

ORDINANCE NO. 12-89
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 25-89, 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 25-89 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 10-T; 10-S1; 10-S; 10-T3; 10-T2 and 10-T1 owned by Dayton-Pittsburgh Associates, a Pennsylvania Partnership, 3612 Boulevard of the Allies, Pittsburgh, Pennsylvania 15213

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.

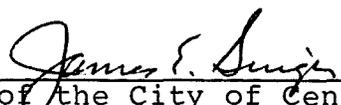
Section 3. The City of Centerville does declare the value of the respective property interests to be appropriated, as follows:

Parcels 10-T; 10-S1; 10-S; 10-T3; 10-T2 and 10-T1, Dayton-Pittsburgh Associates, \$2,000.00

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. 12-89, passed by the Council of the City of Centerville, Ohio on the 1st day of May, 1989.

Marilyn J. ...
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
TEMPORARY RIGHTS-OF-WAY AND
SEWER EASEMENTS

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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, N1°01'45"E 229.94 FEET TO A POINT AT STATION 49+00.26; THENCE N88°58'15"E 60.00 FEET TO THE GRANTOR'S SOUTHWEST CORNER AND THE TRUE POINT OF BEGINNING, SAID POINT BEING IN THE EXISTING EAST RIGHT OF WAY LINE OF S.R. 48 AT STATION 49+99.26 60.00 FEET RIGHT OF THE CENTERLINE;

THENCE N1°01'45"W 128.74 FEET ALONG THE GRANTOR'S WEST LINE AND THE EAST RIGHT OF WAY LINE TO A POINT 60.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 51+28.00;

THENCE N88°58'15"E 30.00 FEET TO A POINT 90.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 51+28.00;

THENCE S1°01'45"E 90.00 FEET TO A POINT 90.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+38.00;

THENCE S88°58'15"W 20.00 FEET TO A POINT 70.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+38.00;

THENCE S1°01'46"E 37.93 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE 70.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+00.07;

THENCE S84°21'45"W 10.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0708 ACRES, (3083 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-S-1

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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 SPRING VALLEY ROAD, N84°21'52"E 549.72 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42; THENCE N5°38'08"W 50.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42;

THENCE N84°21'52"E 10.00 FEET ALONG THE GRANTOR'S SOUTH LINE TO A POINT 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52;

THENCE N5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52;

THENCE S84°21'52"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42;

THENCE S5°38'08"E 10.00 FEET TO THE GRANTOR'S SOUTH LINE AND POINT OF BEGINNING, CONTAINING 0.0023 ACRES, (100 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-S

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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 SPRING VALLEY ROAD, N84°21'52"E 318.09 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50; THENCE N5°38'08"W 50.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE GRANTOR'S SOUTH LINE 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50;

THENCE S84°21'52"W 25.00 FEET ALONG THE GRANTOR'S SOUTH LINE TO A POINT 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 122+85.50;

THENCE N5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 122+85.50;

THENCE N84°21'52"E 25.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50; THENCE S5°38'08"E 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0060 ACRES, (260 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-3

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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 SPRING VALLEY ROAD, S83°57'03"E 601.87 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+94.28; THENCE N5°38'08"W 50.00 FEET TO THE GRANTOR'S NORTHEAST CORNER AND A POINT ON THE NORTH RIGHT OF WAY LINE OF SPRING VALLEY ROAD, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+94.28 AND THE TRUE POINT OF BEGINNING;

THENCE S84°21'52"W 42.28 FEET TO A POINT ON THE SAID RIGHT OF WAY LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52.00;

THENCE N5°38'08"W 5.00 FEET TO A POINT 55.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52.00;

THENCE N84°21'52"E 42.69 FEET TO A POINT ON GRANTOR'S EAST LINE, SAID POINT BEING 55.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+94.69;

THENCE S0°55'58"E 5.02 FEET ALONG THE GRANTOR'S EAST LINE TO THE POINT OF BEGINNING, CONTAINING 0.0049 ACRES, (212 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-2

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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 SPRING VALLEY ROAD, N84°21'52"E 318.09 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.5; THENCE N5°38'08"W 50.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.5 AND THE TRUE POINT OF BEGINNING;

THENCE S5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50;

THENCE N84°21'52"E 59.50 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+70.00;

THENCE S5°38'08"E 10.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+70.00;

THENCE S84°21'52"W 59.50 FEET ALONG THE GRANTOR'S SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 0.0137 ACRES, (595 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-1

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 81-446E08 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, N1°01'45"W 552.29 FEET TO A POINT 3.79 FEET RIGHT OF THE CENTERLINE OF STATION 53+20.06; THENCE S88°58'15"E 60.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE AND ON THE GRANTOR'S WEST LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 63.79 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 53+20.06;

THENCE N1°01'45"W 90.00 FEET ALONG THE GRANTOR'S WEST LINE AND THE EAST RIGHT OF WAY LINE TO A POINT 66.04 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 54+10.03;

THENCE N88°58'15"E 10.00 FEET TO A POINT 76.03 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 54+09.78;

THENCE S1°01'45"E 90.00 FEET TO A POINT 73.78 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 53+19.81;

THENCE S88°58'15"W 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0207 ACRES, (900 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: