

ORDINANCE NO. 03-14

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 21st DAY OF April, 2014.

AN EMERGENCY ORDINANCE BY THE COUNCIL OF THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, STATE OF OHIO TO APPROPRIATE ALL RIGHT TITLE AND INTEREST IN A CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 5770 WILMINGTON PIKE, CENTERVILLE, OHIO FOR THE PURPOSE OF PUBLIC RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT PURPOSES; AND DECLARING AN EMERGENCY.

Whereas, the City Council of Centerville, Ohio by Resolution No. 09-14, passed on March 10, 2014, declared its intention to appropriate a certain parcel of real property hereinafter described for the purpose of making a road improvement which shall be open to the public without charge and for road purposes; and

Whereas, the City has been unable to agree with the owner of the said real property as to the compensation to be paid for said real property; and

Whereas, notice of the passage of the above referenced resolution of intent to appropriate was served upon the owners of, person in possession of or person having a record interest in said property according to law, and a return of service has been made to the City.

NOW THEREFORE THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. The City Council of Centerville, Ohio, by Resolution No. 09-14 passed March 10, 2014, declared its intention to appropriate certain real property hereinafter described as a permanent right-of-way for highway purpose and a temporary easement for construction purposes for the purpose of the widening of Feedwire Road from two lanes to multiple lanes to incorporate additional turn lanes which shall be open to the public without charge and for road purposes. 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, and a full copy of the plans have been filed with the Greene County Engineer. 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 the real property described in Section 3 here below is necessary for public right-of-way, the construction of public improvements, and that 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 property to be appropriated include the following described real property being necessary for a public right-of-way and road improvement:

Permanent Take Parcel as identified in Exhibit "A" and depicted in Exhibit "B" both exhibits hereby attached and incorporated by reference.

Temporary Easement as identified in Exhibit "A" and depicted in Exhibit "B" both exhibits hereby attached and incorporated by reference.

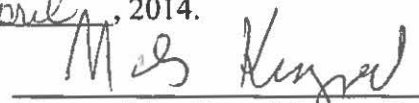
SECTION 4. The City of Centerville, Ohio does hereby declare that the total value of the said easement appropriated is the sum of \$18,158. The Municipal Attorney or his designee is hereby authorized to deposit with the Clerk of the Common Pleas Court in said appropriation case the sum of \$18,158, the value of the real property appropriated.

SECTION 5. The Municipal Attorney or his designee is hereby authorized and directed to apply to the Court of Common Pleas, Greene County, Ohio, for the purpose of assessing the compensation to be paid for said real property.

SECTION 6. The costs and expenses of such appropriation are to be paid out of the appropriate fund or funds.

SECTION 7. This ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public safety and welfare is hereby declared to exist by virtue of the fact of the immediate necessity to assemble properties necessary to construct public improvements. Therefore, this ordinance shall become effective immediately upon passage.

PASSED this 26<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 03-14, passed by the Council of the City of Centerville, Ohio on the 21<sup>st</sup> day of April, 2014.

Debra A. James  
Clerk of Council

Approved as to form,  
consistency with existing  
ordinances, the charter and  
constitutional provisions.  
Department of Law  
Scott A. Liberman  
Municipal Attorney



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone > 513.779.7851  
fax > 513.779.7852  
www.kleingers.com

**LEGAL DESCRIPTION  
SUGARCREEK CROSSING, LLC  
0.008 ACRES**

Situated in Section 9, Town 2, Range 6, MRs, City of Centerville, Greene County, Ohio being part of Lot 2 of Sugarcreek Crossing as recorded in P.C. 34 Pg. 593B-597A as conveyed to Sugarcreek Crossing Permanent, LLC in O.R. 2480 Pg. 155 of the Greene County Recorder's Office the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin set in the south right of way line of Feedwire Road, being N89°00'37"W a distance of 185.91 feet from a cross notch found at the northeast corner of said Lot 2;

Thence through said Lot 2, S83°51'53"W a distance of 40.46 feet to a 5/8" iron pin set;

Thence, S57°02'51"W a distance of 32.79 feet to a 5/8" iron pin set in the east right of way line of Wilmington Pike;

Thence along said east right of way line, along an arc distance of 37.60 feet to a 5/8" iron pin found, said curve having a radius of 25.00 feet, a central angle of 86°10'03" and a chord which bears, N47°54'22"E a distance of 34.15 feet;

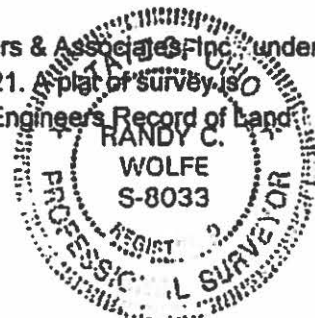
Thence along the south right of way line of the aforesaid Feedwire Road, S89°00'37"E a distance of 42.41 feet to the Point of Beginning;

Containing 0.008 acres of land more or less and being subject to easements and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System (OSPC) – South Zone. The project coordinates are based on OSPC and has been scaled to ground by using a project adjustment factor of 1.0000942433 applied at a base point of N:608674.24 E:1515391.69. Grid and ground coordinates area identical at the base point.

The above description is based upon a field survey made by Kleingers & Associates, Inc. under the direction of Randy C. Wolfe, Ohio Professional Surveyor No. 8321. A plat of survey is recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Greene County Engineers Record of Land Surveys.

*Randy C. Wolfe*  
3/11/14





CINCINNATI  
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**LEGAL DESCRIPTION  
SUGARCREEK CROSSING, LLC  
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 9, Town 2, Range 6, MRs, City of Centerville, Greene County, Ohio being part of Lot 2 of Sugarcreek Crossing as recorded in P.C. 34 Pg. 593B-597A as conveyed to Sugarcreek Crossing Permanent, LLC in O.R. 2460 Pg. 155 of the Greene County Recorder's Office the boundary of a temporary construction easement being more particularly described as follows:

Beginning at a cross notch found at the northeast corner of said Lot 2, being in the south right of way line of Feedwire Road;

Thence along the east line of said Lot 2, S00°59'23"W a distance of 43.39 feet;

Thence through said Lot 2 the following four (4) courses:

1. N89°00'37"W a distance of 16.46 feet;
2. N23°51'27"W a distance of 35.70 feet;
3. N89°00'37"W a distance of 190.94 feet;
4. S57°02'51"W a distance of 37.91 feet to a point in the east right of way line of Wilmington Pike;

Thence along said east right of way line, N04°49'20"E a distance of 8.86 feet;

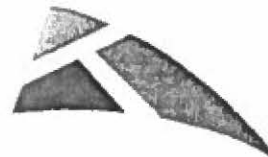
Thence along a proposed right of way line, N57°02'51"E a distance of 32.79 feet;

Thence continuing, N83°51'53"E a distance of 40.46 feet to a point in the aforesaid south right of way line of Feedwire Road;

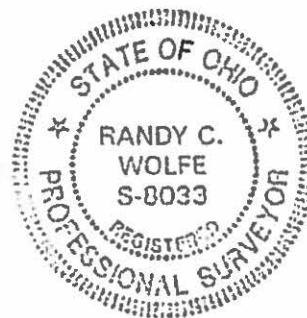
Thence along said south right of way line, S89°00'37"E a distance of 185.91 feet to the Point of Beginning;

Containing 3,399 square feet more or less and being subject to easements and rights of way of record.

**THE  
KLEINGERS  
GROUP**



Bearings are based on the Ohio State Plane Coordinate System (OSPC) – South Zone. The project coordinates are based on OSPC and has been scaled to ground by using a project adjustment factor of 1.0000942433 applied at a base point of N:608674.24 E:1515391.69. Grid and ground coordinates area identical at the base point.



*Randy C Wolfe  
3/11/14*

**Exhibit B**

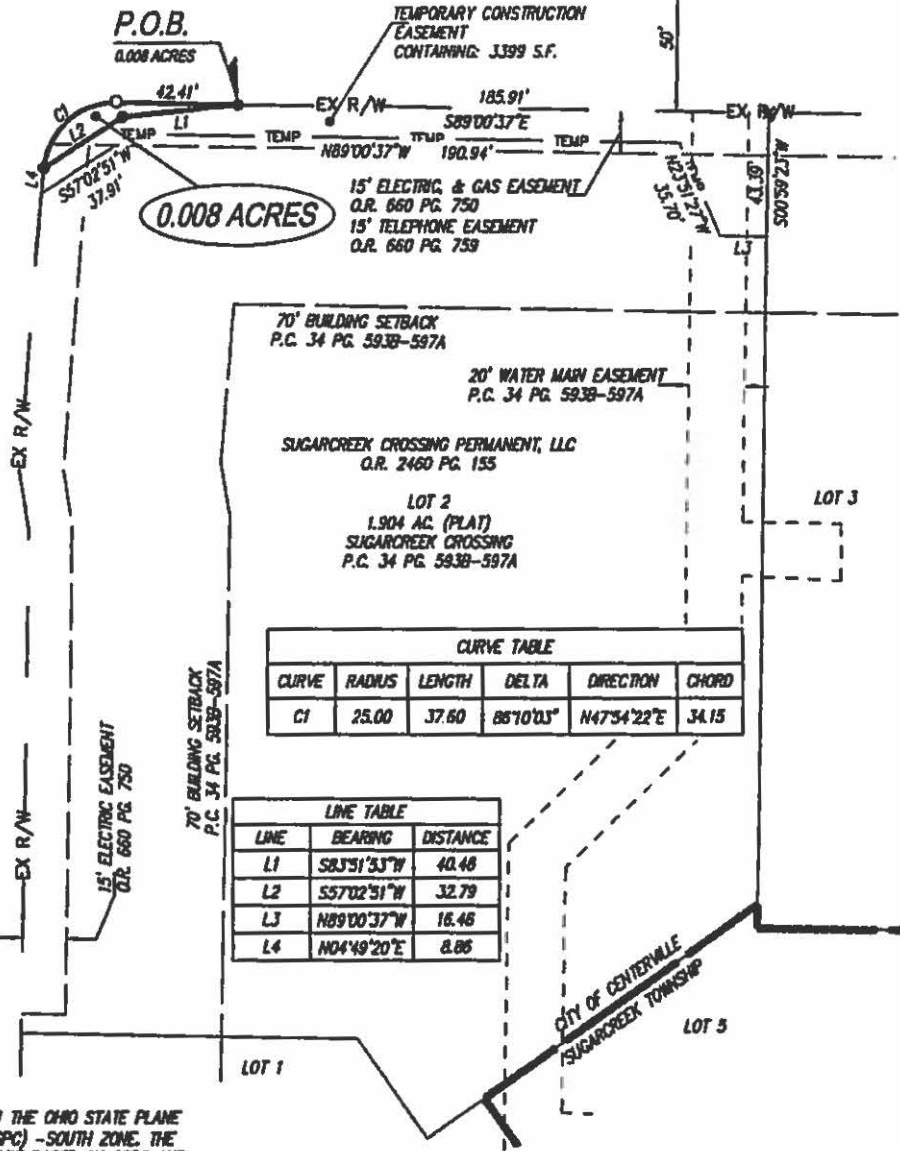
THE CITY OF CENTERVILLE  
O.R. 3442 PG. 838  
1.928 ACRES (DEED)  
S.R. 43-28



**FEEDWIRE ROAD (R/W VARIES)**

MONTGOMERY COUNTY  
GREENE COUNTY

**WILMINGTON PIKE (R/W VARIES)**



0.008 ACRES

70' BUILDING SETBACK  
P.C. 34 PG. 5938-597A

20' WATER MARK EASEMENT  
P.C. 34 PG. 5938-597A

SUGARCREEK CROSSING PERMANENT, LLC  
O.R. 2460 PG. 155

LOT 2  
1.904 AC. (PLAT)  
SUGARCREEK CROSSING  
P.C. 34 PG. 5938-597A

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
C1	25.00	37.60	86°10'03"	N47°54'22"E	34.15

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S83°51'33"W	40.48
L2	S57°02'31"W	32.79
L3	N89°00'37"W	18.48
L4	N04°49'20"E	8.86

- NOTES:**
- BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM (OSPC) - SOUTH ZONE. THE PROJECT COORDINATES ARE BASED ON OSPC AND HAVE BEEN SCALED TO GROUND BY USING A PROJECT ADJUSTMENT FACTOR OF 1.0000842433 APPLIED AT A BASE POINT OF N: 608874.24 E: 1515391.62. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.
  - ALL MONUMENTS FOUND IN GOOD CONDITION.
  - SOURCE DOCUMENTS ARE AS NOTED.
  - OCCUPATION IS AS SHOWN.

**BOUNDARY SURVEY and DIVISION**  
0.008 ACRES

- LEGEND**
- 5/8" IRON IN SET W/D CAP STAMPED "KLEINGERS"
  - 5/8" IRON PIN FOUND W/D CAP STAMPED "CESO"
  - × CROSS NOTCH FOUND

**SURVEYED BY:**  
*Randy C. Wolfe* 3-11-14  
Randy C. Wolfe Reg. Surveyor No. 8033



**GRANTOR** SUGAR CREEK CROSSING, LLC  
**GRANTEE** THE CITY OF CENTERVILLE

**APPROVED**  
Greene County Engineer  
By \_\_\_\_\_ Date \_\_\_\_\_  
**APPROVED BY:** \_\_\_\_\_  
**ZONING** \_\_\_\_\_ **DATE** \_\_\_\_\_  
**RPCC, CITY, OR VILLAGE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**LOCATION:**  
Section 8, Town 2, Range 6, MB  
**CITY OF CENTERVILLE**  
GREENE COUNTY, OHIO  
Date 3/10/14 JOB NO.: 130384VSD000