

ORDINANCE NO. 14-06

CITY OF CENTERVILLE

SPONSORED BY COUNCIL MEMBER Brooks Compton ON THE
15th DAY OF May, 2006.

AN EMERGENCY ORDINANCE BY THE COUNCIL OF THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, STATE OF OHIO TO APPROPRIATE CERTAIN REAL PROPERTY LOCATED AT 1 N. MAIN STREET, CENTERVILLE, OHIO FOR PUBLIC PURPOSES; AND DECLARING AN EMERGENCY.

Whereas, the City Council of Centerville, Ohio by Resolution No. 19-06, passed on April 17, 2006, declared its intention to appropriate certain 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. There is hereby appropriated an easement for the purpose of making a road improvement which shall be open to the public without charge as more fully described in Exhibit "A" attached and incorporated herein.

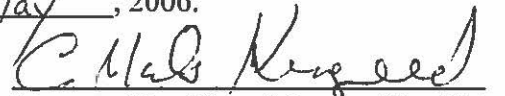
SECTION 2. The City of Centerville, Ohio does hereby declare that the total value of the said easement appropriated is the sum of \$10,136.25.

SECTION 3. The Municipal Attorney or his designee is hereby authorized and directed to apply to the Court of Common Pleas, Montgomery County, Ohio, for the purpose of assessing the compensation to be paid for said real property.

SECTION 4. 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 \$10,136.25, the value of the real property appropriated.

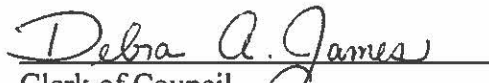
SECTION 5. This ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public safety and welfare is hereby declared to exist by virtue of the fact that the ordinance must be effective to allow construction to continue in the APD for completion of a public parking lot.

PASSED this 15th day of May, 2006.



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. 14-06, passed by the Council of the City of Centerville, Ohio on the 15th day of May, 2006.



Clerk of Council

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

EXHIBIT A

Situate in the City of Centerville, Montgomery County, Ohio, Section 25, Town 2, Range 5 M.R.s. and being Part of Lot 19 and Part of Lot 20 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to John T. & Roberta J. Gramann by MF# 97-248D05 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Starting for reference at a mag nail found at the southwest corner of Lot 1 of the Centerville Benjamin Robbins Plat, Section One recorded in Plat Book 201, Page 6 and also being in the north line of said Gramann's Parcel;

Thence N 89°40'29" W with the north line of said Gramann's Parcel and also being the south line of Lot 2 of said Centerville Benjamin Robbins Plat a distance of 19.75 feet to a mag nail set and the True Point of Beginning for the herein described parcel;

thence S 04°49'16" W with a new division line through said Gramann's Parcel passing a 5/8" rebar set at 75.57 feet on the north right-of-way line of West Franklin Street (66') for a total distance of 108.57 feet to a mag nail set in south line of Lot 19 and also being the original centerline of West Franklin Street;

thence S 84°40'23" W with the south line of Lot 19 a distance of 42.41 feet to a mag nail set at the southwest corner of said Lot 19 and also being the southeast corner of Lot 21 of said Benjamin Robbins Plat;

thence N 01°04'21" E with the west line of said Lot 19 and the east line of said Lot 21 passing a 5/8" iron pin found at 33.21 feet on the north right-of-way line of West Franklin Street (66') for a total distance of distance of 112.32 feet to a mag nail found in the south line of said Lot 2 of the Centerville Benjamin Robbins Flat and also being the northwest corner of said Gramann's Parcel;

thence S 89°40'29" E with the south line of said Lot 2 and also being the north line of said Gramann's Parcel a distance of 31.00 feet to the True Point of Beginning, subject to all legal conditions, easements and rights-of-way of record, containing 0.0928 Acres Total, of which 0.0308 acres are within the right-of-way. This description prepared by McDougall, Marsh, & Chico, based on a survey made by same in January 2003, October 2004 and March 2006. Bearings are based on the south line (N 89°40'29" W) of Lot 1 of the Centerville Robbins Plat Section One recorded in Flat Book 201, Page 6 of the Montgomery County Recorder's Office.