


Moved by Mr. Humphrey, seconded by Mr. Uible

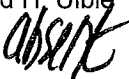
Recommendation that the Board of County Commissioners adopt Resolution Number 117-14 resolving to approve payment to vendors **in the revised total amount of \$1,093,754.28** as set forth in the BCC Approval Invoice Reports For Checks Dated **August 20, 2014**, BCC Directed Pre-Paid Invoices Report(s), Vendor Invoice List Report(s), Items paid by Fund and Check Date Range report and/or Procurement Card Transaction Report presented by the County Auditor 08/18/2014, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David H. Uible,	<u>yes</u>
Robert L. Proud,	<u>absent</u>
Edwin H. Humphrey,	<u>aye</u>

Date Adopted: August 20, 2014


David H. Uible


Robert L. Proud


Edwin H. Humphrey

RESOLUTION NO. 118-14

The Board of County Commissioners of Clermont County, Ohio met in regular session on the 20th day of August, 2014, with the following members present:

David H. Uible, President

Edwin H. Humphrey, Member

Mr. Humphrey moved for the adoption of the following

Resolution:

**RESOLUTION DECLARING NECESSITY TO
APPROPRIATE CERTAIN LAND FOR PUBLIC PURPOSES**

WHEREAS, it is deemed necessary to construct, maintain and operate a road improvement project on Filager Road in Batavia Township, Clermont County, Ohio and to acquire real property for such purpose in accordance with plans which are on file in the Office of the County Engineer, Clermont County, Ohio; and

WHEREAS, this Board has negotiated or caused to be negotiated with Meyers Investment Real Estate, LLC who is the owner of real estate located on Filager Road, Batavia Township, Clermont County, Ohio, for the purchase of such real property to construct, operate and maintain the road improvement project on Filager Road, and said negotiations have been to no avail.

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners, Clermont County, Ohio, proceed to file a Petition for Appropriation of said property, which property is more fully described in the Petition for Appropriation of property, a copy of which is attached hereto as Exhibit "1", and which is hereby authorized to be filed pursuant to this Resolution.

2. That the Declaration of Intent to take possession, attached as Exhibit "2", is hereby authorized to be filed and that compensation for said property being appropriated together with damages, if any, to the residue shall be assessed at the value of **ONE THOUSAND SEVEN HUNDRED FIFTY-ONE DOLLARS AND NO CENTS** (\$1,751.00) and that the Engineer of Clermont County, Ohio, is hereby authorized and directed to issue a check in the amount of **ONE THOUSAND SEVEN HUNDRED FIFTY-ONE DOLLARS AND NO CENTS** (\$1,751.00) made payable to the Clerk of Courts, Clermont County, Ohio, as and for deposit with the Clerk of said appraised sum in order that the County may proceed immediately to obtain possession and access to said property in order to proceed with the plans and specifications for the road improvement project on Filager Road in Batavia Township, as same are on file with the Office of the County Engineer of Clermont County, Ohio.

3. That the Office of the Prosecuting Attorney upon issuance of said deposit shall immediately file an Application on behalf of the Board of Commissioners for a right of possession and pursue obtaining an immediate entry of possession as provided by the Ohio Revised Code.

4. That the Office of the Prosecuting Attorney shall undertake to represent the interest of the Board of County Commissioners in said appropriation proceedings and shall pursue said appropriation proceedings to their conclusion.


NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Uible seconded the Resolution and on roll call the vote

resulted as follows:

David H. Uible	<u>Yes</u>
Robert L. Proud	<u>Absent</u>
Edwin H. Humphrey	<u>Aye</u>


ATTEST:



JUDITH KOCICA, CLERK
Clermont County Board of Commissioners

DATED: AUGUST 20, 2014

This Resolution was prepared and approved
as to form by The Office of the
Clermont County Prosecuting Attorney,
D. Vincent Faris, Prosecutor



ALLAN L. EDWARDS
Assistant Prosecuting Attorney

DATED: 8-7-14

EXHIBIT "1"

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

BOARD OF COUNTY COMMISSIONERS :
CLERMONT COUNTY, OHIO
101 E. MAIN STREET :
BATAVIA, OHIO :

PLAINTIFF

CASE NO.

-VS-

MEYERS INVESTMENT REAL :
ESTATE, LLC :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :

DEFENDANT

PETITION FOR
APPROPRIATION OF
REAL PROPERTY

1. Now comes Plaintiff, the duly elected, qualified and acting Board of County Commissioners of Clermont County, Ohio, for and on behalf of said County and say that the Board has submitted plans, specifications and construction documents for the Filager Road Project in Batavia Township, Clermont County, Ohio, which plans are on file in the Office of the County Engineer of Clermont County, Ohio at 2381 Clermont Center Drive, Batavia, Ohio 45103.

2. Plaintiff further says that pursuant to Section 163.04 of the Revised Code of the State of Ohio, an attempt has been made to negotiate with the owner of the property for the purchase of such real property for constructing, operating and maintaining improvements for the road improvement on Filager Road upon and across the property of said Defendant, which property is more fully described hereafter, but that after diligent efforts have been made to compromise and settle the purchase of said property, no agreement has been reached between the Plaintiff and the Defendant.

3. Plaintiff further says that said real property for the purpose of constructing, operating and maintaining the improvement for the Filager Road Project is in, on, under and across the property of said Defendant, which property is situated in Batavia Township, Clermont County, Ohio, and more fully described as follows:

ATTACHMENT ONE- PRESENT ROAD OCCUPIED (P.R.O.)

ATTACHMENT TWO- PERMANENT HIGHWAY EASEMENT

4. Attached hereto and marked as **Exhibit "A"** is a copy of the Resolution of the Board of County Commissioners to appropriate the real property hereinbefore described.

5. The purpose for the appropriation is for the Filager Road Project in Batavia Township, Clermont County, Ohio.

6. Said project is appropriate, within the legal discretion of the Plaintiffs, and necessary.

7. The estate to be acquired in this appropriation is by permanent easement of a portion of Parcel No. 01-20-031-072.

8. Defendant Meyers Investment Real Estate, LLC is the alleged record owners of the premises.

9. The fair and reasonable value of the property which the Plaintiff seeks to acquire herein, including damages, if any, to the residue, is the sum of **ONE THOUSAND SEVEN HUNDRED FIFTY-ONE DOLLARS AND NO CENTS (\$1,751.00)**, which amount is deposited herewith for the use and benefit of the owners of the property appropriated according to law.

10. The Plaintiff intends to take immediate possession of the property, interest appropriated, in accordance with Section 163.06 of the Ohio Revised Code.

11. The said Declaration of Intent to Take Possession is being filed simultaneously with the Petition.

WHEREFORE, Plaintiff prays for the appropriation of the above described real property for the construction, operating, and maintaining the road improvement on Filager Road in Batavia Township, Clermont County, Ohio, in, on, under and over the above described property.

Respectfully submitted,

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Office of the Clermont County Prosecutor
101 E. Main Street
Batavia, Ohio 45103
Telephone: (513) 732-7314
Facsimile: (513) 732-8171
Email: aedwards@clermontcountyohio.gov
Attorney for Board of County Commissioners

INSTRUCTIONS TO THE CLERK

Please issue summons together with copy of Petition to Appropriate, Exhibits, Declaration of Intent to Take Possession, Application for Entry of Possession, Entry of Possession and Order of Disbursement upon Defendant at its respective address stated in said Petition by certified mail, return receipt requested, postage pre-paid.

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Attorney for Board of County Commissioners

ATTACHMENT ONE
Meyers Investment Real Estate LLC
7-E
0.031 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a spike (fnd) in Filager Road, which is 3,500' westerly as measured along the centerline of Filager Road from the intersection of Filager Road and State Route 132; thence, S.38°12'18"E. 300.00' to a point in the grantor's easterly line; thence, S.28°23'17"W. 4.55' to a point in the southerly R/W line of Filager Road; thence, with said line, N.38°02'00"W. 253.45', with the arc of a circle curving to the left having a radius of 60.00', a distance of 43.36', a chord of N.58°44'02"W. 42.42' to a point in the grantors westerly line; thence, with said line, N.26°32'17"E. 20.22' to the place of beginning and containing 0.031 acres of land subject to legal highways and easements of record.

The above described right of way is a part of the same premises described as recorded in O.R. 2086, page 1521 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-072 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

ATTACHMENT TWO
Meyers Investment Real Estate LLC
7-P
0.035 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a point in the southerly R/W line of Filager Road, which is 3,500' westerly as measured along the centerline of Filager Road from the intersection of Filager Road and State Route 132 and S.26°32'17"W. 20.22' from a spike in Filager Road; thence, with the southerly R/W line of Filager Road, with the arc of a circle curving to the right having a radius of 60.00' a distance of 43.36' a chord of S.58°44'02"E. 42.42', S.38°02'00"E. 50.54'; thence, thru lands of grantor, N.62°20'24"W. 87.93' to a point in the grantors westerly line; thence, with said line, N.26°32'17"E. 23.47' to the place of beginning and containing 0.035 acres of land subject to legal highways and easements of record.

The above described easement is a part of the same premises described as recorded in O.R. 2086, page 1521 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-072 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

EXHIBIT "2"

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

**BOARD OF COUNTY COMMISSIONERS :
CLERMONT COUNTY, OHIO :
101 E. MAIN STREET :
BATAVIA, OHIO :**

PLAINTIFF

CASE NO.

-VS-

**MEYERS REAL ESTATE :
INVESTMENT, LLC :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :**

DEFENDANT

**DECLARATION OF INTENT
TO TAKE POSSESSION**

1. Now comes Plaintiff, the duly elected, qualified and acting Board of County Commissioners of Clermont County, Ohio, for and on behalf of said County and says that the property being appropriated by the filing of the Petition herein is necessary for the purpose of making or repairing roads which shall be open to the public, without charge, pursuant to the provisions of Section 19, of Article I of the Ohio Constitution.

2. The Plaintiff further states its intention to obtain and take possession of and enter upon the property appropriated, including structures situated upon the land appropriated.

3. This Declaration of Intent is made pursuant to the provisions of Section 163.06(B) of the Ohio Revised Code.

4. Therefore, the Plaintiff does hereby deposit with the Clerk of the Common Pleas Court the sum of **ONE THOUSAND SEVEN HUNDRED AND FIFTY-ONE DOLLARS** (\$1,751.00), the value of the property appropriated and damages, if any, to the residue, as determined by the Clermont County Engineer.

Respectfully submitted,

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Office of the Clermont County Prosecutor
101 E. Main Street
Batavia, Ohio 45103
Telephone: (513) 732-7314
Facsimile: (513) 732-8171
Email: aedwards@clermontcountyohio.gov
Attorney for Board of County Commissioners

RESOLUTION NO. 119-14

The Board of County Commissioners of Clermont County, Ohio met in regular session on the 20th day of August, 2014, with the following members present:

David H. Uible, President

Edwin H. Humphrey, Member

Mr. Humphrey moved for the adoption of the following Resolution:

**RESOLUTION DECLARING NECESSITY TO
APPROPRIATE CERTAIN LAND FOR PUBLIC PURPOSES**

WHEREAS, it is deemed necessary to construct, maintain and operate a road improvement project on Filager Road in Batavia Township, Clermont County, Ohio and to acquire real property for such purpose in accordance with plans which are on file in the Office of the County Engineer, Clermont County, Ohio; and

WHEREAS, this Board has negotiated or caused to be negotiated with Lone Tree, LLC., Victor Office and A.J. Office, Trustees, Betsy M. Guttman, Trustee, and Kim Guttman Trustee who are the owners of real estate located on Filager Road, Batavia Township, Clermont County, Ohio, for the purchase of such real property to construct, operate and maintain the road improvement project on Filager Road, and said negotiations have been to no avail.

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of County Commissioners, Clermont County, Ohio, proceed to file a Petition for Appropriation of said property, which property is more fully described in the Petition for Appropriation of property, a copy of which is attached hereto as Exhibit "1", and which is hereby

14-0819-000

authorized to be filed pursuant to this Resolution.

2. That the Declaration of Intent to take possession, attached as Exhibit "2", is hereby authorized to be filed and that compensation for said property being appropriated together with damages, if any, to the residue shall be assessed at the value of **ONE THOUSAND TWO HUNDRED EIGHTY SIX DOLLARS AND NO CENTS** (\$1,286.00) and that the Engineer of Clermont County, Ohio, is hereby authorized and directed to issue a check in the amount of **ONE THOUSAND TWO HUNDRED EIGHTY SIX DOLLARS AND NO CENTS** (\$1,286.00) made payable to the Clerk of Courts, Clermont County, Ohio, as and for deposit with the Clerk of said appraised sum in order that the County may proceed immediately to obtain possession and access to said property in order to proceed with the plans and specifications for the road improvement project on Filager Road in Batavia Township, as same are on file with the Office of the County Engineer of Clermont County, Ohio.

3. That the Office of the Prosecuting Attorney upon issuance of said deposit shall immediately file an Application on behalf of the Board of Commissioners for a right of possession and pursue obtaining an immediate entry of possession as provided by the Ohio Revised Code.

4. That the Office of the Prosecuting Attorney shall undertake to represent the interest of the Board of County Commissioners in said appropriation proceedings and shall pursue said appropriation proceedings to their conclusion.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised

Code.

Mr. Uible seconded the Resolution and on roll call the vote

resulted as follows:

David H. Uible Yes

Robert L. Proud Absent

Edwin H. Humphrey Aye

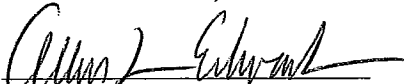
ATTEST:



JUDITH KOCICA, CLERK
Clermont County Board of Commissioners

DATED: AUGUST 20, 2014

This Resolution prepared and approved
as to form by The Office of the
Clermont County Prosecuting Attorney,
D. Vincent Faris, Prosecutor



ALLAN L. EDWARDS
Assistant Prosecuting Attorney

DATED: 8-7-14

EXHIBIT "1"

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

BOARD OF COUNTY COMMISSIONERS :
CLERMONT COUNTY, OHIO :
101 E. MAIN STREET :
BATAVIA, OHIO :

PLAINTIFF :

CASE NO. :

-VS- :

LONE TREE, LLC :
AN OHIO LIMITED LIABILITY COMPANY :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :

PETITION FOR
APPROPRIATION OF
REAL PROPERTY

AND :

LONE TREE, LLC BY STATUTORY AGENT :
DINSMORE AGENT COMPANY :
191 W. NATIONWIDE BLVD., SUITE 300 :
COLUMBUS, OHIO 43215 :

AND :

VICTOR OFFICE AND A.J. OFFICE, :
TRUSTEES :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :

AND :

BETSY M. GUTTMAN, TRUSTEE :
KIM GUTTMAN, TRUSTEE :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :

DEFENDANTS :

1. Now comes Plaintiff, the duly elected, qualified and acting Board of County Commissioners of Clermont County, Ohio, for and on behalf of said County and say that the Board has submitted plans, specifications and construction documents for the Filager Road Project in Batavia Township, Clermont County, Ohio, which plans are on file in the Office of the County Engineer of Clermont County, Ohio at 2381 Clermont Center Drive, Batavia, Ohio 45103.

2. Plaintiff further says that pursuant to Section 163.04 of the Revised Code of the State of Ohio, an attempt has been made to negotiate with the owner of the property for the purchase of such real property for constructing, operating and maintaining improvements for the road improvement on Filager Road upon and across the property of said Defendants, which property is more fully described hereafter, but that after diligent efforts have been made to compromise and settle the purchase of said property, no agreement has been reached between the Plaintiff and the Defendants.

3. Plaintiff further says that said real property for the purpose of constructing, operating and maintaining the improvement for the Filager Road Project is in, on, under and across the property of said Defendants, which property is situated in Batavia Township, Clermont County, Ohio, and more fully described as follows:

ATTACHMENT ONE- PRESENT ROAD OCCUPIED (P.R.O.)

ATTACHMENT TWO- PERMANENT HIGHWAY EASEMENT

ATTACHMENT THREE – TEMPORARY EASEMENT 1

ATTACHMENT FOUR – TEMPORARY EASEMENT 2

4. Attached hereto and marked as **Exhibit "A"** is a copy of the Resolution of the Board of County Commissioners to appropriate the real property hereinbefore described.

5. The purpose for the appropriation is for the Filager Road Project in Batavia Township, Clermont County, Ohio.

6. Said project is appropriate, within the legal discretion of the Plaintiffs, and necessary.

7. The estate to be acquired in this appropriation is by permanent easement of a portion of Parcel No. 01-20-031-063.

8. Defendants Lone Tree, LLC, Lone Tree Dinsmore Agent Company, Victor Office, A.J. Office and Betsy M. Guttman Trustee and Kim Gutman, Trustee are the alleged record owners of the premises.

9. The fair and reasonable value of the property which the Plaintiff seeks to acquire herein, including damages, if any, to the residue, is the sum of **ONE THOUSAND TWO HUNDRED EIGHTY SIX AND NO CENTS (\$1,286.00)**, which amount is deposited herewith for the use and benefit of the owners of the property appropriated according to law.

10. The Plaintiff intends to take immediate possession of the property, interest appropriated, in accordance with Section 163.06 of the Ohio Revised Code.

11. The said Declaration of Intent to Take Possession is being filed simultaneously with the Petition.

WHEREFORE, Plaintiff prays for the appropriation of the above described real property for the construction, operating, and maintaining the road improvement on Filager Road in Batavia Township, Clermont County, Ohio, in, on, under and over the above described property.

Respectfully submitted,

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Office of the Clermont County Prosecutor
101 E. Main Street
Batavia, Ohio 45103
Telephone: (513) 732-7314
Facsimile: (513) 732-8171
Email: aedwards@clermontcountyohio.gov
Attorney for Board of County Commissioners

INSTRUCTIONS TO THE CLERK

Please issue summons together with copy of Petition to Appropriate, Exhibits, Declaration of Intent to Take Possession, Application for Entry of Possession, Entry of Possession and Order of Disbursement upon Defendants at their respective addresses stated in said Petition by certified mail, return receipt requested, postage pre-paid.

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Attorney for Board of County Commissioners

ATTACHMENT ONE
Lone Tree LLC
9-E
0.358 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a point in Filager Road, which is 3,200' westerly as measured along the centerline of Filager Road from the intersection of Filager Road and State Route 132; thence, along Filager Road, S.38°11'07"E. 812.04', S.56°23'54"E. 49.66' and S.76°46'54"E. 40.44' to a point in the grantors easterly line; thence, with said line, S.39°49'55"E. 22.20' to a point in the southerly R/W line of Filager Road; thence, with said R/W line with the arc of a circle curving to the right having a radius of 140.00' a distance of 134.29' a chord of N.65°30'47"W. 129.20', and N.38°02'00"W. 791.37' to a point in the grantors westerly line; thence, with said line, N.28°23'17"E. 17.25' to the place of beginning and containing 0.358 acres of land subject to legal highways and easements of record.

The above described existing right of way is a part of the same premises described as recorded in O.R. 2425, page 2002 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-063 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

ATTACHMENT TWO
Lone Tree LLC
9-P
0.022 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a point in the southerly R/W line of Filager Road, which is 3,200' westerly as measured along the centerline of Filager Road, S.28°23'17"W. 17.25' and S.38°02'00"E. 347.13' from the intersection of Filager Road and State Route 132; thence, along said R/W line, S.38°02'00"E. 30.00'; thence, thru lands of grantor, S.52°13'36"W. 5.87', S.20°04'38"W. 63.92', N.69°55'22"W. 10.01', N.20°04'38"E. 63.00', N.37°46'24"W. 22.02' and N.52°13'36"E. 11.83' to the place of beginning and containing 0.022 acres of land subject to legal highways and easements of record.

The above described easement is a part of the same premises described as recorded in O.R. 2425, page 2002 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-063 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

ATTACHMENT THREE
Lone Tree LLC
9-T1
0.010 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a point in the southerly R/W line of Filager Road, which is 3,200' westerly as measured along the centerline of Filager Road, S.28°23'17"W. 17.25' and S.38°02'00"E. 272.19' from the intersection of Filager Road and State Route 132; thence, along said R/W line, S.38°02'00"E. 74.94'; thence, thru lands of grantor, S.52°13'36"W. 11.83' and N.29°03'18"W. 75.81' to the place of beginning and containing 0.010 acres of land subject to legal highways and easements of record.

The above described easement is a part of the same premises described as recorded in O.R. 2425, page 2002 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-063 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

ATTACHMENT FOUR

Lone Tree LLC

9-T2

0.027 Acres

Situated in Batavia Township, Clermont County, Ohio and in Finley Military Survey No. 526 and being more particularly described as follows:

Beginning at a point in the southerly R/W line of Filager Road, which is 3,200' westerly as measured along the centerline of Filager Road, S.28°23'17"W. 17.25' and S.38°02'00"E. 377.13' from the intersection of Filager Road and State Route 132; thence, along said R/W line, S.38°02'00"E. 395.33'; thence, thru lands of grantor, N.38°53'03"W. 395.40' and N.52°13'36"E. 5.87' to the place of beginning and containing 0.027 acres of land subject to legal highways and easements of record.

The above described easement is a part of the same premises described as recorded in O.R. 2425, page 2002 of the Clermont County, Ohio Deed Records and identified as parcel number 01-20-031-063 on the Tax Maps of said County.

Being the result of a survey and plat dated January, 2013, made by Craig Risner P.S., Clermont County Deputy Surveyor, Ohio Registration Number 8024.

EXHIBIT "2"

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

**BOARD OF COUNTY COMMISSIONERS :
CLERMONT COUNTY, OHIO :
101 E. MAIN STREET :
BATAVIA, OHIO :**

PLAINTIFF

CASE NO.

-VS-

**LONE TREE, LLC, ET AL :
432 WALNUT STREET, #500 :
CINCINNATI, OHIO 45202 :**

**DECLARATION OF INTENT
TO TAKE POSSESSION**

DEFENDANTS :

1. Now comes Plaintiff, the duly elected, qualified and acting Board of County Commissioners of Clermont County, Ohio, for and on behalf of said County and says that the property being appropriated by the filing of the Petition herein is necessary for the purpose of making or repairing roads which shall be open to the public, without charge, pursuant to the provisions of Section 19, of Article I of the Ohio Constitution.

2. The Plaintiff further states its intention to obtain and take possession of and enter upon the property appropriated, including structures situated upon the land appropriated.

3. This Declaration of Intent is made pursuant to the provisions of Section 163.06(B) of the Ohio Revised Code.

4. Therefore, the Plaintiff does hereby deposit with the Clerk of the Common Pleas Court the sum of **ONE THOUSAND TWO HUNDRED AND EIGHTY SIX DOLLARS (\$1,286.00)**, the value of the property appropriated and damages, if any, to the residue, as determined by the Clermont County Engineer.

Respectfully submitted,

Allan L. Edwards (0039106)
Assistant Prosecuting Attorney
Office of the Clermont County Prosecutor
101 E. Main Street
Batavia, Ohio 45103
Telephone: (513) 732-7314
Facsimile: (513) 732-8171
Email: aedwards@clermontcountyohio.gov
Attorney for Board of County Commissioners

RESOLUTION NUMBER 120-14

The Board of County Commissioners of Clermont County, Ohio, met in Regular Session on the 20th day of August, 2014, with the following members present:

David H. Uible, President
Edwin H. Humphrey, Member

Mr. Humphrey moved for the adoption of the following Resolution:

**RESOLUTION DETERMINING TO VACATE A PORTION OF 9th ALLEY LOCATED
IN THE UNINCORPORATED VILLAGE OF UTOPIA IN FRANKLIN TOWNSHIP,
CLERMONT COUNTY, OHIO**

WHEREAS, the Board of County Commissioners has been petitioned by the Board of Franklin Township Trustees to vacate a portion of 9th Alley situated within the Unincorporated Village of Utopia pursuant to Section 5553.045 (B) of the Ohio Revised Code; and

WHEREAS, pursuant to Section 5543.045 of the Ohio Revised Code, the County Engineer has approved the appropriate legal description and issued a written report therefore; and,

WHEREAS, the Board of County Commissioners has held a public hearing concerning the proposed vacation of a portion of said alley on Wednesday, August 20, 2014, and which is recorded in Commissioners' Journal Number 310, and,

WHEREAS, all appropriate statutory procedures have been followed according to the Ohio Revised Code;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Clermont County, Ohio, at least two-thirds of its members thereto concurring as follows:

SECTION I

That the Board of County Commissioners hereby determines that the public convenience and welfare would be best served by the vacation of a portion of 9th Alley situated within the Unincorporated Village of Utopia, Franklin Township, Clermont County, Ohio, and that portion as described is hereby vacated pursuant to Section 5543.045 (D) of the Ohio Revised Code, to wit:

9th Alley

Situate in Davies and O'Bannon's Military Survey No. 1647, Village of Utopia, Franklin Township, Clermont County, Ohio and being 0.062 Acres of 9th Alley in the Village of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office and being bounded and more particularly described as follows:

Beginning at a 5/8" iron pin found on the easterly right-of-way line of Center Street at the most northwesterly corner of Lot 66 of the Plat of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office, Lot 66 being conveyed to Pleas W. and Florence P. Nichols in Official Record Book 244, page 167 in the Clermont County, Ohio Recorder's Office; Thence with the easterly right-of-way line of Center Street North 03 degrees 45 minutes 00 seconds East a distance of 16.50 feet to a 5/8" iron pin set at the most southwesterly corner of Lot 65 of the Plat of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office, Lot 65 being conveyed to Charles David and Tina G. Orick in Official Record Book 634, page 456 in the Clermont County, Ohio Recorder's Office; Thence with the line of said Lot 65 South 86 degrees 15 minutes 00 seconds East a distance of 165.00 feet to a 5/8" iron pin found corner to lot 37 of the Plat of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office, Lot 37 being conveyed to Charles David and Tina G. Orick in Official Record Book 654, page 540 in the Clermont County, Ohio Recorder's Office; Thence with a division line across 9th Alley South 03 degrees 45 minutes 00 seconds West a distance of 16.50 feet to a 5/8" iron pin found corner to said Lot 66 and Lot 38 of the Plat of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office; Thence with the line of said Lot 66 North 86 degrees 15 minutes 00 seconds West a distance of 165.00 feet to the place of beginning, CONTAINING 0.062 ACRES more or less, subject, however, to all legal highways and easements of record.

Bearings are based upon the record bearing South 86 degrees 15 minutes 00 seconds East as established by Plat of Utopia as recorded in Surveyor's Record "E", page 123 in the Clermont County, Ohio Engineer's Office and all other bearings and distances were measured in the field.

Surveyed by Christopher S. Renshaw, P.S. No. 8319 on 11 March 2014.

SECTION II

That the Board of County Commissioners further finds that as to the issue of compensation and damages pursuant to Section 5553.09 of the Ohio Revised Code, no compensation and damages are necessary in this proceeding and none are awarded at this final hearing.

SECTION III

That the Clerk of the Board shall certify a copy of these proceedings to the Board of Franklin Township Trustees, the County Recorder and the County Engineer, and shall request the Board of Franklin Township Trustees to adopt their resolution required by Section 5553.045 (E) of the Ohio Revised Code.

SECTION IV

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of the Board and that all deliberations of this Board and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

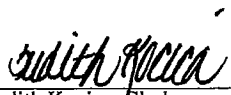
Mr. Uible seconded the foregoing Resolution and upon roll call the vote was as follows:

Mr. Humphrey, Aye;

Mr. Uible, Yes;

Mr. Proud, Absent.

ATTEST:



Judith Kocica, Clerk
Board of County Commissioners
Clermont County, Ohio

Adopted: August 20, 2014