

ORDINANCE NO. 10-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stone ON THE
1ST DAY OF MAY , 1989.

AN ORDINANCE TO APPROPRIATE CERTAIN INTERESTS IN REAL PROPERTY FOR THE PROJECT KNOWN AS THE SOUTH MAIN STREET SPRING VALLEY IMPROVEMENT PROJECT WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF CENTERVILLE, OHIO, PROVIDING FOR DEPOSIT OF FUNDS FOR FAIR MARKET VALUE OF PROPERTY APPROPRIATED, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Centerville, Ohio, by Resolution Number 27-89, adopted April 17, 1989, has heretofore declared the necessity of acquisition of certain real property interests for public roadway and storm sewer purposes inside and outside the corporate limits of the City of Centerville; and

WHEREAS, the City of Centerville by Resolution Number 27-89 adopted April 17, 1989, has declared its intention to appropriate certain real property interests hereinafter described for public purposes for the acquisition and construction of public roadway and storm sewer improvements for the South Main Street Spring Valley Improvement Project; and

WHEREAS, the City of Centerville has duly served, in accordance with law, notice of the necessity to acquire the real estate and an offer for purchase, at the fair market value thereof, and its intention to acquire real estate, upon the owners thereof; and

WHEREAS, the City is unable to agree with the owners as to the terms for the acquisition of said property; and

WHEREAS, it is necessary for the City to commence appropriation proceedings and to acquire said real estate 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 the following described real property interests, described more

fully in Exhibit "A" attached hereto, for roadway and storm sewer purposes:

Parcels 12-WV and 12-T owned by Jacquelyn C. Hutton, Trustee, 2400 East Oakland Park Boulevard, Fort Lauderdale, Florida 33306

Section 2. The City of Centerville does intend to commence a proceeding for appropriation, and to deposit the value of the property appropriated with the Clerk of the Common Pleas Court of Montgomery County, Ohio, and to enter upon such property for purposes of carrying out the project within the earliest period allowed by law.

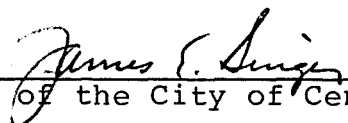
Section 3. The City of Centerville does declare the value of the respective property interests to be appropriated, as follows:

Parcels 12-WV and 12-T, Jacquelyn C. Hutton,
\$23,500.00

And the Municipal Attorney of the City of Centerville shall be authorized to secure the funds from the fiscal officer of the City of Centerville for purposes of depositing same with the Clerk of the Common Pleas Court of Montgomery County, Ohio, when actions against such parcels are commenced, and the Municipal Attorney of the City of Centerville is further 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 4. 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 interests in said real property described so that the project with respect to the improvement of roadways and storm sewers 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 1st day of May, 1989.

Deputy 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. 10-89, passed by the Council of the City of Centerville, Ohio on the 1st day of May, 1989.

Marie J. McLaughlin
Clerk of the Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EXHIBIT "A"

LEGAL DESCRIPTIONS FOR
PROPERTY TO BE ACQUIRED AND
TEMPORARY RIGHT-OF-WAY

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 12-WV

JACQUELYN C. HUTTON, TRUSTEE

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 3.8494 ACRE TRACT CONVEYED TO JACQUELYN C. HUTTON, TRUSTEE BY DEED RECORDED ON MICROFICHE 82-244E05 OF THE DEED RECORDS OF MONTGOMERY COUNTY, WITH CENTERLINE BEARINGS BASED ON A SURVEY BY LOCKWOOD JONES AND BEALS INC., DONE IN 1986 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF S.R. 48 WITH THE CENTERLINE OF SPRING VALLEY ROAD; THENCE WITH THE CENTERLINE OF S.R. 48, S1°01'45"E 310.36 FEET TO A POINT ON THE CENTERLINE OF S.R. 48 STATION 50+79.69; THENCE S88°58'15"W 30.00 FEET TO A POINT ON GRANTOR'S SOUTH LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 30.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 50+79.69;

THENCE S83°56'45"W 15.06 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE, SAID POINT BEING 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 50+78.37;

THENCE N1°01'45"W 55.15 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 51+33.52;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2819.79 FEET A DISTANCE OF 70.48 FEET, SAID ARC HAVING A CHORD BEARING N1°44'43"W 70.48 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 52+05.13;

THENCE N2°27'41"W 123.09 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 53+28.22;

THENCE N26°45'33"E 40.66 FEET TO A POINT 25.15 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 53+63.70;

THENCE S1°01'45"E 283.33 FEET TO THE POINT OF BEGINNING, CONTAINING 0.1005 ACRES, (4380 SQ.FT.), MORE OR LESS, AND SUBJECT TO ALL LEGAL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION PREPARED BY:

LOCKWOOD, JONES AND BEALS INC.

by _____
JOHN J. BEALS, OHIO P. S. 5312

Prior Deed References:

GROSS AREA	0.1005 ACRES
PRO IN TAKE	ACRES
NET TAKE	0.1005 ACRES

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 12-T

JACQUELYN C. HUTTON, TRUSTEE

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 3.8494 ACRE TRACT CONVEYED TO JACQUELYN C. HUTTON, TRUSTEE BY DEED RECORDED IN MICROFICHE 82-244E05 OF THE DEED RECORDS OF MONTGOMERY COUNTY, WITH CENTERLINE BEARINGS BASED ON A SURVEY BY LOCKWOOD JONES AND BEALS INC., DONE IN 1986 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF S.R. 48 WITH THE CENTERLINE OF SPRING VALLEY ROAD; THENCE WITH THE CENTERLINE OF S.R. 48, S1°01'45"E 307.28 FEET TO A POINT ON CENTERLINE OF S.R. 48 STATION 50+76.61; THENCE S88°58'15"W 65.00 FEET TO A POINT ON GRANTOR'S SOUTH LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 65.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 50+76.61;

THENCE N1°01'45"W 23.39 FEET TO A POINT 65.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 51+00.;

THENCE N12°23'39"E 34.46 FEET TO A POINT 57.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 51+33.52;

THENCE N1°44'43"W 70.18 FEET TO A POINT 57.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 52+05.13;

THENCE N2°27'41"W 101.63 FEET TO A POINT 57.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 53+06.76;

THENCE N26°45'33"E 24.58 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 53+28.22;

THENCE S2°27'41"E 123.09 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 52+05.13;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2819.79 FEET A DISTANCE OF 70.48 FEET, SAID ARC HAVING A CHORD BEARING S1°44'43"E 70.48 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 51+33.52;

THENCE S1°01'45"E 55.15 FEET TO A POINT 45.00 FEET LEFT OF THE CENTERLINE OF S.R. 48 STATION 50+78.37;

THENCE S83°56'45"W 20.08 FEET TO THE POINT OF BEGINNING,
CONTAINING 0.0732 ACRES, (3189 SQ.FT.), MORE OR LESS, AND
SUBJECT TO ALL LEGAL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION PREPARED BY:

LOCKWOOD, JONES AND BEALS INC.

by _____
JOHN J. BEALS, OHIO P. S. 5312

Prior Deed References: