing right-of-way of State Route 739, North 51 degrees 34 minutes 05 seconds East a distance of 250.92 feet to the northeasterly corner of the said 0.500 acre tract and the northwesterly corner of a 2.0 acre tract conveyed to the City of Marion, Ohio, a municipal corporation of record in Deed Book 500, Page 229 and being at centerline Station 428+73.85 of the centerline of existing right-of-way of State Route 739;

Thence along the easterly line of the said 0.500 acre tract, South 9 degrees 51 minutes 52 seconds East a distance of 53.52 feet (passing an iron pin set at 34.16 feet) to an iron pin set 47.00 feet RIGHT of Station 428+48.26 of the said centerline of existing right-of-way of State Route 739;

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Thence crossing thru the said 0.500 acre tract, South 51 degrees 34 minutes 05 seconds West a distance of 263.58 feet to an iron pin set in the westerly line of said Section 33 and being 47.00 feet RIGHT of Station 425+84.67 of the said centerline of existing right-of-way of State Route 739;

Thence along the westerly line of said Section 33, North 0 degrees 42 minutes 40 seconds East a distance of 60.60 feet (passing an iron pin set at 21.92 feet) to the place of beginning and containing 0.278 acres of land, more or less, or which 0.176 acres is in the present road occupied (PRO) resulting in a net take of 0.102 acres, more or less.

The above described area is part of Marion County Auditor's Parcel No. 133350300201.

All iron pins set are 5/8" solid rebar, 30 inches long with a yellow cap which bears the inscription "CT CONSULTANTS."

This legal description is based on an actual field survey performed in April 2019 under the direct supervision of Robert A. Bosworth, Ohio Professional Survey No. 7750 of CT Consultants, Inc.

All deed references are of the Marion County Recorder's Office Marion, Ohio.

Bearings are based on Ohio State Plane (North Zone) Coordinates, Horizontal Datum NAD83(2011) using Trimble R10 GPS receivers.



Robert A. Bosworth
Robert A. Bosworth, P.S.
Professional Surveyor No. 7750

10-11-19
Date

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY
TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED
FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN
EMERGENCY

WHEREAS, the Marion County Commissioners passed a resolution on September 10, 1969 in the matter of the policy on distribution of the \$5.00 permissive auto tax monies, to wit: That no later than the first Monday in February of each year shall be a deadline for this Board to receive from the various cities and villages, County Engineer approved requests for their portion of said monies, after which the Board will examine, view and certify amounts available to each qualified applicant, so they may be eligible to draw their portion after they present a signed contract for improvement to be done, and

WHEREAS, Council, on September 23, 1968, passed Resolution No. 68-39 which stated that Council desired to finance certain improvements from funds allocated by the County Commissioners from the annual license tax of \$5.00.

BE IT RESOLVED by the City of Marion, Marion County, Ohio.

Section 1. That the Mayor is hereby directed to make the proper application to the Marion County Commissioners for the City's portion of the \$5.00 permissive auto tax monies to apply against the following listed project:

Resurfacing:

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1.	Plantation Dr.	Colonial Ave.	Keener Ave.
2.	Duluth Ave.	Bellefontaine Ave.	Prospect St.
3.	Superior St.	Prospect St.	Delaware Ave.
4.	Pearl St.	Bellefontaine Ave.	Columbia St.
5.	Walnut St.	Delaware Ave.	Presidential Dr.
6.	Uhler Rd.	Cambridge Ave.	Virginia Ave.
7.	Orchard St.	Columbia St.	Center St.
8.	Blaine Ave.	Church St.	Center St.
9.	Lee St.	Silver St.	W. Fairground St.
10.	Thompson St.	Silver St.	Evans St.
11.	W. Fairground St.	RR	RR
12.	Bartram St.	Silver St.	W. Fairground St.
13.	Central Dr.	Roberts Ave.	Littleton St.
14.	Davids St.	Bellefontaine Ave.	Columbia St.
15.	Brightwood Dr.	Vernon Heights Blvd.	Mt. Vernon Ave.
16.	Vernon Heights Blvd.	Bexley Dr.	Mt. Vernon Ave.
17.	Toulon Ave.	Normandy Dr.	Amboise Dr.
18.	Amboise Dr.	Loire Valley Dr.	Toulon Ave.
19.	Cheney Ave.	Barks Rd.	North Dead End

Section 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to make application to the Marion County Commissioners by the first Monday in February, 2020 and as such shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest:

Clerk of Council