ORDINANCE NO. 4/-79 CITY OF CENTERVILLE, OHIO

SPONSORED	BY	COUNCILMAN_	Leonard Stubbs	_on	the
<u>ist</u> day	of_	October	, 1979.		

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY OF CENTERVILLE TO PURCHASE THE PROPERTY DESCRIBED HEREIN FROM PHILLIPS MARKETING PROPERTIES, INC. AND FURTHER AUTHORIZING AND DIRECTING THE PAYMENT OF THE SUM OF \$8,555.75 TO PHILLIPS MARKETING PROPERTIES, INC. FOR SAME.

WHEREAS, the City of Centerville has undertaken improvement of the intersection of Main and Franklin Streets;

WHEREAS, in order to accomplish the improvement of said intersection it is necessary to purchase additional land amounting to approximately 2,444.5 square feet which land is now owned by Phillips Marketing Properties, Inc.;

WHEREAS, the said Phillips Marketing Properties, Inc. has proposed to sell the said land to the City of Centerville for \$8,555.75 which amount the council of the City of Centerville hereby determines to be fair;

NOW, THEREFORE

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINES:

SECTION 1. That the City of Centerville is hereby authorized and directed to purchase from Phillips Marketing Properties, Inc. for the sum of \$8,555.75 the following described property to wit:

Situated in the City of Centerville, County of Montgomery, State of Ohio, and in Section 25, Township 2, Range 6, Miami Rivers Survey and bounded and described as follows:

Being a part of Lots Number 1 and 2 of the Aaron Nutt Plat as recorded in Plat Book 1, Page 20, of the Plat Records of Montgomery County, now known as Lots Number 61 and 62 of the Plat of the Village of Centerville (Auditor's revised numbering system) and more particularly bounded and described as follows:

Beginning at the southwesterly corner of said Lot 61, said corner also being the intersection of the centerline of Main Street (State Route 48) and the centerline of Franklin Street;

thence along the westerly line of said Lots 61 and 62, same being said centerline of Main Street, North 3023'00" East 208.56 feet to the northwest corner of said Lot 62;

thence along the northerly line of said Lot 62, same being the southerly line of Lot Number 63, formerly known as Lot Number 3, North 87°23'00" East 45.75 feet;

thence parallel with and 45.50 feet East of the westerly line of said Lots 61 and 62 South 3°23'00" West 146.00 feet;

thence South 44°26'31" East 36.52 feet;

thence parallel with and 35.00 feet North of the southerly line of said Lot 61 North 87°23'00" East 140.00 feet to a point on the easterly line of said Lot 61;

thence along the easterly line of said Lot 61, as this line is established by a certain boundary agreement dated the 4th day of November, 1958, and recorded in Deed Book 1906, Page 149 of the Deed Records of Mont-gomery County, South 3^o23'00" West 35.19 feet to the southeasterly corner of said Lot 62, passing a stone monument at 2.01 feet;

thence along the southerly line of said Lot 62, same being said centerline of Franklin Street, South 87°23'00" West 212.97 feet to the point of beginning containing 0.361 acres, more or less, inclusive of 0.302 acres, more or less, in present road occupied.

Description for this parcel, prepared by Burgess & Niple, Limited, is based on a survey by Robert E. Thompson.

SECTION 2. That the City Manager and Director of Finance are hereby authorized and directed to undertake anything necessary to effectuate said purchase.

SECTION 3. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 1st day of October

Mayor of the City of Centerville,

Ohio

ATTEST:

Clerk of the Council City of Centerville, Ohio

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT PHILLIPS MARKETING PROPERTIES, INC. Grantor, in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto CITY OF CENTERVILLE of 100 W. Spring Valley Road, Centerville, Ohio, Grantee, the following real property and premises, situate in the County of Montgomery, State of Ohio, to wit:

Situated in the City of Centerville, County of Montgomery, State of Ohio, and in Section 25, Township 2, Range 6, Miami Rivers Survey and bounded and described as follows:

Being a part of Lots Number 1 and 2 of the Aaron Nutt Plat as recorded in Plat Book 1, Page 20, of the Plat Records of Montgomery County, now known as Lots Number 61 and 62 of the Plat of the Village of Centerville (Auditor's revised numbering system) and more particularly bounded and described as follows:

Beginning at the southwesterly corner of said Lot 61, said corner also being the intersection of the centerline of Main Street (State Route 48) and the centerline of Franklin Street;

thence along the westerly line of said Lots 61 and 62, same being said centerline of Main Street, North 3°23'00" East 208.56 feet to the north-west corner of said Lot 62;

thence along the northerly line of said Lot 62, same being the southerly line of Lot Number 63, formerly known as Lot Number 3, Number 87°23'00" East 45.75 feet;

thence parallel with and 45.50 feet East of the westerly line of said Lots 61 and 62 South 3°23'00" West 146.00 feet;

thence South 44°26'31" East 36.52 feet;

thence parallel with and 35.00 feet North of the southerly line of said Lot 61 North 87°23'00" East 140.00 feet to a point on the easterly line of said Lot 61;

thence along the easterly line of said Lot 61, as this line is established by a certain boundary agreement dated the 4th day of November, 1958, and recorded in Deed Book 1906, Page 149 of the Deed Records of Montgomery County, South 3°23'00" West 35.19 feet to the southeasterly corner of said Lot 62, passing a stone monument at 2.01 feet;

thence along the southerly line of said Lot 62, same being said centerline of Franklin Street, South 87°23'00" West 212.97 feet to the point of beginning containing 0.361 acres, more or less, inclusive of 0.302 acres, more or less, in present road occupied.

Description for this parcel, prepared by Burgess & Niple, Limited, is based on a survey by Robert E. Thompson.

Grantor, for itself and its successors and assigns reserves the right of ingress and egress to and from any residual area.

Grantor claims title by instrument of record in Book 2356, Page 690, Records of Montgomery County, Ohio.

together with all improvements thereon and the appurtenances thereunto belonging, and warrants the title only against the claim of every person whomsoever claiming by, through or under Grantor. This deed is subject to all taxes and questions of survey, zoning ordinances, restrictions and easements of record or in place.

GRANTOR DOES NOT WARRANT EITHER EXPRESSLY OR IMPLIEDLY, THE CONDITION OR FITNESS OF THE PROPERTY CONVEYED HEREUNDER, ANY SUCH WARRANTY BEING HEREBY EXPRESSLY NEGATIVED. GRANTEE BY ACCEPTANCE HEREOF ACKNOWLEDGES THAT HE HAS MADE A COMPLETE INSPECTION OF THE ABOVE DESCRIBED REAL PROPERTY AND ANY IMPROVEMENTS AND/OR EQUIPMENT LOCATED THEREON AND IS IN ALL RESPECTS SATISFIED THEREWITH AND ACCEPTS THE SAME "AS IS".

TO HAVE AND TO HOLD said described premises unto the said Grantee, its successors, heirs and assigns forever. SIGNED AND DELIVERED this / day of WITNESSES: PHILLIPS MARKETING PROPERTIES ATTEST Assetstant This instrument prepared by: J. E. Mefford Phillips Petroleum Company P. O. Box 4833 Atlanta, GA 30302 ACKNOWLEDGEMENT STATE OF OKLAHOMA COUNTY OF WASHINGTON I Janice Brown, a notary public in and for the State and County aforesaid, do certify that G. J. Morrison and Harvey N. Thompson, whose names, as Vice President and Assistant Secretary of PHILLIPS MARKETING PROPERTIES, INC. are signed to the writing above, bearing date on the 16 day of July 19 77 , have acknowledged the same before me in my County aforesaid. Given under my hand and official seal this 26 day of July , 19 19.

My commission expires:

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT PHILLIPS PETROLEUM COMPANY, Grantor, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto CITY OF CENTERVILLE, 100 W. Spring Valley Road, Centerville, Ohio, Grantee, all of Grantor's right, title and interest in and to the following real property and premises, situate in the County of Montgomery, State of Ohio, to wit:

Situated in the City of Centerville, County of Montgomery, State of Ohio, and in Section 25, Township 2, Range 6, Miami Rivers Survey and bounded and described as follows:

Being a part of Lots Number 1 and 2 of the Aaron Nutt Plat as recorded in Plat Book 1, Page 20, of the Plat Records of Montgomery County, now known as Lots Number 61 and 62 of the Plat of the Village of Centerville (Auditor's revised numbering system) and more particularly bounded and described as follows:

Beginning at the southwesterly corner of said Lot 61, said corner also being the intersection of the centerline of Main Street (State Route 48) and the centerline of Franklin Street;

thence along the westerly line of said Lots 61 and 62, same being said centerline of Main Street, North 3°23'00" East 208.56 feet to the northwest corner of said Lot 62;

thence along the northerly line of said Lot 62, same being the southerly line of Lot Number 63, formerly known as Lot Number 3, North 87°23'00" East 45.75 feet;

thence parallel with and 45.50 feet East of the westerly line of said Lots 61 and 62 South 3°23'00" West 146.00 feet;

thence South 44°26'31" East 36.52 feet;

thence parallel with and 35.00 feet North of the southerly line of said Lot 61 North $87^{\circ}23^{\circ}00^{\circ}$ East 140.00 feet to a point on the easterly line of said Lot 61;

thence along the easterly line of said Lot 61, as this line is established by a certain boundary agreement dated the 4th day of November, 1958, and recorded in Deed Book 1906, Page 149 of the Deed Records of Montgomery County, South 3°23'00" West 35.19 feet to the southeasterly corner of said Lot 62, passing a stone monument at 2.01 feet;

thence along the southerly line of said Lot 62, same being said center-line of Franklin Street, South 87°23'00" West 212.97 feet to the point of beginning containing 0.361 acres, more or less, inclusive of 0.302 acres, more or less, in present road occupied.

Description for this parcel, prepared by Burgess & Niple, Limited, is based on a survey by Robert E. Thompson.

Grantor, for itself and its successors and assigns, reserves the right of ingress and egress to and from any residual area.

Grantor claims title under Lease Agreement dated 2-12-59 and recorded in Book 73, Page 475, Montgomery County, Ohio records.

TO HAVE AND TO HOLD said real property and premises unto the said Grantee, its successors, heirs and assigns forever.

SIGNED AND DELIVERED this 11	_ day of	, 1979.
	PHILLIPS PETROLEUM/C	
WITNESSES: Sandru L. Halverley	THILLIPS PEROLEUM C	DATPAN I
Janice Brown	By Attorney-in-F	act Opposite
Prepared by: J. E. Mefford		
Phillips Petroleum Company P. O. Box 4833 Atlanta, GA 30302	1 10T TOIS	

ACKNOWLEDGEMENT

STATE OF OKLAHOMA) SS
COUNTY OF WASHINGTON)
The foregoing instrument was acknowledged before me this 12th
as Attorney in Fact on behalf of PHILLIPS PETROLEUM COMPANY, a Delaware
corporation.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal
this 13 th day of Culy, 1979.
Notary Public
My commission expires:
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