

RESOLUTION NO. 12-16  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Johnnie Rau ON THE 14<sup>th</sup>  
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 5525 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; a permanent standard highway easement, a water main easement and 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:

Standard Highway Easement as identified in Exhibit "A" and depicted in Exhibit "D", both exhibits hereby attached and incorporated by reference.

Water Main Easement as identified in Exhibit "B" and depicted in Exhibit "D", both exhibits hereby attached and incorporated by reference.

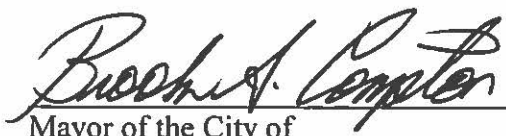
Temporary Construction Easement as identified in Exhibit "C" and depicted in Exhibit "D", both exhibits hereby attached and incorporated by reference.

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 land, permanent and 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 14<sup>th</sup> 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. 12-16, passed by the Council of the City of Centerville, Ohio on the 14<sup>th</sup> 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



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone ▶ 513.779.7851  
fax ▶ 513.779.7852  
[www.kleingers.com](http://www.kleingers.com)

**LEGAL DESCRIPTION  
BEF REIT INC.  
STANDARD HIGHWAY EASEMENT**

Situated in Section 15, Town 2, Range 6, M.Rs, City of Centerville, Montgomery County, Ohio being part of Lot 2 of Archon Plaza as recorded in P.B. 162 Pg. 42 as conveyed to Bef Reit Inc. in Deed M.F. #97-682B006 of the Montgomery County Recorder's Office the boundary of a standard highway easement being more particularly described as follows:

Beginning at a point in the west right of way line of Wilmington Pike being N04°49'20"E a distance of 135.00 feet from the southeast corner of said Lot 2;

Thence through said Lot 2 the following three (3) courses:

1. N85°10'40"W a distance of 15.00 feet;
2. N04°49'20"E a distance of 10.00 feet;
3. S85°10'40"E a distance of 15.00 feet to a point in the aforesaid west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 10.00 feet to the Point of Beginning;

Containing 0.003 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"

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

DATE



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**LEGAL DESCRIPTION  
BEF REIT INC.  
WATER MAIN EASEMENT**

Situated in Section 15, Town 2, Range 6, M.Rs, City of Centerville, Montgomery County, Ohio being part of Lot 2 of Archon Plaza as recorded in P.B. 162 Pg. 42 as conveyed to Bef Reit Inc. in Deed M.F. #97-682B006 of the Montgomery County Recorder's Office, the boundary of a water main easement being more particularly described as follows:

Beginning at a point in the west right of way line of Wilmington Pike being N04°49'20"E a distance of 25.00 feet from the southeast corner of said Lot 2;

Thence through said Lot 2 the following three (3) courses:

1. N85°10'40"W a distance of 5.00 feet;
2. N04°49'20"E a distance of 55.00 feet;
3. S85°10'40"E a distance of 5.00 feet to a point in the aforesaid west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 55.00 feet to the Point of Beginning;

Containing 0.006 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"

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**LEGAL DESCRIPTION  
BEF REIT INC.  
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 15, Town 2, Range 6, M.Rs, City of Centerville, Montgomery County, Ohio being part of Lot 2 of Archon Plaza as recorded in P.B. 162 Pg. 42 as conveyed to Bef Reit Inc. in Deed M.F. #97-682B006 of the Montgomery County Recorder's Office, the boundary of a temporary construction easement being more particularly described as follows:

Beginning at the southeast corner of said Lot 2, also being in the west right of way line of Wilmington Pike;

Thence along the south line of said Lot 2, N85°11'11"W a distance of 35.00 feet;

Thence through said Lot 2 the following three (3) courses:

1. N04°49'20"E a distance of 30.00 feet;
2. S85°10'40"E a distance of 18.00 feet;
3. N04°49'20"E a distance of 170.93 feet to a point in the north line of the aforesaid Lot 2;

Thence along said north line, S85°11'11"E a distance of 17.00 feet to a point in the aforesaid west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 55.92 feet;

Thence along the lines of a proposed standard highway easement the following three (3) courses:

1. N85°10'40"W a distance of 15.00 feet;
2. S04°49'20"W a distance of 10.00 feet;
3. S85°10'40"E a distance of 15.00 feet to a point in the aforesaid west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 55.00 feet;

Thence along a proposed water main easement the following three (3) courses:

1. N85°10'40"W a distance of 5.00 feet;
2. S04°49'20"W a distance of 55.00 feet;



3. S85°10'40"E a distance of 5.00 feet to a point in the aforesaid west right of way line of Wilmington Pike;

Thence along said west right of way line, S04°49'20"W a distance of 25.00 feet to the Point of Beginning;

Containing 0.081 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".

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

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