

ORDINANCE NO. 14-90  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 20th DAY  
OF August, 1990.

AN ORDINANCE TO APPROPRIATE A FEE SIMPLE  
INTEREST IN CERTAIN REAL PROPERTY FOR THE  
PROJECT KNOWN AS THE CLYO ROAD - WILMINGTON  
PIKE IMPROVEMENT PROJECT WITHIN AND WITHOUT  
THE CORPORATE LIMITS OF THE CITY OF  
CENTERVILLE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Centerville, Ohio,  
by Resolution Number 22-90, adopted July 2, 1990, has  
heretofore declared the necessity of acquisition of a fee simple  
interest in certain real property for public roadway purposes  
inside and outside the corporate limits of the City of  
Centerville; and

WHEREAS, the City of Centerville by Resolution Number  
22-90 adopted July 2, 1990, has declared its intention to  
appropriate a fee simple interest in said real property as  
hereinafter described for public purposes for the acquisition and  
construction of public roadway improvements for the Clyo Road -  
Wilmington Pike Improvement Project; and

WHEREAS, the City of Centerville has duly served, in  
accordance with law, notice of the necessity to acquire said  
interest in said real property and its intention to acquire said  
interest in said real property, upon the owner thereof; and

WHEREAS, the City is unable to agree with the owner as  
to the terms for the acquisition of said interest in said real  
property; and

WHEREAS, it is necessary for the City to commence  
appropriation proceedings and to acquire said interest in said  
real property for the construction, development, and acquisition  
of said project at the earliest possible date:

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

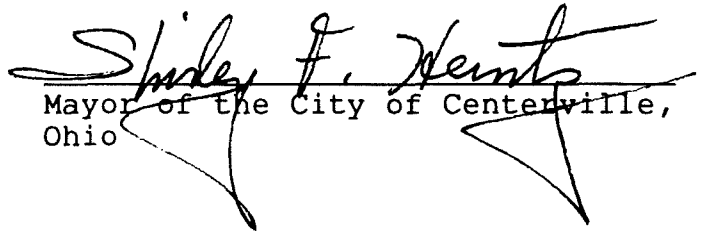
Section 1. There is hereby appropriated a fee simple  
interest in the real property described more fully in Exhibit "A"  
attached hereto as a part hereof for roadway purposes. The owner

owner of said real property is B.P. Oil Company, formerly known as Standard Oil Company, 200 Public Square, Cleveland, Ohio 44114.

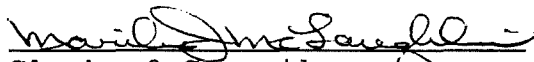
Section 2. The City of Centerville does intend to commence a proceeding for appropriation and the Municipal Attorney of the City of Centerville shall be authorized to commence proceedings in the Court of Common Pleas, Montgomery County, Ohio for the purposes of assessing compensation to be paid for such property to be appropriated.

Section 3. This measure is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare of said City of Centerville and for the further reason that it is necessary for the City to acquire the fee simple interest in said real property described so that the project with respect to the improvement of roadways of the city inside and outside the corporate limits may be commenced at the earliest possible date for optimum utilization of said project; therefore, this measure shall take effect and be in full force from and after its passage.

PASSED THIS 20th day of August, 1990.

  
Mayor of the City of Centerville,  
Ohio

ATTEST:

  
Clerk of Council  
City of Centerville, Ohio

Approved as to form, consistency,  
with existing ordinances, the  
charter & constitutional provisions.  
Department of Law  
Robert N. Farquhar  
Municipal Attorney

EXHIBIT A



A DESCRIPTION OF  
CLYO ROAD - WILMINGTON PIKE  
RIGHT-OF-WAY CONDEMNATION

June 4, 1990

Located in Section 14, Town 2, Range 6, M.R.S., City of Centerville, County of Montgomery, State of Ohio, and being a portion of a tract of land conveyed by deed to Joseph F. Rippe, Trustee, in Deed Book 2431, Page 16 and a portion of a tract of land conveyed by deed to Gary W. Yagley, Donna P. Yagley, and F. and G. Realty, Inc. in Deed Microfiche 86-0027B08 of the Deed Records of Montgomery County, Ohio, to be condemned, and being more particularly described as follows:

Beginning at the southwest corner of Sugarcreek Plaza recorded in Plat Book 22, Page 14 of the Plat Records of Greene County, Ohio, said point also being in the east line of Section 14 and in the centerline of Wilmington Pike, also being the Montgomery-Greene County Line;

thence along the east line of Section 14, also being the centerline of Wilmington Pike, and the Montgomery-Greene County Line, South no degrees one minutes forty seconds (00°01'40") West for two hundred seventy-seven and 00/100 (277.00) feet;

thence over said Yagley land and said Rippe land for the following six courses:

North eighty-nine degrees fifty-eight minutes twenty seconds (89°58'20") West for sixty and 00/100 (60.00) feet;

thence North no degrees one minutes forty seconds (00°01'40") East for two hundred seventy-seven and 00/100 (277.00) feet;

thence on a curve to the left with a radius of twenty and 00/100 (20.00) feet for an arc distance of thirty-one and 42/100 (31.42) feet, [long chord bearing North forty-four degrees fifty-eight minutes twenty seconds (44°58'20") West for twenty-eight and 28/100 (28.28) feet, central angle of said curve being ninety degrees no minutes no seconds (90°00'00")];

thence North eighty-nine degrees fifty-eight minutes twenty seconds (89°58'20") West for two hundred eighty and 00/100 (280.00) feet;

thence North no degrees one minutes forty seconds (00°01'40") East for forty-five and 00/100 (45.00) feet;

Description  
Clyc Road & Wilmington Pike  
June 4, 1990

thence South eighty-nine degrees fifty-eight minutes twenty seconds ( $89^{\circ}58'20''$ ) East for three hundred sixty and 00/100 (360.00) feet to a point in the west line of said Sugarcreek Plaza, said point also being in the east line of Section 14 and in the centerline of Wilmington Pike, also being the Montgomery-Greene County Line;

thence along the west line of said Sugarcreek Plaza, also being the east line of Section 14 and the centerline of Wilmington Pike, also being the Montgomery-Greene County Line, South no degrees one minutes forty seconds ( $00^{\circ}01'40''$ ) West for sixty-five and 00/100 (65.00) feet to the point of beginning. The above described condemnation tract contains no and 783/1000 (0.783) acres, more or less.

This description was made in accordance with a land survey performed by Woolpert Consultants in November of 1988. The bearing system used is based on the said Sugarcreek Plaza Record plan system.