

ORDINANCE NO. 11-89  
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 23-89, 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 23-89 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 6-WV and 6-T owned by The Standard Oil Company, Midland Building, Cleveland, Ohio 44115.

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.

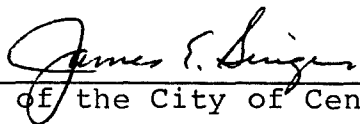
Section 3. The City of Centerville does declare the value of the respective property interests to be appropriated, as follows:

Parcels 6-WV and 6-T, The Standard Oil Company, \$37,500.00.

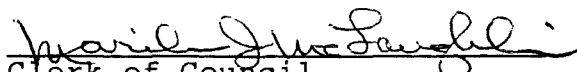
And the Municipal Attorney of the City of Centerville shall be authorized to secure the funds from the fiscal officer of the City of Centerville for purposes of depositing same with the Clerk of the Common Pleas Court of Montgomery County, Ohio, when actions against such parcels are commenced, and the 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. 11-89, passed by the Council of the City of Centerville, Ohio on the 1st day of May, 1989.

*Marion J. McFarland*  
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 BEING ACQUIRED AND  
TEMPORARY EASEMENT

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 6-WV

STANDARD OIL COMPANY

SITUATE IN THE CITY OF CENTERVILLE, SECTION 29, TOWN 3, RANGE 5, M.R.S., WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 0.92 ACRE TRACT CONVEYED TO STANDARD OIL COMPANY BY DEED RECORDED IN DEED BOOK 1813, PAGE 555 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°00'00"E 200.00 FEET TO THE GRANTOR'S SOUTHWEST CORNER AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 0.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 45+69.33;

THENCE N1°00'00"W 200.00 FEET TO A POINT ON GRANTOR'S NORTH LINE AND A POINT ON THE CENTERLINE OF S.R. 48 STATION 47+69.33;

THENCE N84°21'52"E 200.00 FEET TO THE GRANTOR'S NORTHEAST CORNER, SAID POINT 0. FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+92.41;

THENCE S1°01'08"E 40.13 FEET TO A POINT 40.00 FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+89.18;

THENCE S84°21'52"W 143.04 FEET TO A POINT 40.00 FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 120+46.14;

THENCE S41°40'56"W 20.34 FEET TO A POINT 43.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 47+18.85;

THENCE S1°00'00"E 146.04 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE 43.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 45+72.81;

THENCE S84°21'57"W 43.14 FEET TO THE POINT OF BEGINNING, CONTAINING 0.3437 ACRES, (14970 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	0.3437 ACRES
PRO IN TAKE	0.2548 ACRES
NET TAKE	0.0889 ACRES

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 6-T

STANDARD OIL COMPANY

SITUATE IN SECTION 29, TOWN 3, RANGE 5, M.R.S., WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 0.92 ACRE TRACT CONVEYED TO STANDARD OIL COMPANY BY DEED RECORDED IN DEED BOOK 1813, PAGE 555 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°00'00"E 201.16 FEET TO A POINT; THENCE N89°00'00"E 43.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING 43.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 45+72.81;

THENCE N1°00'00"W 146.04 FEET TO A POINT 43.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 47+18.85;

THENCE N41°40'56"E 20.34 FEET TO A POINT 40.00 FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 120+46.14;

THENCE N84°21'52"E 143.04 FEET TO A POINT 40.00 FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+89.18;

THENCE S1°01'08"E 20.07 FEET TO A POINT 60.00 FEET RIGHT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+87.56;

THENCE S84°21'52"W 146.85 FEET TO A POINT 53.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 47+13.43;

THENCE S1°00'00"E 139.80 FEET TO A POINT 53.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 45+73.62;

THENCE S84°21'57"W 10.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.1019 ACRES, (4440 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: