

ORDINANCE NO. 5-94
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 7th
DAY OF March, 1994.

AN EMERGENCY ORDINANCE ACCEPTING THE APPLICATION OF JUNE A. SULLIVAN, JEAN K. JACOBY, AND BANK ONE OHIO TRUST COMPANY, NA, TRUSTEE UNDER THAT REVOCABLE LIVING TRUST AGREEMENT OF RUSSELL S. MILLER DATED OCTOBER 10, 1980 FOR ANNEXATION OF TERRITORY.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the application of June A. Sullivan, Jean K. Jacoby, and Bank One Ohio Trust Company, NA, Trustee under that Revocable Living Trust Agreement of Russell S. Miller dated October 10, 1980, for the annexation of the following described territory:

In the County of Montgomery and adjacent to the City of Centerville, Ohio, to-wit:

Located in Section 36, Town 3, Range 5, M.R.S., Township of Washington, County of Montgomery, State of Ohio, and being a tract of land described as follows:

Beginning at the northeast corner of said Section 36, said point being also in the Corporation line of the City of Centerville, Ohio, as recorded in Book "UU", Pages 16-19, in the Plat Records of Montgomery County, Ohio:

Thence with the east line of said Section 36, and the said City of Centerville Corporation line, south three degrees twenty-eight minutes twenty-nine seconds (3-28-29) West for eight-hundred thirteen and 19/100 (813.19) feet, to the TRUE POINT of BEGINNING;

Thence still with the east line of said Section 36, and the said City of Centerville Corporation line, South three degrees twenty-eight minutes twenty-nine seconds (3-28-29) West for one-thousand eight-hundred sixty-one and 61/100 (1861.61) feet, to the northeast corner of Oak Creek South Section 12, as recorded in Book 96, Page 34, in the Plat Records of Montgomery County, Ohio;

Thence with the north line of said Oak Creek South Section 12, South eighty-seven degrees thirty minutes eight seconds (87-30-08) West for one-thousand three-hundred fifty-three and 66/100 (1353.66) feet, to the northeast corner of Oak Creek South Section 8, as recorded in Book 94, Page 43, in the Plat Records of Montgomery County, Ohio;

Thence with the north line of said Oak Creek South Section 8, and its westward extension being the north line of Oak Creek South Section 11, as recorded in Book 95, Page 30, in the Plat Records of Montgomery County, Ohio, South eighty-seven degrees fifty-three minutes twenty-eight seconds (87-53-28) West for one-thousand three-hundred fifty-eight and 00/100 (1358.00) feet, to the southeast corner of Oak Creek South Section 3, as recorded in Book 91, Pages 83 and 84, in the Plat Records of Montgomery County, Ohio;

Thence with the east line of said Oak Creek South Section 3, North three degrees forty minutes forty-four seconds (3-40-44) East for two-thousand twenty-one and 1/100 (2021.01) feet, to the southwest corner of land conveyed to Society Bank, Trustee by deed recorded in microfiche 87-0397A09, in the Deed Records of Montgomery County, Ohio;

Thence with the south line of said Society Bank Trustee land, and its eastward extension being the south line of land conveyed to John E. Voss, Jr., by deed recorded in Microfiche 89-0597C07 in the Deed Records of Montgomery County, Ohio, North eighty-seven degrees fifty-two minutes no seconds (87-52-00) East for one-thousand thirty-seven and 67/100 (1037.67) feet.

Thence leaving said south line, south no degrees four minutes thirty seconds (00-04-30) West for one-hundred fifty-four and 22/100 (154.22) feet;

Thence North eighty-seven degrees forty-three minutes sixteen seconds (87-43-16) East for one-thousand six-hundred fifty-seven and 17/100 (1657.17) feet, to the TRUE POINT OF BEGINNING, containing one-hundred nineteen and 547/10000 (119.0547) acres, more or less, subject however, to all legal highways and easements of record. Curve distances are measured on the arc.

NOTE: The above described tract of land being out of land conveyed to Russell S. Miller, Et Al, by deed recorded in Microfiche 82-262D10, in the Montgomery County, Ohio Deed Records.

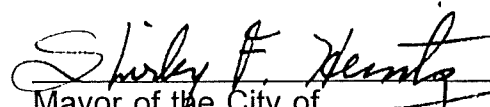
an accurate map of which territory, together with the Petition for its annexation and other papers relating thereto, and a certified transcript of the proceedings of the County

Commissioners in relation thereto are on file with the Clerk of Council of said City, be and the same is hereby accepted.

Section 2. The conditions for annexation stated in Resolution No. 93-2394 of the Board of County Commissioners of Montgomery County are hereby accepted.

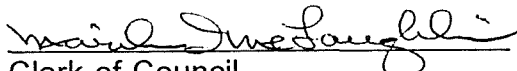
Section 3. This ordinance shall become effective 30 days after passage. An emergency affecting public welfare is hereby declared to exist by virtue of the fact that petitioners have a contingent contract for the sale of the land that is to be annexed and if the contingency is not timely met, the construction of homes in the territory sought to be annexed may not take place.

PASSED THIS 7th day of March, 1994.



Mayor of the City of
Centerville, Ohio

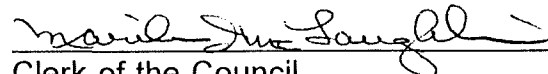
ATTEST:



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. 5-94, passed by the Council of the City of Centerville, Ohio on the 7th day of March, 1994.



Clerk of the Council

CVILLE\8270.RNF
Approved as to form, consistency
with existing ordinance, the
charter & constitution of this city.

Robert H. Farquhar
Municipal Attorney