

NOTICE OF ADOPTION

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the 16th day of March, 2020,
Ordinance No. 05-20 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 05-20 was published in the
posting locations prescribed by City of Centerville Council Rules.



Clerk of Council

ORDINANCE NO. 05-20

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE
16th DAY OF March, 2020.

AN ORDINANCE AMENDING ORDINANCE NUMBER 14-08, CHAPTER 1216, THE UNIFIED DEVELOPMENT ORDINANCE, AS AMENDED, TO REZONE 1.73 ACRES OF LAND, MORE OR LESS, LOCATED AT 5495 WILMINGTON PIKE AND EAST WHIPP ROAD, FROM O-S, OFFICE SERVICE ZONE CLASSIFICATION, TO B-2, GENERAL BUSINESS ZONE CLASSIFICATION.

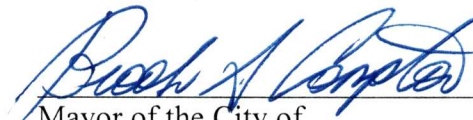
THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. The Official Zoning Map attached to Ordinance Number 14-08, Chapter 1216, Article 7 of the Unified Development Ordinance, passed on the 15th day of December, 2008, and as subsequently amended, be, and the same hereby is amended to rezone 1.73 acres of land, more or less, located at 5495 Wilmington Pike and East Whipp Road from O-S, Office Service zone classification, to B-2, General Business zone classification. A map and legal description defining the area is marked Exhibit "A", attached hereto and incorporated herein. The Parcel Identification Numbers are O68 01703 0003 and O68 01703 0004.

Section 2. The zoning map of the City of Centerville, Ohio, shall be revised to reflect these adjustments.

Section 3. This ordinance shall not take effect until after the ordinance adopting the CP Overlay District goes into effect.

PASSED THIS 16th day of March, 2020.



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. 05-20, passed by the Council of the City of Centerville, Ohio on the 16th day of March, 2020.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

Exhibit "A"

AREA TO BE REZONED LEGAL DESCRIPTION Containing 1.7345 Total Acres

Situated in Section 15, Town 2, Range 6 M.Rs., City of Centerville, Montgomery County Ohio, and being Part of Lot 4 of the Replat Whipp Road Plat, as recorded in Plat Book 145, Page 37, and being all of the lands conveyed to Heartland Federal Credit Union, as recorded in I.R. Deed 04-087372, and part of the lands conveyed to Speedway Superamerica LLC (K.N.A. Speedway LLC), as recorded in Deed M.F. 98-076E07 (all references to recorded plats and deeds are on file at the Montgomery County Recorder's Office located in Dayton, OH) and being more particularly described as follows;

Beginning, at a point for reference on the southwest corner of Lot 3 and being the southerly corner of Lot 4 of Replat of Whipp Road Plat, as recorded in Plat Book 145, Page 37;

Thence along the common line of said Lot 3 & Lot 4, North 25°49'38" East, a distance of 6.04 feet to a found Chiseled "X" on the northerly right-of-way line of Whipp Road, and being the **True Point of Beginning**;

Thence along said northerly right-of-way line of Whipp Road, the following four (4) courses;

1. Along a non-tangent curve to the right, having a radius of **782.00 feet**, an arc length of **108.78 feet**, and subtended by a chord bearing **North 56°18'02" West**, a distance of **108.69 feet** to a found **5/8" Iron Pin** with a Kleinger cap;
2. **South 39°58'42" West**, a distance of **1.01 feet** to a found **Chiseled "X"**;
3. **North 50°01'18" West**, a distance of **143.22 feet** to a found **Chiseled "X"**;
4. Along a tangent curve to the left, having a radius of **1061.00 feet**, an arc length of **72.32 feet**, and subtended by a chord bearing **North 51°58'28" West**, a distance of **72.31 feet** to a found **Chiseled "X"** on the southerly right-of-way line of Old Whipp Court;

Thence along said southerly right-of-way line of Old Whipp Court, the following five courses;

1. Along a tangent curve to the right, having a radius of **15.00 feet**, an arc length of **21.91 feet**, and subtended by a chord bearing **North 12°05'15" West**, a distance of **20.01 feet** to a found **5/8" Iron Pin** with a Haley Dusa cap;
2. Along a tangent curve to the right, having a radius of **74.05 feet**, an arc length of **87.09 feet**, and subtended by a chord bearing **North 63°26'37" East**, a distance of **82.16 feet** to a found **5/8" Iron Pin** with a Haley Dusa cap;
3. **South 82°51'55" East**, a distance of **444.19 feet** (passing a found Chiseled "X" at 295.18 feet) to a found **Mag Nail**;
4. Along a tangent curve to the right, having a radius of **35.71 feet**, an arc length of **33.48 feet**, and subtended by a chord bearing **South 56°00'08" East**, a distance of **32.27 feet** to a found **Chiseled "X"**;
5. Along a tangent curve to the left, having a radius of **50.00 feet**, an arc length of **110.20 feet**, and subtended by a chord bearing **North 87°43'35" East**, a distance of **89.21 feet** to a point (referenced found **5/8" Iron Pin** bent on line and 0.56 south of the corner) on the west right-of-way line of Wilmington Pike;

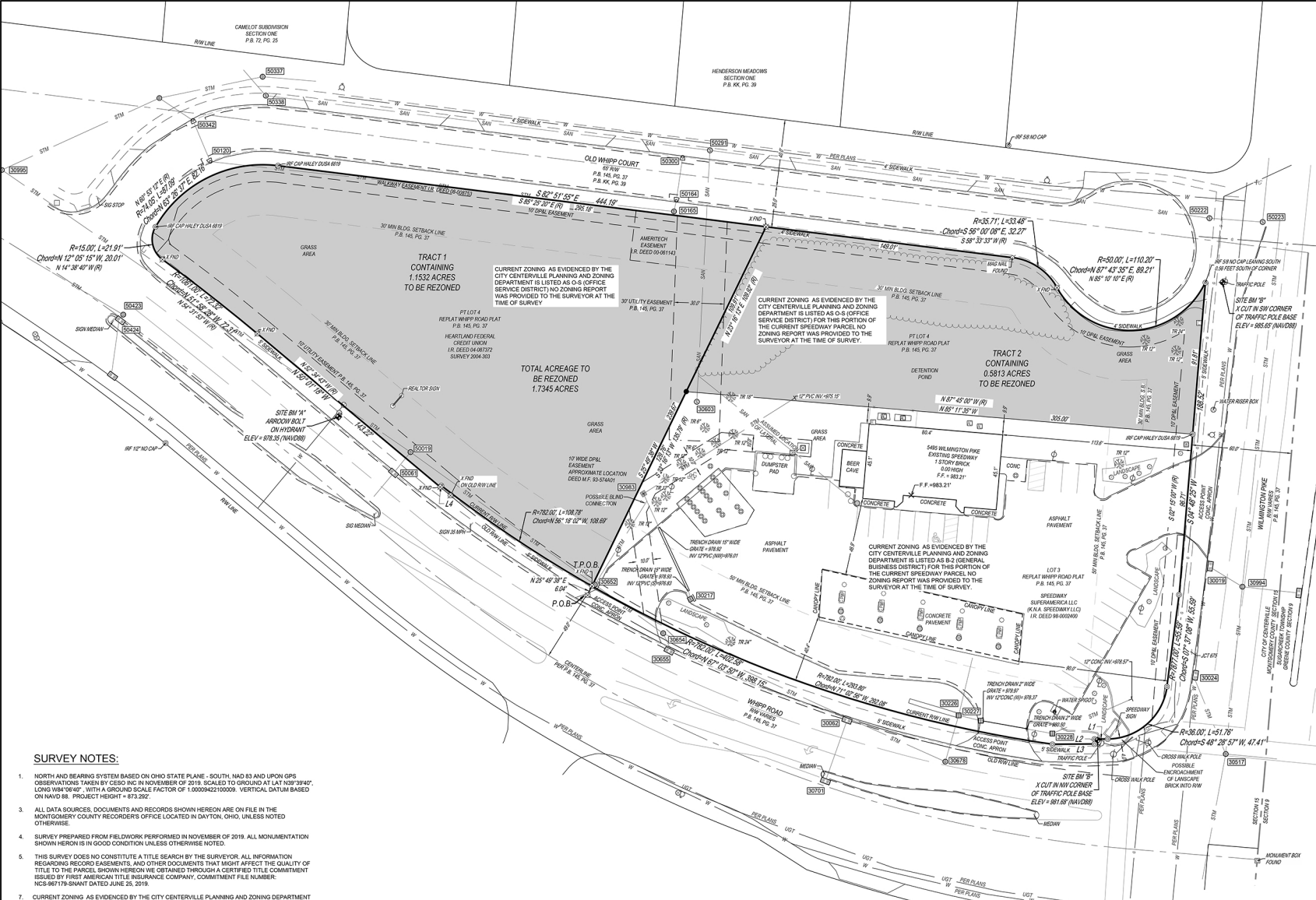
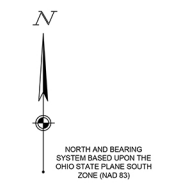
Thence along said west right-of-way line of Wilmington Pike, **South 04°48'25" West**, a distance of **91.81 feet** to a found **5/8" Iron Pin** with a Haley Dusa cap on the northeast corner of Lot 3 of the aforementioned Replat of Whipp Road;

Thence along the line of said Lot 3, the following two (2) courses;

1. **North 85°11'35" West**, a distance of **305.00 feet** to a set **5/8" Iron Pin**;
1. **South 25°49'38" West**, a distance of **129.76 feet** to the **True Point of Beginning**.

Containing 1.7345 Total Acres. All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

REZONING MAP
 WILMINGTON AVENUE & MAP ROAD
 SECTION 15, TOWN 2, RANGE 6, M.Rs.
 CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO



- SITE BENCHMARK
- 5/8" IRON PIN SET WITH YELLOW CESS CAP
- ⊗ MAG NAIL FOUND
- ⊗ CROSS NOTCH FOUND
- ⊗ 5/8" IRON PIN WITH A BEZEL
- ⊗ CAP FOUND UNLESS OTHERWISE NOTED
- ⊗ SANITARY MANHOLE
- ⊗ CLEANOUT
- ⊗ ELECTRIC METER
- ⊗ WATER METER
- ⊗ WATER VALVE
- ⊗ FIRE HYDRANT
- ⊗ GAS METER
- ⊗ ELECTRIC BOX
- ⊗ GAS PUMP
- ⊗ CONDY/COLLYN
- ⊗ BOLLARD
- ⊗ GAS VENT PIPE
- ⊗ SIGNAL POLE
- ⊗ CABLE BOX
- ⊗ CURB INLET
- ⊗ DRAINAGE MANHOLE
- ⊗ CATCH BASIN
- ⊗ CURB INLET TO GRATE
- ⊗ AIR CONDITIONER UNIT
- ⊗ LIGHT POLE
- ⊗ MONITORING WELL
- ⊗ BUSH
- ⊗ TELEPHONE BOX
- (R) RECORD MEASUREMENT
- BOUNDARY LINE
- ADJACENT LINE
- SECTION LINE
- EASEMENT LINE
- STW
- SAN
- WATER LINE
- SANITARY LINE
- W
- UGE
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- GAS LINE

- SURVEY NOTES:**
- NORTH AND BEARING SYSTEM BASED ON OHIO STATE PLANE - SOUTH, NAD 83 AND GPS OBSERVATIONS TAKEN BY CESO INC IN NOVEMBER OF 2019. SCALED TO GROUND AT LAT N89°39'47", LONG W8°16'02" WITH A GROUND SCALE FACTOR OF 1.00094942100009. VERTICAL DATUM BASED ON NAVD 83. PROJECT HEIGHT = 873.286.
 - ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE MONTGOMERY COUNTY RECORDER'S OFFICE LOCATED IN DAYTON, OHIO, UNLESS NOTED OTHERWISE.
 - SURVEY PREPARED FROM FIELDWORK PERFORMED IN NOVEMBER OF 2019. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
 - THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE PARCEL SHOWN HEREON WE OBTAINED THROUGH A CERTIFIED TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT FILE NUMBER: NCS-88178-SMANT DATED JUNE 25, 2019.
 - CURRENT ZONING AS EVIDENCED BY THE CITY CENTERVILLE PLANNING AND ZONING DEPARTMENT IS LISTED AS B-2 (GENERAL BUSINESS DISTRICT) FOR THE CURRENT SPEEDWAY PARCEL AND D-S (OFFICE SERVICE DISTRICT) FOR THE PROPOSED PURCHASE PARCEL. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR AT THE TIME OF SURVEY.
 - THE SURVEY IS NOT A RECORDABLE DOCUMENT FOR TRANSFER OF TITLE.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS REZONING MAP IS A REPRESENTATION OF A FIELD SURVEY PERFORMED BY CESO, INC IN NOVEMBER 2019 UNDER MY DIRECTION.

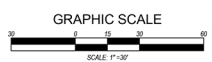
SIGNED
 MICHAEL J. WILSON
 OHIO P.S. #8281
 michael.wilson@cesoinc.com



Line #	Direction	Length
L1	S89° 40' 32" W	7.94
L2	S00° 19' 28" E	3.00
L3	S89° 40' 32" W	25.31
L4	S39° 58' 42" W	1.01

DEVELOPER:
 SPEEDWAY LLC
 800 SPEEDWAY DR
 ENCL, OHIO 43033
 608-643-1946

SURVEYOR:
 CESO INC
 3611 ROBY RD, SUITE 300
 MARIETTA, OHIO 43042
 937-425-8584



REVISIONS		
NO.	DATE	DESCRIPTION

REZONING MAP

SPEEDWAY LLC UNIT #9726

5495 WILMINGTON PKE CITY OF CENTERVILLE SEC 15, TN 2, RNG 6 M.Rs. MONTGOMERY COUNTY, OHIO

SCALE: 1" = 30' DATE: 1/30/2020

DESIGN: N/A JOB NO: 757346

DRAWN: MJW SHEET NO. 1

CHECKED: JKH

WWW.CESOINC.COM

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