

ORDINANCE NO. 9-92
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Klugseed ON THE
17th DAY OF August, 1992.

AN ORDINANCE AUTHORIZING THE ANNEXATION OF REAL PROPERTY OWNED BY THE CITY OF CENTERVILLE CONTIGUOUS TO ITS BORDERS AND DIRECTING THE CITY LAW DIRECTOR OF THE CITY OF CENTERVILLE TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION PURSUANT TO REVISED CODE SECTIONS 709.14 ET SEQ.

WHEREAS, the Council of the City of Centerville has held a public hearing to receive evidence and to make findings concerning the annexation of certain real property to the City of Centerville; and

WHEREAS, as a result of said public hearing the Council of the City of Centerville now makes certain findings; and

WHEREAS, the Council of the City of Centerville hereby finds that the real property described in Exhibit A and attached hereto and incorporated by reference is all owned by the City of Centerville; is entirely located within Montgomery County, the same county within which the City of Centerville is situated, and is contiguous to the corporate boundaries of the City of Centerville; and

WHEREAS, the purpose to which said City property is to be put is for the development of a municipally owned golf course and a surrounding golf course residential community, all of which will exist as an integrated, coordinated and homogeneous development; and

WHEREAS, the property, once annexed and developed, will be served by Shawnee Trail a collector street which was designed as such and to serve areas in addition to the residences which border said Shawnee Trail; and

WHEREAS, once the said annexation is approved and the development is completed, the resulting golf course community will become an integral part of the entire Centerville community and contribute to the sense of community and unity of the entire Centerville corporation; and

WHEREAS, the Council of the City of Centerville finds that the length of the border of the land owned by the City of Centerville which it seeks to annex to the City of Centerville is more than adequate to serve the planned purpose of providing a major entryway into the coordinated golf course

community and was not merely included to provide contiguity; and

WHEREAS, the Council of the City of Centerville further finds that upon said annexation having been approved, all of the City services presently being supplied to the existing citizens of the City of Centerville can be supplied to the newly annexed area to the same quality and degree; and

WHEREAS, the annexation of the area containing a golf course and the golf course community will promote the unity of community interests of the City of Centerville by providing to all of its citizens a facility which does not now exist and since the area can and will be served by public streets presently located within the geographical boundaries of the City of Centerville, the annexation will promote the geographical unity of the City of Centerville with the newly annexed area.

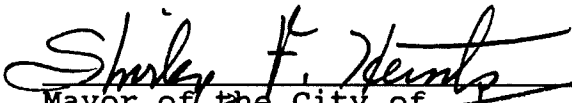
NOW, THEREFORE, in consideration of the foregoing recitations and the evidence adduced at public hearing,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the annexation of the property described in Exhibit A attached hereto and incorporated herein is hereby authorized and approved and the Director of Law is hereby directed to prosecute the proceedings necessary to effect same all as provided in Revised Code Sections 709.14 et seq.

Section 2. This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 17th day of August, 1992.


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. 9-92, passed by the Council of the City of Centerville, Ohio on the 17th day of August, 1992.


Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney

McDOUGALL ASSOCIATES

Professional Land Surveyors
956 Senate Drive
Dayton, Ohio 45459
513-438-9787

DESCRIPTION OF LAND TO BE ANNEXED
TO THE CITY OF CENTERVILLE, OHIO
JUNE 24, 1992

Situate in Sections 4 and 5, Town 2, Range 5 M.R.s. and in Sections 34 and 35, Town 3, Range 5 M.R.s., Washington Township, Montgomery County, Ohio and being more particularly described as follows:

Beginning at the intersection of the north right-of-way line of Social Row Road (49.5 feet wide) and the east right-of-way line of Yankee Street Pike (49.5 feet wide);

thence from said point of beginning in a northerly direction with the east right-of-way line of Yankee Street Pike a distance of 2995.0 feet, more or less, to the south line of the land conveyed to Kenneth and Sheryl Spires by deed recorded in MF#86-206A11 and 88-154C05;

thence in an easterly direction with the south line of said Spires tract a distance of 188.2 feet, more or less to the southeast corner of said tract;

thence in a northerly direction with the east line of said Spires tract a distance of 228.0 feet to the northeast corner of said tract;

thence in a westerly direction with the north line of said Spires tract a distance of 188.2 feet, more or less to the east right-of-way line of Yankee Street Pike;

thence with the east R/W line of Yankee Street Pike the following four courses:

- (1) in a northerly direction 840.0 feet, more or less,
- (2) in a northerly direction 798.6 feet, more or less,
- (3) in a northerly direction 400.0 feet, more or less,
- (4) in a northerly direction 38.2 feet, more or less to the south line of the land conveyed to Ronald and Christine Hill by deed recorded in MF#89-508D12;

thence in an easterly direction with the south line of said Hill tract a distance of 693.3 feet, more or less to the southeast corner of said tract;

thence in a northerly direction with the east line of said Hill tract a distance of 177.5 feet to the northeast corner of said Hill tract;

thence in a westerly direction with the north line of said Hill tract a distance of 701.1 feet, more or less to the east right-of-way line of Yankee Street Pike;

thence in a northerly direction with said east R/W line a distance of 490.0 feet, more or less to the south line of the land conveyed to Yankee Development Group by deed recorded in MF#87-605E02;

thence in a southeasterly direction with the south line of said Yankee Development Group tract a distance of 2783.2 feet, more or less to the southeast corner of said tract;

thence in a southerly direction with the east line of the 66.890 acre tract conveyed to the City of Centerville by deed

recorded in MF#90-281B03 a distance of 1133.9 feet, more or less to the northwest corner of the 10.000 acre tract conveyed to the City of Centerville by deed recorded in MF#90-248E12;

thence in a southeasterly direction with the north line of said 10.000 acre tract a distance of 565.6 feet, more or less to the northeast corner of said tract;

thence in a southerly direction with the east line of said 10.000 acre tract a distance of 807.2 feet, more or less to the southeast corner of said tract;

thence in a westerly direction with the south line of said 10.000 acre tract a distance of 565.6 feet, more or less to the northeast corner of the 128.985 acre tract conveyed to the City of Centerville by deed recorded in MF#90-249A01;

thence in a southerly direction with the east line of said 128.985 acre tract a distance of 1170.0 feet, more or less to the southwest corner of the land conveyed to Alan J.

Rodeck by deed recorded in MF#87-151A03;

thence in an easterly direction with the south line of said Rodeck tract and its eastward extension a distance of 1335.6 feet, more or less to the east right-of-way line of Paragon Road;

thence in a northerly direction with the east right-of-way line of Paragon Road a distance of 62.7 feet, more or less to the south line of the land conveyed to Albert J. Turner, Jr. by deed recorded in MF#89-270D01;

thence in an easterly direction with the south line of said Turner tract a distance of 1401.4 feet, more or less to the west line of Lot #270 of Rose Estates, Section 14, recorded in Plat Book 107, Page 47;

thence in a southerly direction with the west line of said Rose Estates, Section 14 a distance of 330.0 feet, more or less to a corner of the 13.056 acre tract conveyed to the City of Centerville by deed recorded in MF#90-524C12;

thence in a northwesterly direction with said 13.056 acre tract a distance of 42.3 feet, more or less to a corner of said tract;

thence in a southerly direction with the east line of said 13.056 acre tract and the 4.118 acre tract conveyed to the City of Centerville by deed recorded in MF#90-524C12 a distance of 291.6 feet to the northeast corner of the land conveyed to Michael H. Willcox by deed recorded in MF#88-119D09 and 88-702D11;

thence in a westerly direction with the north line of said Willcox tract a distance of 880.9 feet, more or less to the southeast corner of the land conveyed to John E. and Evelyn Bollinger by deed recorded in MF#90-528B10;

thence in a northerly direction with the east line of said Bollinger tract a distance of 203.7 feet, more or less to the northeast corner of said tract;

thence in a westerly direction with the north line of said Bollinger tract a distance of 483.0 feet, more or less to the east right-of-way line of Paragon Road;

thence in a northerly direction with said east R/W line a distance of 139.4 feet, more or less to the eastward

extension of the north line of the land conveyed to Ronald D. and Mary Jo Goenner by deed recorded in MF#79-470A02;
thence in a westerly direction with the north line of said Goenner and its eastward extension a distance of 1334.4 feet, more or less to the corner common to Sections 34 and 35, Town 3, Range 5, M.R.s. and Sections 4 and 5, Town 2, Range 5, M.R.s.;
thence in a southerly direction with the east line of said Section 4 a distance of 2652.9 feet, more or less to the north right-of-way line of Social Row Road;
thence in a northwesterly direction with said north right-of-way line a distance of 2845.0 feet, more or less to the point of beginning, containing 401.420 acres of land, more or less, subject to all legal conditions, easements and rights-of-way of record. This description prepared by McDougall Associates based on Montgomery County Tax Records and does not represent an actual survey.

Kirk P. Diehl, P.S. #7032

LIST OF PROPERTY OWNERS
AND DEED REFERENCES
OF PARCELS TO BE ANNEXED
TO THE CITY OF CENTERVILLE, OHIO
JUNE 24, 1992

1. City of Centerville MF#90-339D10,D11, 127.000
acres/124.249 acres to be annexed
2. City of Centerville MF#90-249A01, 128.985 acres/128.925
acres to be annexed
3. City of Centerville MF#90-248E12, 50.290 acres/49.836
acres to be annexed
4. City of Centerville MF#90-281B03, 66.890 acres/66.360
acres to be annexed
5. City of Centerville MF#90-248E12, 10.00 acres
6. City of Centerville MF#90-248E10, 6.028 acres
7. City of Centerville MF#90-524C12, 13.056 acres/12.904
acres to be annexed
8. City of Centerville MF#90-524C12, 4.118 acres