

ORDINANCE NO. OR01-25

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL TRANSFERRING 5.148 ACRES OF LAND LOCATED WITHIN THE SHERWOOD PARK TRACT, PARCEL ID NO. R72 16101P0000, BY QUIT CLAIM DEED TO FIVE RIVERS METROPARKS TO EXTEND THE WOLF CREEK RECREATIONAL TRAIL FOR THE PUBLIC'S BENEFIT AND DECLARING THE PROPERTY SURPLUS.

WHEREAS, Five Rivers MetroParks would like to acquire the property described in Exhibit "A", attached hereto and incorporated herein by reference, to extend the Wolf Creek recreational trail for the public's benefit; and

WHEREAS, the property described in Exhibit "A" is located in a recorded plat called the Sherwood Park Plat; and

WHEREAS, the plat records described above indicate that the property identified in Exhibit "A" is "public park" space; and

WHEREAS, based upon title examination, it appears that Madison Township owned the public park space referenced in the plat records described above; and

WHEREAS, the City of Trotwood acquired all ownership interest that Madison Township had in the property described in Exhibit "A" when Madison Township was merged into the City of Trotwood in 1996; and

WHEREAS, City Council has determined that the property described in Exhibit "A" is surplus property and that it should be conveyed to Five River MetroParks for the public's use and benefit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: City Council hereby authorizes the transfer of the property more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, from the City of Trotwood to The Board of Park Commissioners of Five Rivers MetroParks.

SECTION II: City Council hereby declares the property described in Exhibit A surplus property.

SECTION III: The City Manager is hereby directed to take any and all necessary actions, including the execution of a Quit Claim Deed, to convey the property described in Exhibit "A" to The Board of Park Commissioners of Five Rivers MetroParks.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

SECTION IV:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION V:


This Ordinance shall take effect at the earliest time allowed by law.

Passed on this **3rd** day of **February, 2025**.

ATTEST:

APPROVED:


KARA B. LANDIS
CLERK OF COUNCIL


YVETTE F. PAGE
MAYOR


TYNA R. BROWN
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR01-25** adopted by the Trotwood City Council at a regular scheduled meeting held on the **3rd** day of **February, 2025**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

CLERK OF COUNCIL



Professional Land Surveyor
No. 8101

Professional Engineer
No. 16276

BURKHARDTINC.COM

**FIVE RIVERS METROPARKS
PUBLIC PARK TRACT - 5.148 ACRES**

Situate in Section 24, Town 4, Range 5, East, City of Dayton, Montgomery County, Ohio and being the area labeled as a "Public Park" on the Sherwood Park Plat as recorded in Plat Book S, Page 26 and being part of the 72.12 acres property as conveyed to J.W. Rowlette by deed recorded in Deed Book 594, Page 409 of the Montgomery County Deed Records; said "Public Park" tract being more particularly described as follows:

Beginning at a 5/8 inch iron pin with Burkhardt cap set on the southeast corner of Lot 13 of the Mumma Subdivision as recorded in Plat Book B, Page 114, said pin lying on the northerly line of the railroad right-of-way and also being the True Place of Beginning;

Thence from said True Place of Beginning, along the east line of said Lot 13 and the east line of a parcel as conveyed to Five Rivers Metroparks in I.R. Deed 21-090612, N 00° 44' 17" W, passing a 5/8 inch iron pin with Burkhardt cap set at 327.19 feet, for a total distance of 418.64 feet to a 5/8 inch iron pin with Burkhardt cap set on the right-of-way intersection of the west line of Hickorydale Drive (25' R/W) and the south line of W. Riverview Avenue (60' R/W);

Thence with the south right-of-way line of W. Riverview Avenue, S 49° 51' 17" E, 964.01 feet to a 5/8" iron pin with Burkhardt cap set in the west line of 45.7335 acre parcel as conveyed to Five Rivers Metroparks in I.R. Deed 18-050864;

Thence with said the west line, S 00° 25' 50" W, 195.55 feet to a 5/8" inch iron pin with Burkhardt cap set in the northerly railroad right-of-way line;

Thence with said railroad right-of-way line, N 61° 22' 26" W, 831.70 feet to the true place of beginning, containing 5.148 acres, more or less, subject however to all highways, easements, and restrictions of record.

The above legal description is the result of a field survey performed in March through July 2022, under the direct supervision of Michael A. Novean, Professional Land Surveyor No. 8101. As filed in the Montgomery County Engineer's Office Record of Land Surveys, Volume 2022, Page 0274.

Basis of Bearing: Bearings are based on the west right-of-way line of Hickorydale Drive taken from the State Plane Coordinate System, NAD83(2011) adjustment, Geoid18, Ohio South Zone, O.D.O.T VRS/CORS network (bearing N 00° 44' 17" W)

Prior Deed Reference: Deed Book 594, Page 409

Michael A. Novean, PLS No. 8101
BURKHARDT ENGINEERING COMPANY
PHONE: 937-388-0060
Project # 21.350



PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACRAGE AND CLOSURE ONLY
DATE: 8/21/2022 FILE NO. 2022-0274

BY: Wayne B. Tol