

**SUGARCREEK TOWNSHIP**  
**RESOLUTION NO. 2019.02.04.06**

**IN RE: RESOLUTION AUTHORIZING THE APPROPRIATION OF REAL  
PROPERTY ALONG FEEDWIRE ROAD, SUGARCREEK TOWNSHIP,  
GREENE COUNTY, OHIO, OWNED BY ARNOLD AND SANDRA KIEFER  
FOR THE PURPOSE OF HIGHWAY PROJECT GRE-SUGARCREEK  
TOWNSHIP SRTS**

WHEREAS, Section 5573 of the Ohio Revised Code grants Sugarcreek Township, Greene County, Ohio the power to file appropriation proceedings to improve public roads; and

WHEREAS, Sections 163.01-163.22 of the Ohio Revised Code authorizes a public agency to appropriate property or a portion thereof for public use; and

WHEREAS, Section 511.11 of the Ohio Revised Code grants Sugarcreek Township the authority to acquire property by purchase, appropriation or otherwise; and

WHEREAS, the Board of Trustees of Sugarcreek Township, Greene County, Ohio has determined that it is necessary to appropriate a certain fee simple interest in the property identified in the attached "Exhibit A" for the public purpose of a highway project GRE-Sugarcreek Township Safe Routes to School ("SFRS"); and

WHEREAS, the Board of Trustees of Sugarcreek Township, Greene County, Ohio has determined that it is necessary to appropriate a temporary easement in the property identified in the attached "Exhibit B" for the public purpose of performing the work necessary to complete a shared use path network as described in the Sugarcreek Schools Safe Routes to School Travel Plan; and

WHEREAS, Sugarcreek Township has submitted by certified mail the statutorily - required "Notice(s) of Intent to Acquire" to the Arnold M. and Sandra Kiefer., the owners of the real property described in "Exhibit A", and to any other individual, partnership, association, or corporation having any estate, title, or interest in the property described in "Exhibit A"; and

WHEREAS, Sugarcreek Township hired Melissa Dean Speert of the Robert Weiler Company to appraise the real property described in attached "Exhibit A" and "Exhibit B", and that the total appraised fair market value of the property to be acquired is \$12,030.00; and

WHEREAS, Sugarcreek Township has submitted to Arnold M. and Sandra Kiefer and to any other individual, partnership, association, or corporation having any estate, title, or interest in the property described in "Exhibit A" and "Exhibit B", a copy of the "appraisal report", via certified mail, together with the "Notice(s) of Intent to Acquire"; and

WHEREAS, Sugarcreek Township made a written, good faith offer to Arnold M. and Sandra Kiefer in the amount of \$12,030.00, which represents the appraised fair market value of the property to be acquired, and that said "written, good faith offer" was submitted to Arnold M. and Sandra Kiefer and to any other individual, partnership, association, or corporation having any estate, title, or interest in the property described in "Exhibit A" and "Exhibit B", via certified mail, together with the "Notice(s) of Intent to Acquire" and "appraisal report"; and

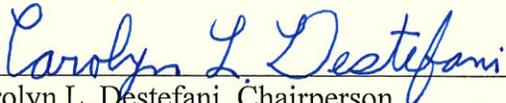
WHEREAS, Sugarcreek Township made a good faith second offer to Arnold M. and Sandra Kiefer and to any other individual, partnership, association, or corporation having any estate, title, or interest in the property described in "Exhibit A" and "Exhibit B" in the amount of \$13,725.00.

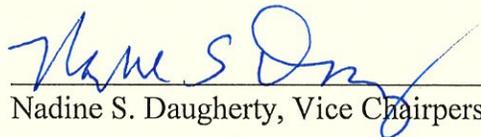
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Sugarcreek Township:

- Section 1: That Sugarcreek Township hereby deems it necessary and declares its intent to appropriate the real property identified in attached "Exhibit A" and "Exhibit B";
- Section 2: That Arnold M. and Sandra Kiefer have not accepted the "written, good faith offers" and it has been over thirty (30) days since the submission of the "Notice(s) of Intent to Acquire," "appraisal report" and "written, good faith offers," and as such, Sugarcreek Township shall file an appropriation petition in the Greene County, Ohio Court of Common Pleas and hereby directs the Township Administrator and Legal Counsel to take whatever action is necessary to proceed with the appropriation petition;
- Section 3: That this Resolution shall take effect at the earliest time as may be permitted by law;
- Section 4: It has been determined that all formal actions of the Board of Trustees of Sugarcreek Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Sugarcreek Township and that all deliberations of the Board of Trustees

of Sugarcreek Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

4/16 PASSED AND ADOPTED by the Board of Trustees of Sugarcreek Township on the 4 day of February, 2019.

  
\_\_\_\_\_  
Carolyn L. Destefani, Chairperson

  
\_\_\_\_\_  
Nadine S. Daugherty, Vice Chairperson

  
\_\_\_\_\_  
Michael E. Pittman, Trustee

  
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Theodore L. Hodson, Fiscal Officer

**EXHIBIT A**

Page 1 of 2

RX 250 WD

Rev. 06/09

Ver. Date 03/01/2017

PID 98576

**PARCEL 10-WD  
GRE-FEEDWIRE-SRTS  
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 Section 3, Town 2, Range 6, in Sugarcreek Township, County of Greene, and State of Ohio and being part of Lot 81 of East of Eden, Section 4 as recorded in Plat Cabinet 34, Pages 882A to 884A, and deeded to Arnold M. & Sandra Keifer as recorded in Official Record 3175, Page 687 of the Greene County Recorder's Office, and being more particularly described as follows;

Commencing at the northwest corner of said Lot 81, 30.00 feet right of Station 15+12.62, said point being in the south right-of-way of Feedwire Road and the True Place of Beginning for this parcel, witness a found 5/8" iron pin S 73° 54' 41" E, a distance of 0.18 feet;

Thence, with the north line of said Lot 81, and the south right-of-way of Feedwire Road, S 73° 54' 41" E, a distance of 190.94 feet to a point, 30.00 feet right of Station 17+03.56;

Thence, with the east line of said Lot 81, S 45°59'05" W, a distance of 6.09 feet to a set capped iron pin, 35.28 feet right of Station 17+00.53;

Thence, with the proposed right-of-way of Feedwire Road, N 87° 23' 10" W, a distance of 52.93 feet to a set capped iron pin, 47.61 feet right of Station 16+49.06;

Thence, continuing with the proposed right-of-way of Feedwire Road, N 73° 54' 46" W, a distance of 136.44 feet to a set capped iron pin in the west line of said Lot 81, 47.61 feet right of Station 15+12.63;

Thence, with the west line of said Lot 81, N 16° 05' 19" E, a distance of 17.61 feet to the True Place of Beginning;

**EXHIBIT A**

Page 2 of 2

RX 250 WD

Rev. 06/09

Containing approximately 0.0689 acres and being subject to all restrictions, covenants, rights-of-way and easements of record.

Auditor's ID Number: L32000100130038000

Prior Deed Reference: Official Record 3175, Page 687

The above description is the result of a survey prepared by WYCO Consulting, Inc., Ruth H. Campbell, Ohio Registered Surveyor No. 7628 dated March 1, 2017, the survey plat of which is filed in Vol.           , Plat No.            of the Greene County Engineer's Record of Land Surveys.

Bearings for this survey are based on Ohio State Plane Coordinate System (OSPC) - South Zone as derived from the Ohio Department of Transportation Virtual Reference Stationing System.

**EXHIBIT B**

Page 1 of 2

RX 287 TV

Rev. 12/16

Ver. Date 04/07/2017

PID 98567

**PARCEL 10-TV  
GRE-FEEDWIRE-SRTS  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
COMPLETE A SHARED USE PATH NETWORK AS DESCRIBED IN THE  
SUGARCREEK SCHOOLS SAFE ROUTES TO SCHOOL TRAVEL PLAN  
FOR 12 MONTHS FROM DATE OF ENTRY BY THE  
TOWNSHIP OF SUGARCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

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Commencing at the northwest corner of said Lot 81, 30.00 feet right of Station 15+12.62, said point being in the south right-of-way of Feedwire Road and the True Place of Beginning for this parcel, witness a found 5/8" iron pin S 73° 54' 41" E, a distance of 0.18 feet;

Thence, with the west line of said Lot 81, S 16° 05' 19" W, a distance of 17.61 feet to a set capped iron pin in the west line of said Lot 81, 47.61 feet right of Station 15+12.63, and the True Place of Beginning for this easement;

Thence, with the proposed right-of-way of Feedwire Road, S 73° 54' 46" E, a distance of 136.44 feet to a set capped iron pin, 47.61 feet right of Station 16+49.06;

Thence, S 16°05'19" W, a distance of 2.00 feet to a point, 49.615 feet right of Station 16+49.06;

Thence, N 73°54'46" W, a distance of 136.44 feet to a point in the west line of said Lot 81, 49.61 feet right of Station 15+12.62;

Thence, with the west line of said Lot 81, N 16° 05' 19" E a distance of 2.00 to the True Place of Beginning;

Containing approximately 0.0063 acres and being subject to all restrictions, covenants, rights-of-way and easements of record.

**EXHIBIT B**

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RX 287 TV

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