

ORDINANCE NO. 1-86

CITY OF CENTERVILLE

SPONSORED BY COUNCIL MEMBER Brooks Compton  
ON THE 27th DAY OF JANUARY, 1986.

AN EMERGENCY ORDINANCE TO APPROPRIATE CERTAIN  
REAL ESTATE OF ACRO REALTY COMPANY, INC., FOR  
THE BIGGER ROAD IMPROVEMENT PROJECT IN THE CITY  
OF CENTERVILLE, OHIO

WHEREAS, this Council did by Resolution No. 1-86  
adopted on the 20th day of January, 1986, declare its  
intention and the necessity of appropriating certain real  
estate described in said Resolution, and

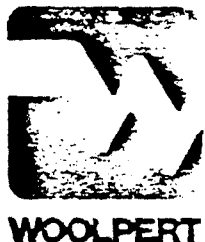
WHEREAS, service of notice of said Resolution has  
been made upon all the persons having or claiming to have  
an interest in said premises, and

WHEREAS, it is immediately necessary to appropriate  
said real estate for the purpose of reconstructing and wide-  
ning Clyo Road and for the immediate preservation of the public  
peace, health, safety and welfare.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY ORDAINS:

Section 1.

That the following described real estate be and the  
same hereby is appropriated in fee simple title, including a  
temporary easement, for street purposes, to-wit:



DESCRIPTION OF  
CLYO ROAD ACQUISITION  
FROM ACRO REALTY

Located in Section 20, Town 2, Range 6, M.R.S., City of Centerville, County of Montgomery, State of Ohio, and being a tract of land described as follows:

beginning at the southwest corner of land conveyed to the Dayton Power and Light Co. by deed recorded in Microfiche No. 84-188 D07 of the Deed Records of Montgomery County, Ohio, said point being the northwest corner of land conveyed to the City of Centerville, Ohio by deed recorded in Microfiche No. 84-422E05 of the Deed Records of Montgomery County, Ohio;

thence South three degrees fifty-seven minutes thirty-six seconds (03-57'36") West for forty-five and 31/100 (45.31) feet;

thence on a curve to the left with a radius of four thousand ninety-two and 56/100 (4092.56) feet for an arc distance of five hundred sixty-three and 89/100 (563.89) feet, [long chord bearing South eighty-three degrees thirteen minutes twenty seconds (83-13'20") West for five hundred sixty-three and 44/100 (563.44) feet, central angle of said curve being seven degrees fifty-three minutes forty seconds (7-53'40")];

thence South seventy-nine degrees sixteen minutes thirty seconds (79-16'30") West for three and 39/100 (3.39) feet;

thence North four degrees twelve minutes forty seconds (04-12'40") East for forty-six and 57/100 (46.57) feet;

thence on a curve to the right with a radius of four thousand one hundred thirty-seven and 56/100 (4137.56) feet for an arc distance of five hundred sixty-six and 84/100 (566.84) feet, [long chord bearing North eighty-three degrees nineteen minutes eight seconds (83-19'08") East for five hundred sixty-six and 40/100 (566.40) feet, central angle of said curve being seven degrees fifty minutes fifty-eight seconds (7-50'58") to the point of beginning, containing no and 586/1000 (0.586) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

also dedicating a perpetual easement north of and adjacent to the northerly line of the just described tract of land, 20 feet wide and 566.84 feet long, for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, or other utility lines or services, community access television cable system lines, and for the express privilege of removing any or all trees or other constructions to the free use of said utilities, community access television cable system, and for providing ingress to and egress from the premises for said purposes and are to be maintained as such forever.

Section 2.

That the above described real estate is valued as follows: \$ 14,000.00.

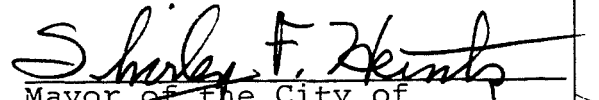
Section 3.

That the Municipal Attorney be and he hereby is authorized and directed to deposit said amount with the Clerk of Courts of Montgomery County, Ohio, or other depository; take possession of the aforesaid property; and apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the interest or interests taken in said property and to do all things necessary or proper in connection therewith.

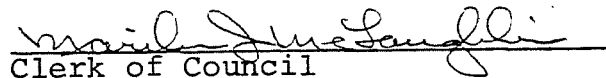
Section 4.

This ordinance is hereby declared to be an emergency measure and shall become effective immediately upon passage. An emergency affecting public health, safety and welfare is hereby declared to exist by virtue of the immediate need to make said improvements.

PASSED THIS 27th DAY OF JANUARY, 1986.

  
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. 1-86, passed by the Council of the City of Centerville, Ohio, on the 27th day of January, 1986.

  
Clerk of Council

ALTICK & CORWIN

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