

ORDINANCE NO. 11-13
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beale ON THE 16th
DAY OF September, 2013.

AN ORDINANCE AMENDING ORDINANCE NUMBER 14-08, CHAPTER 1216, THE UNIFIED DEVELOPMENT ORDINANCE AS AMENDED, TO REZONE .571 ACRES OF LAND, MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF SPRING VALLEY ROAD AND STATE ROUTE 48 INTERSECTION FROM WASHINGTON TOWNSHIP B-2, TO B-2, GENERAL BUSINESS ZONE CLASSIFICATION.

WHEREAS, the property located at the southeast corner of Spring Valley Road and State Route 48 (the "Property") currently has a Washington Township B-2 zone classification; and

WHEREAS, the Property is in the process of being annexed into the City of Centerville; and

WHEREAS, an application was filed to amend the zoning map for the Property to B-2, General Business zone classification; and

WHEREAS, Planning Commission after a public hearing voted to recommend approval of the zoning amendment requested; and

WHEREAS, pursuant to Section 5.07 of the Unified Development Ordinance ("UDO"), City Council upon receipt of the recommendation is to introduce a proposed ordinance to be set for a public hearing on the zoning amendment; and

WHEREAS, City Council may either adopt, deny or modify the Planning Commission's recommendation; and

WHEREAS, City Council intends to adopt the Planning Commission's recommendation with regards to the zoning amendment;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. The Official Zoning Map attached to Ordinance Number 14-08, Chapter 1216, Article 7 of the Unified Development Ordinance, passed on the 15th day of December, 2008, and as subsequently amended, be, and the same hereby is amended to

rezone .571 acres of land, more or less, located at the southeast corner of Spring Valley Road and State Route 48 from Washington Township B-2 zone classification, to B-2, General Business zone classification. The legal description for the Property is marked Exhibit "A", attached hereto and incorporated herein. Included is Parcel Identification number O67-38-11-52.


Section 2. The zoning map of the City of Centerville, Ohio, shall be revised to reflect these adjustments.

Section 3. This ordinance shall become effective thirty days after the City of Centerville's acceptance of the Annexation of the Property or within thirty days of passage of this Ordinance, whichever occurs last.

PASSED THIS 16th day of September, 2013.


Mayor of the City of Centerville, Ohio

ATTEST:


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. 11-13, passed by the Council of the City of Centerville, Ohio on the 16th day of September, 2013.


Clerk of the Council

Approved as to form,
consistency with the Charter
and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT A
(9010 Dayton Lebanon Pike, Dayton, Ohio)

Auditor's Parcel No. 067-03811-0052:

Situated in the City of Centerville, Township of Washington, County of Montgomery, State of Ohio:

The following described real estate situate in the Northeast Quarter of Section 29, Town 3, Range 5 MRS, City of Centerville, County of Montgomery and State of Ohio and being a part of the Kermit and Treva C. Martin 2.05 acre tract as recorded in Deed Book 1777, Page 50 on the Deed Records of said County and being more particularly described as follows:

Beginning at the Northwest corner of said quarter section;

Thence Eastwardly with the North line of said quarter section, and the center line of Spring Valley Road a distance of 200 feet to a railroad spike, the interior angle at the point of beginning between the West line of said quarter and the North line of said quarter being 94 deg. 37';

Thence Southwardly on a line which makes an interior angle of 85 deg. 23' to the left from the last described line a distance of 200 feet to an iron pin;

Thence Westwardly on a line which makes an interior angle of 94 deg. 37' to the left from the last described line a distance of 200 feet to a point on the West line of said quarter section;

Thence Northwardly with the West line of said quarter section and with the center line of the Dayton-Lebanon Pike which makes an interior angle of 85 deg. 23' to the left from the last described line a distance of 200 feet to the place of beginning, containing 0.92 of an acre, more or less.

LESS AND EXCEPT that certain portion of the property appropriated by the City of Centerville, Ohio by Ordinance No. 11-89, as further described as follows:

Situate in the City of Centerville, Section 29, Town 3, Range 5 M.R.S., Washington Township, Montgomery County, State of Ohio and being a part of a 0.92 acre tract conveyed to Standard Oil Company by deed recorded in Deed Book 1813, Page 555 of the Deed Records of Montgomery County, with centerline bearings based on a survey by Lockwood Jones and Beals Inc., done in 1986 and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 48 with the centerline of Spring Valley Road;

Thence with the centerline of S.R. 48, South 1 deg. 00' 00" East 200.00 feet to the grantor's Southwest corner and the true point of beginning, said point being 0.00 feet right of the centerline of S.R. 48 Station 45+69.33;

Thence North 1 deg. 00' 00" West 200.00 feet to a point on grantor's North line and a point on the centerline of S.R. 48 Station 47+69.33;

Thence North 84 deg. 21' 52" East 200.00 feet to the grantor's Northeast corner, said point 0.00 feet right of the centerline of Spring Valley Road Station 121+91.41;

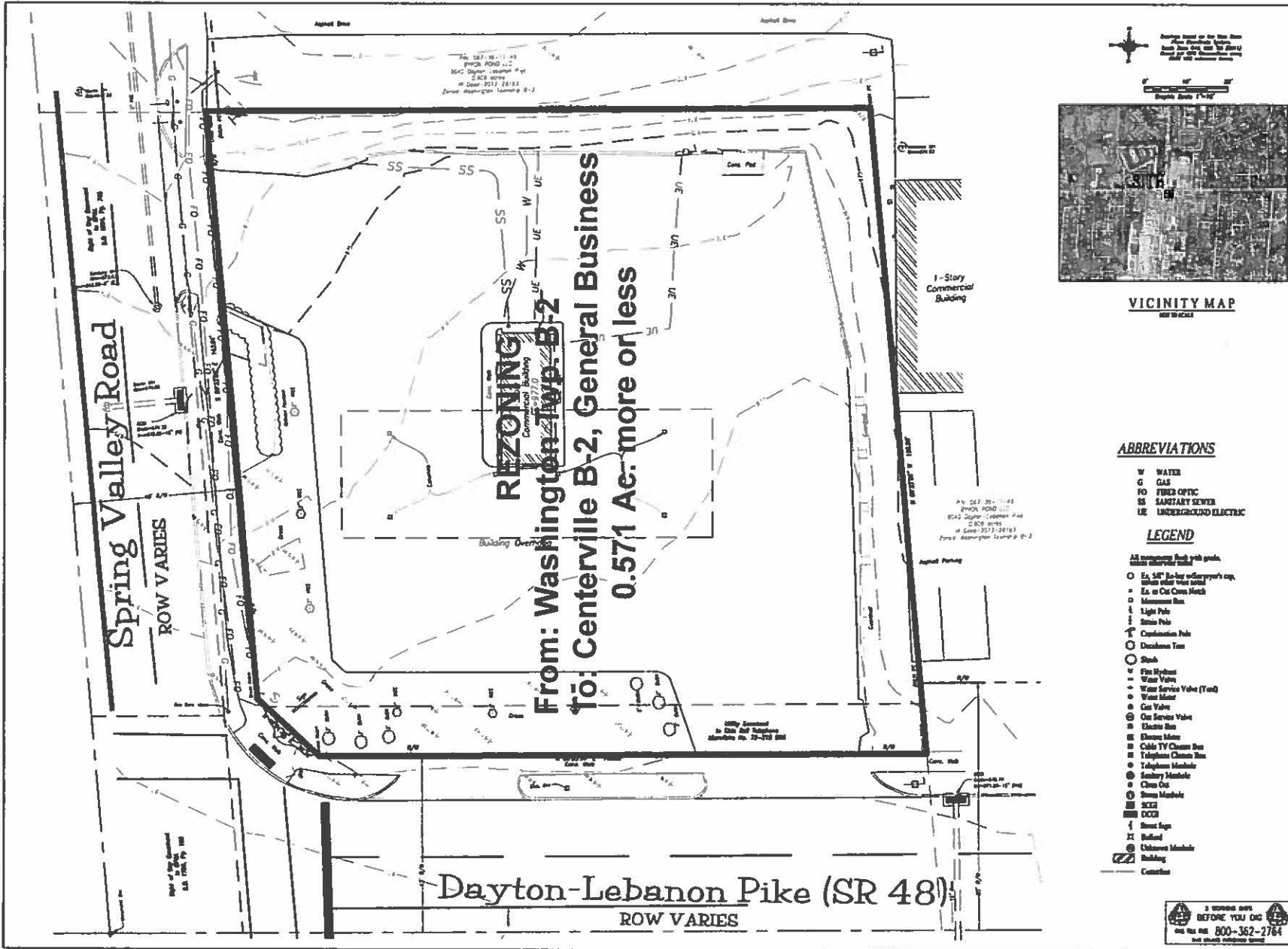
Thence South 1 deg. 01' 08" East 40.13 feet to a point 40.00 feet right of the centerline of Spring Valley Road Station 121+89.18;

Thence South 84 deg. 21' 52" West 143.04 feet to a point 40.00 feet right of the centerline of Spring Valley Road Station 120+46.14;

Thence South 41 deg. 40' 56" West 20.34 feet to a point 43.00 feet right of the centerline of S.R. 48 Station 47+18.85;

Thence South 1 deg. 00' 00" East 146.04 feet to a point on the grantor's South line 43.00 feet right of the centerline of S.R. 48 Station 45+72.81;

Thence South 84 deg. 21' 57" West 43.14 feet to the point of beginning, containing 0.3437 acres, (14970 sq. ft.), more or less.



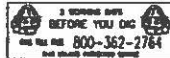
VICINITY MAP

ABBREVIATIONS

- W WATER
- G GAS
- FO FIBER OPTIC
- SS SANITARY SEWER
- LE UNDERGROUND ELECTRIC

LEGEND

- All measurements shall yield grade, unless otherwise noted.
- Ex. 50" In-dia. water pipe cap, unless other size noted
 - Ex. 6" Cu. Gas Hitch
 - Manhole Box
 - Light Pole
 - Storm Pole
 - ↑ Combustion Pole
 - Ductman Tee
 - Stack
 - Fire Hydrant
 - Water Valve
 - Water Service Valve (Tee)
 - Water Meter
 - Gas Valve
 - Gas Service Valve
 - Electric Box
 - Electric Meter
 - Cable TV Channel Box
 - Telephone Channel Box
 - Telephone Manhole
 - Sanitary Manhole
 - Clean Out
 - Storm Manhole
 - SECS
 - CCC
 - ↑ Street Sign
 - XX Bellhole
 - Unknown Manhole
 - Building
 - Contour



PLANS PREPARED BY:

LAND CONSULTANTS
SBE Certified
MEMBER: International Project Managers
The Engineering Council
Land Development Control Panel
Community and Economic Planning

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PLANS PREPARED FOR:

GILLIGAN OIL COMPANY LLC
Baldwin 300 Suite 525
633 Eden Park Drive
Cincinnati, OH 45202

PROJECT NAME:

DUNKIN DONUTS COFFEE & MORE

9010 Dayton Lebanon Pike
City of Centerville
Montgomery County, Ohio

SHEET TITLE:

EXISTING CONDITIONS SURVEY

LC PROJECT NO. SLIPPERY	DRAW FILE NAME 800-13.dwg
LCN PROJECT NO. 800-13	TAB NAME AS-BUILT
DATE 7/25/13	DRAWING NO. C0.0
SCALE 1"=10'	SHEET 1 of 1