

**ORDINANCE NO. OR33-18**

**AN ORDINANCE TO APPROPRIATE FOR PUBLIC USE, ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF PROPERTY OWNED BY CANDIDA LIZARRAGA RODRIGUEZ AND IDENTIFIED AS PARCEL ID H33 00108 0020 FOR THE PURPOSE OF ACQUIRING PERMANENT AND TEMPORARY EASEMENTS TO PERFORM A SANITARY SEWER LINE REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Trotwood has declared the necessity of replacing a sanitary sewer line in Olde Town; and

**WHEREAS**, the City of Trotwood requires temporary and permanent easements on a number of properties in the area where the sanitary sewer line is being replaced; and

**WHEREAS**, with the exception of the property owned by Candida Lizarraga Rodriguez (Parcel ID H33 00108 0020), all other property owners whose property is situated in the replacement sewer line and construction area have granted the City of Trotwood the temporary and permanent easements required to complete the project; and

**WHEREAS**, pursuant to Section 163 of the Ohio Revised Code, this Council declares the necessity to acquire temporary and permanent easements on the property owned by Candida Lizarraga Rodriguez (Parcel ID H33 00108 0020) in order to complete the sanitary sewer line replacement project.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO BY TWO-THIRDS OF ALL COUNCIL MEMBERS ELECTED CONCURRING THAT:**

SECTION 1: The City Council of Trotwood, Ohio by Resolution No. 18-113 passed November 19, 2018 declared its intention to appropriate certain real property hereinafter described as a permanent and temporary easements for the purpose of replacing and improving a sanitary sewer line. Notice of the passage of the above-referenced resolution of intent to appropriate has been served upon the owner of, person in possession of, or person having a record interest in the said property according to law, and a return of service has been made to the City. A copy of the portion of the plan showing the effect of the acquisition upon the owner's real property has been provided to the owner or owner's agent. The City has been unable to agree with the owner of the said real property as to compensation to be paid for said interest in real property.

SECTION 2: The City's acquisition of a permanent and temporary easement in the real property described in Section 3 below is necessary for the construction of public improvements, and the property is hereby appropriated for a public use. Council finds that the acquisition of property for these purposes is in the public interest and a proper public purpose.

SECTION 3: That the lands and estates or interests therein to be appropriated, being necessary for a sewer line replacement project, are located on 5 Rio Grande, Trotwood Ohio 45426, and include the following:

Parcel 1-S (the permanent sanitary sewer easement), more fully described in Exhibit "A" attached hereto and incorporated herein by reference, and Parcel 1-T (the temporary construction easement), more fully described in Exhibit "B" attached hereto and incorporated herein by reference

SECTION 4: The Law Director is hereby authorized and directed to apply to the Court of Common Pleas, Montgomery County, Ohio for the purposes of assessing the compensation to be paid for said permanent and temporary easements.

SECTION 5: The value of said appropriated real property, including any residual damages, has been appraised at \$300.00 by a certified real estate appraiser. The Law Director is hereby authorized and directed to deposit the same with the Clerk of Courts for the purpose of effecting possession of said real property according to law and file all pleadings necessary to appropriate the property. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

SECTION 6: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, and general welfare of the City of Trotwood. The reason for said emergency is the immediate necessity to assemble properties necessary for a sanitary sewer line replacement project in order to secure a contractor and commence work. Therefore, this ordinance shall become effective immediately upon adoption.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**ATTEST:**

\_\_\_\_\_  
SANDRA RIEGE FULLER, CMC  
DEPUTY CLERK OF COUNCIL

**APPROVED:**

\_\_\_\_\_  
MARY A. MCDONALD  
MAYOR

\_\_\_\_\_  
BETTYE L. GALES  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, \_\_\_\_\_, Deputy Clerk of the City of  
Trotwood, Ohio do hereby certify that the foregoing Ordinance is a true and correct copy  
of Ordinance No. \_\_\_\_\_ passed by the Trotwood City Council on the \_\_\_\_ day of  
\_\_\_\_\_, 2018.

IN TESTIMONY WHEREOF, witness by hand and official seal this \_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
SANDRA RIEGE FULLER, CMC  
DEPUTY CLERK OF COUNCIL