

ORDINANCE NO. 15-90
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
17th DAY OF September, 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.

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,

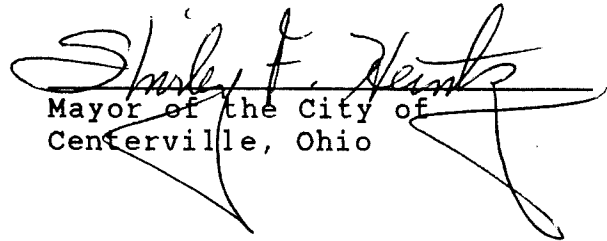
THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

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

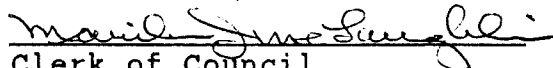
Section 2. The City of Centerville does intend to commence a proceeding for appropriation and the Municipal Attorney of the City of Centerville shall be authorized to commence proceedings in the Court of Common Pleas, Montgomery County, Ohio for the purposes of assessing compensation to be paid for such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

Section 3. This Ordinance shall become effective from and after the earliest period allowed by law.

PASSED THIS 17th day of September, 1990.

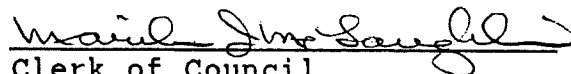

Mayor of the City of
Centerville, Ohio

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. 15-90, passed by the Council of the City of Centerville, Ohio on the 17th day of September, 1990.


Clerk of Council

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.