

ORDINANCE NO. 32-14

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beck ON THE 15th DAY OF December, 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 WIDENING OF WILMINGTON PIKE FROM EXISTING WILMINGTON PIKE AND FEEDWIRE ROAD INTERSECTION TO SOUTH 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. 41-14, passed on October 20, 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. 41-14 passed October 20, 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 and improving Wilmington Pike 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 "C" both exhibits hereby attached and incorporated by reference.

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

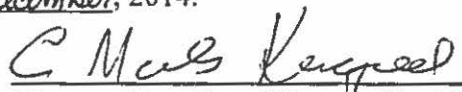
SECTION 4. The City of Centerville, Ohio does hereby declare that the total value of the said easement appropriated is the sum of \$63,166.00. The Municipal Attorney or his designee is hereby authorized to deposit with the Clerk of the Common Pleas Court in said appropriation case the sum of \$63,166.00, 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 15th day of December, 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. 32-14, passed by the Council of the City of Centerville, Ohio on the 15th day of December, 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
0.077 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. 2460 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 at the southwest corner of said Lot 2 also being in the east right of way line of Wilmington Pike;

Thence along said east right of way line the following three (3) courses:

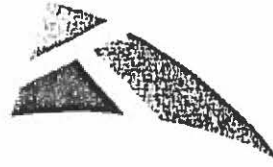
1. N01°00'29"E a distance of 175.67 feet;
2. N09°12'50"W a distance of 20.62 feet;
3. N04°49'20"E a distance of 106.36 feet to an 5/8" iron pin found in the south right of way line of Feedwire Road;

Thence along said south right of way line, N57°02'51"E a distance of 32.79 feet to a 5/8" iron pin found;

Thence continuing, N83°51'53"E a distance of 22.81 feet to a 5/8" iron pin found;

Thence through the aforesaid Lot 2, the following nine (9) courses:

1. Along a curve to the left for an arc distance of 29.04 feet to a 5/8" iron pin set, said curve having a radius of 39.00 feet, a central angle of 42°39'42" and a chord which bears S62°32'02"W a distance of 28.37 feet;
2. S41°12'11"W a distance of 9.80 feet to a 5/8" iron pin set;
3. Along a curve to the left for an arc distance of 6.44 feet to a 5/8" iron pin set, said curve having a radius of 16.00 feet, a central angle of 23°04'26" and a chord which bears S29°39'58"W a distance of 6.40 feet;



4. Along a curve to the left for an arc distance of 8.67 feet to a 5/8" iron pin set, said curve having a radius of 41.00 feet, a central angle of 12°07'08" and a chord which bears S12°04'12"W a distance of 8.66 feet;
5. Along a curve to the left for an arc distance of 144.10 feet to a 5/8" iron pin set, said curve having a radius of 7744.00 feet, a central angle of 1°03'58" and a chord which bears S05°28'39"W a distance of 144.10 feet;
6. S06°28'36"E a distance of 25.42 feet to a 5/8" iron pin set;
7. S04°49'59"W a distance of 49.61 feet to a 5/8" iron pin set;
8. S05°41'11"E a distance of 32.86 feet to a 5/8" iron pin set;
9. S04°49'59"W a distance of 37.20 feet to a 5/8" iron pin set in the south line of said Lot 2;

Thence along said south line, N88°59'31"W a distance of 7.38 feet to the Point of Beginning;

Containing 0.077 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.



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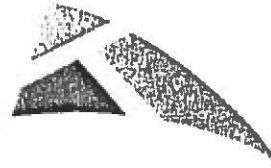
**LEGAL DESCRIPTION
SUGARCREEK CROSSING, LLC
TEMPORARY CONSTRUCTION EASEMENT**

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 a point in the south line of said Lot 2 being S88°59'31"E a distance of 7.38 feet from the southwest corner of said Lot 2;

Thence through said Lot 2 the following nine (9) courses:

1. N04°49'59"E a distance of 37.20 feet;
2. N05°41'11"W a distance of 32.86 feet;
3. N04°49'59"E a distance of 49.61 feet;
4. N06°28'36"W a distance of 25.42 feet;
5. Along a curve to the right for an arc distance of 144.10 feet, said curve having a radius of 7744.00 feet, a central angle of 1°03'58" and a chord which bears N05°28'39"E a distance of 144.10 feet;
6. Along a curve to the right for an arc distance of 8.67 feet, said curve having a radius of 41.00 feet, a central angle of 12°07'08" and a chord which bears N12°04'12"E a distance of 8.66 feet;
7. Along a curve to the right for an arc distance of 6.44 feet, said curve having a radius of 16.00 feet, a central angle of 23°04'26" and a chord which bears N29°39'58"E a distance of 6.40 feet;
8. N41°12'11"E a distance of 9.80 feet;
9. Along a curve to the left for an arc distance of 29.04 feet to a point in the south right of way line of Feedwire Road, said curve having a radius of 39.00 feet, a central angle of 42°39'42" and a chord which bears N62°32'02"E a distance of 28.37 feet;



Thence along the south right of way line of said Feedwire Road, N83°51'53"E a distance of 14.51 feet;

Thence through said Lot 2 the following five (5) courses:

1. S00°55'38"W a distance of 11.46 feet;
2. N89°04'22"W a distance of 23.03 feet;
3. Along a curve to the left for an arc distance of 116.51 feet, said curve having a radius of 6127.50 feet, a central angle of 1°05'22" and a chord which bears S05°45'40"W a distance of 116.51 feet;
4. N84°47'01"W a distance of 19.38 feet;
5. S00°47'31"W a distance of 198.87 feet to the south line of the aforesaid Lot 2;

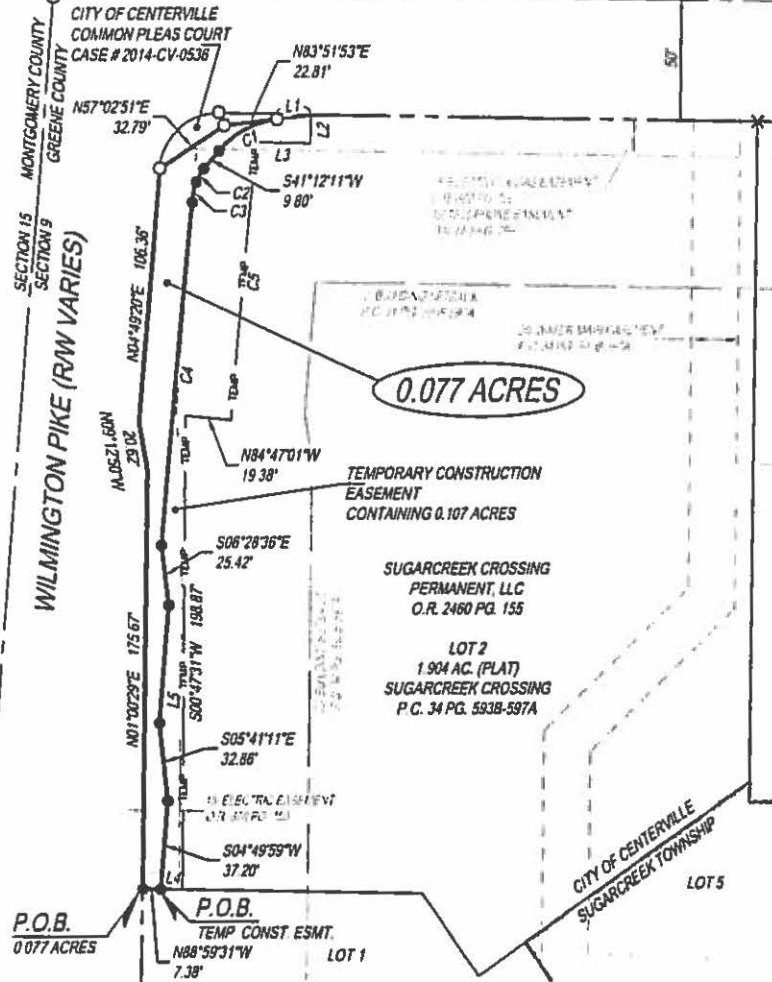
Thence along said south line, N88°59'31"W a distance of 9.02 feet to the Point of Beginning;

Containing 0.107 acres 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 CITY OF CENTERVILLE
O.R. 3442 PG. 838
1.928 ACRES (DEED)
S.R. 43-28

FEEDWIRE ROAD (RW VARIES)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83°51'53"E	14.51
L2	S00°55'38"W	11.48
L3	N89°04'22"W	23.03
L4	N88°59'31"W	9.02
L5	S04°49'59"W	49.61

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
C1	39.00	29.04	42°39'42"	S62°32'02"W	28.37
C2	18.00	6.44	23°04'26"	S29°39'58"W	6.40
C3	41.00	8.67	12°07'08"	S12°04'12"W	8.66
C4	7744.00	144.10	1°03'58"	S05°28'39"W	144.10
C5	6127.50	118.51	1°05'22"	S05°45'40"W	118.51

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 1.0000942433 APPLIED AT A BASE POINT OF N: 608674.24 E: 1515391.69. 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
0.077 ACRES

LEGEND

- 5/8" IRON IN SET W/10 CAP STAMPED "KLEINGERS"
- 5/8" IRON PIN FOUND W/10 CAP STAMPED "CESO"
- × CROSS NOTCH FOUND



THE
KLEINGERS
GROUP

CIVIL ENGINEERING www.kleingers.com
SURVEYING 4305 Centre Park Dr.
LANDSCAPE West Chester, OH 45069
ARCHITECTURE 513.779.7851

SURVEYED BY:

Randy C. Wolfe Reg. Surveyor No. 8033

APPROVED
Greene County Engineer

By _____ Date _____

APPROVED BY:

ZONING _____ DATE _____

RPCC, CITY, OR VILLAGE _____ DATE _____

GRANTOR SUGAR CREEK CROSSING PERMANENT, LLC

GRANTEE THE CITY OF CENTERVILLE

LOCATION:

Section 9, Town 2, Range 6, M_{rs}

CITY OF CENTERVILLE
GREENE COUNTY, OHIO

Date 10/7/14 JOB NO.: 130551VSD000

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