

RESOLUTION NO. 11-16
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE 14th
DAY OF March, 2016.

A RESOLUTION BY THE CENTERVILLE CITY COUNCIL, MONTGOMERY COUNTY, STATE OF OHIO, DECLARING THE INTENT OF THE CITY OF CENTERVILLE TO APPROPRIATE REAL PROPERTY LOCATED AT 5695 WILMINGTON PIKE FOR THE WILMINGTON PIKE PHASE II ROAD PROJECT FOR WIDENING OF WILMINGTON PIKE FROM BROWN ROAD TO I-675.

WHEREAS, the City of Centerville is engaged in the acquisition of certain interests in real property in connection with a public roadway improvement within the corporate limits of Centerville; and

WHEREAS, the acquisition of the within described property for roadway purposes is immediately necessary for roadway purposes in connection with construction of the improvement; and

WHEREAS, the Council has determined that the property hereinafter described is necessary for public roadway construction in connection with such project so there will be no delay for the immediate preservation of the public peace, health, safety and welfare.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, STATE OF OHIO, THAT:

SECTION 1: It is hereby declared by the Council of the City of Centerville, Ohio to be its intention to appropriate certain real property described more fully in Section 2 below; an easement for construction purposes, the following property for the purpose of widening and improving Wilmington Pike which is a road open to the public without charge and heretofore approved by the City.

SECTION 2: That the property to be appropriated include the following described real property being necessary for a public right-of-way and road improvement:

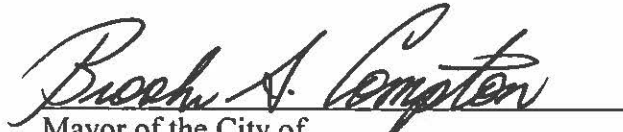
Temporary Construction Easement as identified in Exhibit "A" and depicted in Exhibit "B", both exhibits hereby attached and incorporated by reference.

SECTION 3: It is further determined that for said road improvement to be constructed it is necessary that the City of Centerville take immediate possession of said temporary rights-of-way and easements for construction purposes.

SECTION 4: Upon passage of the within Resolution, it is hereby authorized and directed that written notice of the passage of the same be given to the owner of, persons in possession of, or persons having an interest of record in said property in accordance with Sections 163.04, 163.041 and 719.05 of the Revised Code.

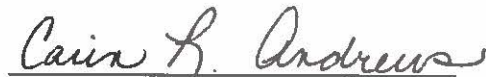
SECTION 5: This resolution shall take effect at the earliest time allowed by law.

PASSED THIS 14th day of March, 2016.



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 Resolution No. 11-16, passed by the Council of the City of Centerville, Ohio on the 14th day of March, 2016.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney



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**LEGAL DESCRIPTION
5695 WILMINGTON PIKE LLC
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 15, Town 2, Range 6, MRs, City of Centerville, Montgomery County, Ohio being part of a 7.077 acre (deed) tract of land conveyed to 5695 Wilmington Pike LLC in Deed M.F. #00-0212B03 of the Montgomery County Recorder's Office, the boundary of a temporary construction easement being more particularly described as follows:

Beginning at a ½" iron pin found at the southeast corner of Lot 2 of Archon Plaza as recorded in P.B. 162 Pg. 42 and being in the west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 42.73 feet;

Thence through said 7.077 acre tract, N48°51'44"W a distance of 43.44 feet;

Thence continuing, N04°49'20"E a distance of 17.00 feet to a point in the north line of said 7.077 acre tract;

Thence along said north line, S85°11'11"E a distance of 35.00 feet to the Point of Beginning;

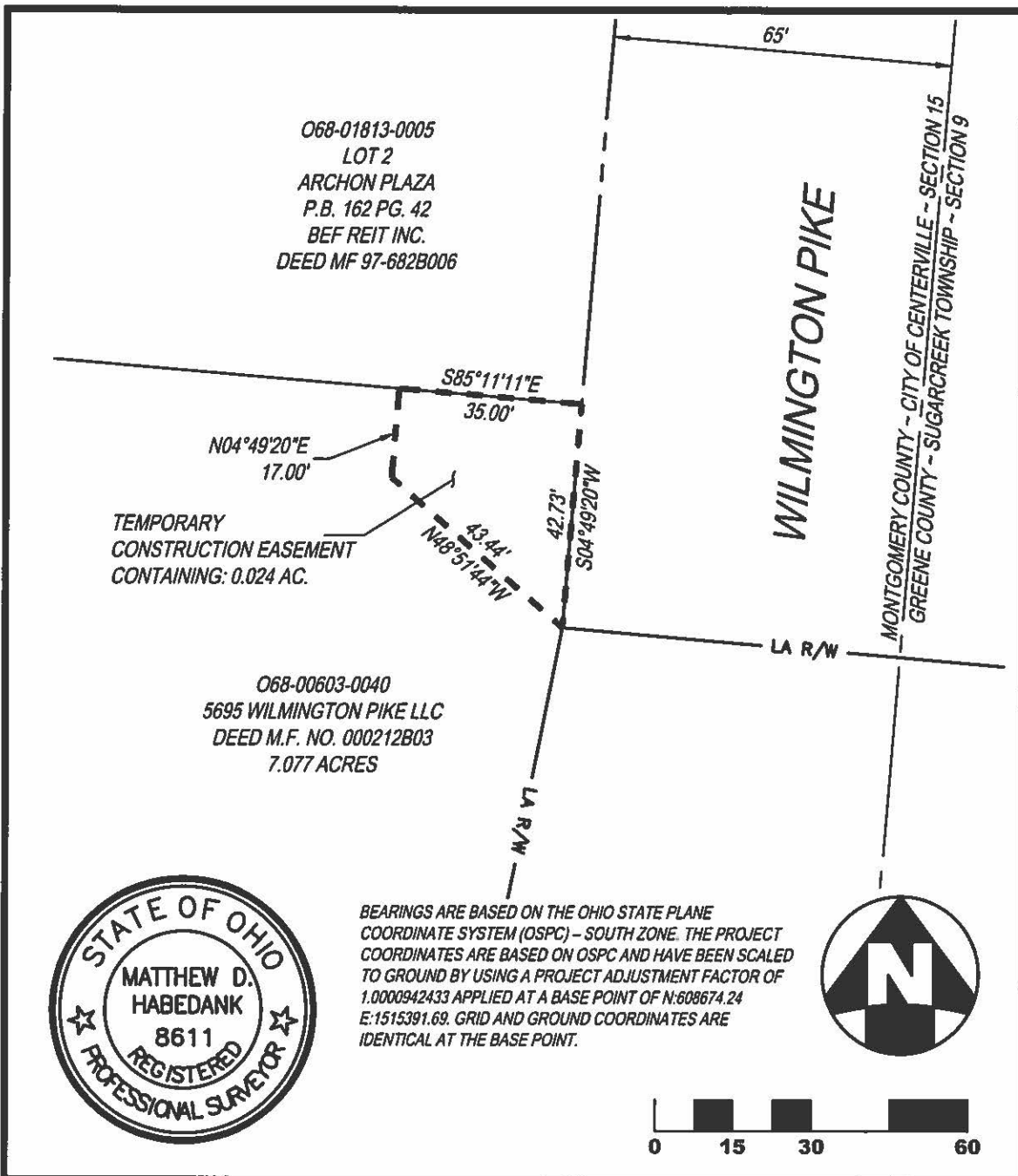
Containing 0.024 acres of land more or less and being subject to easements and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System (OSPC) – South Zone. The project coordinates are based on OSPC and has been scaled to ground by using a project adjustment factor of 1.0000942433 applied at a base point of N: 608674.24 E: 1515391.69. Grid and ground coordinates area identical at the base point.

All as shown on attached Exhibit "A"

MATTHEW D. HABEDANK, P.S.
OHIO PROFESIONAL SURVEYOR NO. 8611

DATE



BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM (OSPC) - SOUTH ZONE. THE PROJECT COORDINATES ARE BASED ON OSPC AND HAVE BEEN SCALED TO GROUND BY USING A PROJECT ADJUSTMENT FACTOR OF 1.0000942433 APPLIED AT A BASE POINT OF N:608674.24 E:1515391.69. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.



5695 WILMINGTON PIKE, LLC

EXHIBIT "A"

<p>TEMPORARY CONSTRUCTION EASEMENT SECTION 15, TOWN 2, RANGE 6 M.Rs CITY OF CENTERVILLE MONTGOMERY COUNTY, OHIO</p>	<p>SCALE: 1"=30' DATE: 11/13/15 DRAWN: DKY CHECKED: MDH JOB No. 150173VEA000</p>	<p>THE KLEINGERS GROUP CIVIL ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE 6205 Centre Park Dr. West Chester, OH 45080 313.779.7851 www.kleingers.com</p>
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