

ORDINANCE NO. 9-90
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer

ON THE 18th DAY OF June, 1990.

AN ORDINANCE TO PROVIDE FOR THE ADJUSTMENT OF THE BOUNDARY LINES BETWEEN THE CITY OF CENTERVILLE AND THE CITY OF KETTERING AND AUTHORIZING A CONTRACT REGARDING SIDEWALK IMPROVEMENTS.

WHEREAS, the City of Centerville and the City of Kettering are mutually agreeable to the adjustment of their corporate boundary lines; and

WHEREAS, the existing and proposed boundary lines have been duly and accurately surveyed and land descriptions prepared as fully set out in Exhibit "A" attached hereto and incorporated herein by reference as if wholly rewritten; and

WHEREAS, it is necessary for the public health, safety and welfare that the mutual boundary lines between the cities of Centerville and Kettering be adjusted between the respective cities;

Now therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. This Council does hereby accept and assent to the adjustment of the corporate boundary line of the City of Centerville in conformity to the description of land stated in Exhibit "A".

Section 2. That the City of Centerville hereby grants, bargains, conveys and quit claims to the City of Kettering all of its interests and claim in any public right of way or public lands presently owned by the City of Centerville and located within that portion of land described in Exhibit "A" attached upon the effective date of the boundary adjustment.

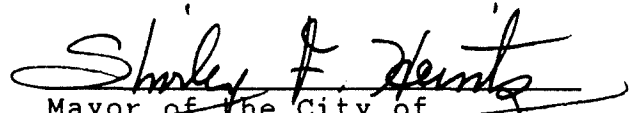
Section 3. The Council of the City of Centerville determines and finds that the change in the boundary line separating the municipal corporations of Centerville and Kettering does not involve the transfer of territory inhabited by more than five voters from one to the other or from each to the other.

Section 4. The Clerk of Council is directed to certify a copy of this ordinance to the Board of Montgomery County Commissioners. Within thirty days after the change is approved by the County Commission, the Clerk of Council is directed to notify the Board of Elections of Montgomery County, Ohio of such change in writing and shall include a plat showing the change.

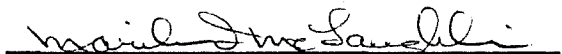
Section 5. The City Manager is hereby authorized to enter into a contract with the City of Kettering providing for payment by the City of Centerville of certain sidewalk improvements in the area being transferred.

Section 6. This ordinance shall take full force and effect from and after the earliest period allowed by law.

PASSED THIS 18th DAY OF June, 1990.


Mayor of the City of
Centerville, Ohio

ATTEST:


Clerk of the Council of
the City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 9-90, passed by the Council of the City of Centerville, Ohio, on the 18th day of June, 1990.


Clerk of the Council

cville@boundary.ord

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

Department of Law
Robert N. Farquhar
Municipal Attorney

LUIS G. RIANCHO & ASSOCIATES, INC.

SURVEYING AND ENGINEERING LAYOUT

4940 PROFIT WAY, SUITE 105

DAYTON, OHIO 45414

(513) 275-7140

LUIS G. RIANCHO, PS

JERRY MACY, PS

JAMES E. RUEMPING, PS

D89097-2

February 13, 1990

Description 2.880 Acres to Kettering

Located in City of Centerville, County of Montgomery, State of Ohio, and being part of Section 14, Town 2, Range 6 M.R.S., and being a tract of land described as follows:

beginning at the northwest corner of said section, said point being the centerline intersection of Hewitt Avenue and Bigger Road in the Street Dedication Hewitt Avenue and Bigger Road as recorded in Plat Book 91 Page 1, and the Centerline Survey Plat Bigger Road as recorded in Plat Book 121 Page 19, both in the Plat Records of Montgomery County, Ohio;

thence with the centerline of said Bigger Road, and with the west line of said Section 14, South four degrees forty-two minutes twenty seconds ($04^{\circ} 42' 20''$) West for one thousand five hundred fifty-seven and $22/100$ (1557.22) feet to the centerline of Interstate 675 as Recorded in the Location Plan Interstate Route 675 in Plat Book 99 Page 28 of the Plat Records of Montgomery County, Ohio;

thence with the centerline of said Interstate 675 North eighty-one degrees nineteen minutes zero seconds ($81^{\circ} 19' 00''$) East for one thousand eight hundred fifty seven and $34/100$ (1857.34) feet to a point in the original east line of a 17.5 acre tract conveyed to David W. and Robert E. Hoover by Deed Recorded in Micro 84-034E06 in the Deed Records of Montgomery County, Ohio;

thence with the said Hoover's original east line North three degrees thirty-six minutes two seconds ($03^{\circ} 36' 02''$) East for one hundred forty-three and $28/100$ (143.28) feet to a point in the north line of said Interstate 675, said point being the true point of beginning;

thence continuing with the said Hoover's east line, and with the proposed corporation line for the Cities of Kettering and Centerville, North three degrees thirty-six minutes two seconds ($03^{\circ} 36' 02''$) East for three hundred eighty and $15/100$ (380.15) feet to a point in the north line of said Section 14, said point being also the northeast corner of a 0.13 acre tract conveyed to the State of Ohio by Deed Recorded in Micro 85-035A10 in the Deed Records of Montgomery County, Ohio, and on the existing City of Kettering corporation line as recorded in Plat Book 66 Pages 57 thru 63, and the existing City of Centerville corporation line as recorded in Plat Book 81 Pages 1 thru 43, both in the Plat Records of Montgomery County, Ohio;

thence with the north line of said Section 14, and with the existing corporation line of said Cities of Kettering and Centerville, and with the south line of Oak Creek Four, Section 3 as recorded in Plat Book 79 Page 57 of the Plat Records of Montgomery County, Ohio, South sixty-six degrees forty minutes fifty-three seconds ($66^{\circ} 40' 53''$) East for six hundred eighty-five and $44/100$ (685.44) feet to the southeast corner of said Oak Creek Four, Section 3, said point being the southwest corner of Oak Creek Four, Section 6 as recorded in Plat Book 91 Page 53 of the Plat Records of Montgomery County, Ohio;

thence with the south line of said Oak Creek Four, Section 6, and with the north line of said Section 14, and with the existing corporation line of said Cities of Kettering and Centerville, South seventy-five degrees nineteen minutes two seconds ($75^{\circ} 19' 02''$) East for twenty and $68/100$ (20.68) to a point in the north line of said Interstate 675;

thence with the north line of said Interstate 675, said line being one hundred forty and $00/100$ (140.00) feet north of and parallel to said centerline of Interstate 675, and with the proposed corporation line for the Cities of Kettering and Centerville, South eighty-one degrees nineteen minutes zero seconds ($81^{\circ} 19' 00''$) West for six hundred eighty-one and $13/100$ (681.13) feet to the point of beginning containing 2.880 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, compiled from the Official Records of Montgomery County, Ohio.

JR.

Checked by:

LUIS G. RIANCHO & ASSOCIATES, INC.

4940 PROFIT WAY, SUITE 105
DAYTON, OHIO 45414
(513) 275-7140

LUIS G. RIANCHO, PS
JERRY MACY, PS
JAMES E. RUEMPING, PS

D89097-3
February 13, 1990
Description 8.327 Acres to Centerville

Located in the City of Kettering, County of Montgomery, State of Ohio, and being a part of Section 15, Town 2, Range 6 M.R.S., and being a tract of land described as follows:

beginning at the southwest corner of said Section 15, said point being the centerline intersection of Hewitt Avenue and Bigger Road in the Street Dedication Hewitt Avenue and Bigger Road as recorded in Plat Book 91, Page 1, and the Centerline Survey Plat Bigger Road as recorded in Plat Book 121 Page 19, both in the Plat Records of Montgomery County, Ohio;

thence with the centerline of said Bigger Road, and with the west line of said Section 14, Town 2, Range 6 M.R.S., South four degrees forty-two minutes twenty seconds ($04^{\circ} 42' 20''$) (1557.22) feet to the centerline of Interstate 675 as recorded in the Location Plan Interstate Route 675 in Plat Book 99 Page 28 of the Plat Records of Montgomery County, Ohio;

thence with the centerline of said Interstate 675, North eighty-one degrees nineteen minutes zero seconds ($81^{\circ} 19' 00''$) East for two thousand eight hundred four and 01/100 (2804.01) feet to the south line of said Section 15, said point being also on the existing City of Kettering Corporation Line as recorded in Plat Book 66 Pages 57 through 63, and the existing City of Centerville Corporation Line recorded in Plat Book 81 Pages 1 thru 43, both in the Plat Records of Montgomery County, Ohio, said point being a true point of beginning;

thence with the south line of said Section 15, and the corporation lines of said Cities of Kettering and Centerville, North sixty-seven degrees fifty-four minutes nineteen seconds ($67^{\circ} 54' 19''$) West for two hundred three and 59/100 (273.59) feet to the north line of Interstate 675, and the south line of Oak Creek Four 6 as recorded in Plat Book 91 Page 53 of the Plat Records of Montgomery County, Ohio;

thence with the north line of said Interstate 675 being one hundred forty and 00/100 (140.00)

Cont'd on Page 2

of and parallel to said centerline of Interstate 675, and with the south line of said Oak Creek Four, Section 6, and with the proposed corporation line between the City of Kettering and the City of Centerville, North eighty-one degrees nineteen minutes zero seconds ($81^{\circ} 19' 00''$) East for three hundred two and $53/100$ (302.53) feet;

thence continuing with the north line of said Interstate 675, and also with the south line of said Oak Creek Four, Section 6, and also with the said proposed corporation line for the Cities of Kettering and Centerville, North seventy-seven degrees thirty-eight minutes eighteen seconds ($77^{\circ} 38' 18''$) East for seven hundred one and $44/100$ (701.44) feet;

thence continuing with the north line of said Interstate 675, said north line being one hundred eighty-five and $00/100$ (185.00) North of and parallel to said centerline of Interstate 675, said line being also the south line of said Oak Creek Four, Section 6, and also with the said proposed corporation line, for the Cities of Kettering and Centerville, North eighty-one degrees nineteen minutes zero seconds ($81^{\circ} 19' 00''$) East for one hundred $00/100$ (100.00) feet;

thence continuing with said north line of Interstate 675, and also with the south line said Oak Creek Four, Section 6, and also with the said proposed corporation line, for the Cities of Kettering and Centerville North eighty-five degrees seven minutes fifty-one seconds ($85^{\circ} 07' 51''$) East for fifty and $86/100$ (50.86) feet to the southeast corner Oak Creek Four, Section 6, and said point being also the southwest corner Fox Run Condominium, Section II, Phase 8, and said point being also in the said existing corporation lines for the Cities of Kettering and Centerville;

thence with the said existing corporation line for the Cities of Kettering and Centerville, South four degrees fifty minutes zero seconds ($04^{\circ} 50' 00''$) West for six hundred fifty-five and $42/100$ (655.42) feet to the south line of said section;

thence continuing with said existing corporation line for the Cities of Kettering and Centerville, and with the south line of said Section 15, North sixty-seven degrees fifty-four minutes nineteen seconds ($67^{\circ} 54' 19''$) West for eight hundred ninety and $44/100$ (890.44) feet to the point of beginning containing 8.327 acres more or less and subject to all legal highways, easements, restrictions and agreements of record, compiled from the Official Records of Montgomery County, Ohio.

LUIS G. RIANCHO & ASSOCIATES, INC.

SURVEYING AND ENGINEERING LAYOUT

4940 PROFIT WAY, SUITE 105
DAYTON, OHIO 45414
(513) 275-7140

LUIS G. RIANCHO, PS
JERRY MACY, PS
JAMES E. RUEMPING, PS

D89097-4
February 13, 1990
0.763 Acres to Kettering

Located in City of Centerville, County of Montgomery, State of Ohio, and being part of Section 15, Town 2, Range 6 M.R.S., and being a tract of land described as follows:

beginning at the northwest corner of Mount Vernon Estates, Section 1 as recorded in Plat Book UU Page 59, said point being also a corner in the south line of Oak Creek One, Section 6 as recorded in Plat Book 71 Page 43, said point being also a corner in the City of Kettering Corporation Line as recorded in Plat Book 66 Pages 57 thru 63, said point being also a corner in the City of Centerville Corporation Line as recorded in Plat Book 81 Pages 1 thru 43, all in the Plat Records of Montgomery County, Ohio, said point being also in the north line of said Section 15;

thence with the north line of said Mount Vernon Estates, Section 1, and with the south line of said Oak Creek One, Section 6, and with said Corporation Lines to Cities of Kettering and Centerville, and with the north line of said Section 15, South sixty-six degrees twenty-nine minutes fifty-five seconds ($66^{\circ} 29' 55''$) East for four hundred eighty-three and $52/100$ (483.52) feet to the south line of Rahn Road, as recorded in said Mount Vernon Estates, Section 1;

thence with the south line of said Rahn Road, and with the proposed corporation line for Cities of Kettering and Centerville on the following three courses, in a northwesterly direction on a curve to the right with a radius of one thousand five hundred ninety-five and $71/100$ (1595.71) feet for one hundred fifty-four and $62/100$ (154.62) feet, chord to said curve bearing North eighty-seven degrees thirty-two minutes twenty-eight seconds ($87^{\circ} 32' 28''$) West for one hundred fifty-four and $56/100$ (154.56) feet to the centerline of Glenmina Drive as recorded in said Mount Vernon Estates, Section 1;

thence North eighty-four degrees forty-five minutes fifty-five seconds ($84^{\circ} 45' 55''$) West for twenty-five and $00/100$ (25.00) feet;

thence North seventy-eight degrees six minutes eight seconds ($78^{\circ} 06' 08''$) West for two hundred eighty and $89/100$ (280.89) feet to the west line of said Mount Vernon Estates, Section 1, said point being also in the existing corporation line of said Cities of Kettering and Centerville;

Cont'd on Page 2

Desc. 0.763 Acres to Kettering

02-13-90

-2-

thence with the west line of said Mount Vernon Estates, Section 1, and with the existing corporation line for said Cities of Kettering and Centerville, and with the east line of Oak Creek Two, Section 1 as recorded in Plat Book 69 Page 41 of the Plat Records of Montgomery County, Ohio, and with the south line of said Oak Creek One, Section 6, North four degrees fifty-two minutes fifty-five seconds (04° 52' 55") East for one hundred twenty-six and 45/100 (126.45) feet to the point of beginning containing 0.763 acres more or less and subject to all legal highways, easements, restrictions, and agreements of record, compiled from the Official Records of Montgomery County, Ohio.

J.R.

Checked by:

LUIS G. RIANCHO & ASSOCIATES, INC.

SURVEYING AND ENGINEERING LAYOUT

LUIS G. RIANCHO, PS
JERRY MACY, PS
JAMES E. RUEMPING, PS

D89097-5
April 10, 1990

4940 PROFIT WAY, SUITE 105
DAYTON, OHIO 45414
(513) 275-7140

Description 3.002 Acre to Kettering

Located in City of Centerville, County of Montgomery, State of Ohio, and being part of Section 14, and part of Section 20, Town 2, Range 6 M.R.S., and being a tract of land described as follows:

beginning at the northwest corner of said Section 14, said point being also the centerline intersection of Hewitt Avenue and Bigger Road in The Street Dedication Hewitt Avenue and Bigger Road as recorded in Plat Book 91 Page 1, and The Centerline Survey Plat Bigger Road, as recorded in Plat Book 121 Page 19, both in the Plat Records of Montgomery County, Ohio:

thence with the north line of said Section 14, and with the existing corporation line of the City of Kettering as recorded in Plat Book 66 Pages 57 thru 63, and the City of Centerville as recorded in Plat Book 81 Pages 1 thru 43, both in the Plat Records of Montgomery County, Ohio, South sixty-six degrees forty-three minutes twenty-five seconds ($66^{\circ} 43' 25''$) East for fifty-eight and 02/100 (58.02) to the east line of Bigger Road;

thence with the east line of Bigger Road, fifty-five and 00/100 (55.00) feet east of and parallel to the center line of said Bigger Road, and with the proposed corporation line between the Cities of Kettering and Centerville, South four degrees forty-two minutes twenty seconds ($04^{\circ} 42' 20''$) West for two hundred ten and 54/100 (210.54) feet to the easterly extension of the north line of Carriage Square, Section Four, as recorded in Plat Book 107 Page 3 of the Plat Records of Montgomery County, Ohio;

thence with the said proposed corporation line, and with the said north line of Carriage Square, Section Four and its easterly extension, said line being also the north line of Carriage Trace Condominium #2 as recorded in Plat Book 97 Page 65, and Carriage Trace Condominium #4A as recorded in Plat Book 100 Page 9, and Carriage Square Section Two as recorded in Plat Book 97 Page 14 all in the Plat Records of Montgomery County, Ohio, North eighty-six degrees twenty-one minutes forty-five seconds ($86^{\circ} 21' 45''$) West for one thousand two hundred ninety and 21/100 (1290.21) to the east line of Red Coach South, Section 5 as recorded in Plat Book 90 Page 84 of the Plat Records of Montgomery County, Ohio, said point being also the southwest corner of a .55 acre parcel conveyed to Martha J. Lampe, by deed recorded in Micro 88-568C08 of the Deed Records of Montgomery County, Ohio;

Cont'd On Page 2

04-10-90

Desc. 3.002 Acre to Kettering

thence with the said proposed corporation line and with the east line of said Red Coach South, Section 5, and with the west line of said Martha J. Lampe's parcel North four degrees forty-two minutes twenty seconds (04° 42' 20") East for forty and 01/100 (40.01) feet to the northeast corner of said Red Coach South, Section 5, said point being also the southeast corner of a .55 acre parcel conveyed to Hewitt Avenue Group by deed recorded in Micro 84-195A06 of the Deed Records of Montgomery County, Ohio;

thence with the said proposed corporation line and with the north line of said Red Coach South, Section 5, and Red Coach South, Section 7 as recorded in Plat Book 93 Page 71, and Red Coach South, Section 2 as recorded in Plat Book 86 Page 35, both in the Plat Records of Montgomery County, Ohio, North eight-six degrees twenty-one minutes forty-five seconds (86° 21' 45") West for one thousand five hundred thirty-three and 66/100 (1533.66) feet to the southeast corner of Red Coach South, Section Six as recorded in Plat Book 90 Page 30 in the Plat Records of Montgomery County, Ohio, point being also the southeast corner of a 0.45 acre parcel conveyed to Delta Management by deed recorded in Micro 77-081C08 of the Deed Records of Montgomery County, Ohio;

thence with the said proposed corporation line and the east line of said Red Coach South, Section Six, and the west line of said Delta Management parcel, North four degrees forty-one minutes twenty-seven seconds (04° 41' 27") East for twenty-five and 00/100 (25.00) feet to the corner of said existing corporation line of City of Kettering and the City of Centerville;

thence with the said existing corporation line of City of Kettering and the City of Centerville South eighty-six degrees twenty-one minutes forty-five seconds (86° 21' 45") East for two thousand seven hundred sixty-eight and 86/100 (2768.86) feet to the east line of said Section 20, point being also on the centerline of said Bigger Road;

thence with centerline of said Bigger Road and the east line of said Section 20, and with the existing corporation line of said Cities of Kettering and Centerville, North four degrees forty-two minutes twenty seconds (04° 42' 20") East for one hundred sixty-five and 03/100 (165.03) feet to the point of beginning containing 3.002 acres more or less and subject to all legal highways, easements, restrictions, and agreements of record, compiled from the Official Records of Montgomery County, Ohio.

182
Checked by:

AGREEMENT

This Agreement ("Agreement") is entered into this _____ day of _____, 1990, by and between the City of Kettering, Ohio ("Kettering") and the City of Centerville, Ohio ("Centerville").

WHEREAS, Kettering and Centerville wish to cooperate in a public improvement known as the Rahn Road Improvement, Project Number 02-130D involving, among other things, the construction of certain sidewalk improvements as shown on Exhibit 'A' attached hereto ("Sidewalk Improvements"); and

WHEREAS, the Sidewalk Improvements are to be constructed in an area currently within Centerville which area is in the process of being transferred to Kettering pursuant to a boundary adjustment being agreed to by Kettering and Centerville as authorized by Ohio Revised Code §709.37; and

WHEREAS, Centerville had previously agreed to have Kettering construct the improvements and reimburse Kettering for the cost of the improvements within the corporate boundaries of the City of Centerville, including the Sidewalk Improvements,

NOW THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Notwithstanding the effect of the boundary adjustment between Kettering and Centerville by which the area containing the Sidewalk Improvement will be transferred from Centerville to Kettering, Centerville shall remain responsible for payment of the cost of the Sidewalk Improvements, estimated to be Five Thousand Five Hundred Dollars (\$5,500.00).

Section 2. In no event shall the approval or rejection of the proposed boundary adjustment have an effect on Centerville's obligation to reimburse Kettering for the cost of the Sidewalk Improvements.

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year first written above.

CITY OF CENTERVILLE, OHIO

By _____
DARYL KENNING,
City Manager.

CITY OF KETTERING, OHIO

By _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

JOHN C. CHAMBERS,
Kettering Law Director.

CENTERVILLE MUNICIPAL ATTORNEY