

RESOLUTION NO. 20-16  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 28<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 2650 EAST WHIPP ROAD FOR THE WILMINGTON PIKE PHASE II ROAD PROJECT FOR WIDENING AND ENHANCEMENT OF WILMINGTON PIKE FROM BROWN ROAD TO I-675 AND THE WIDENING AND ENHANCEMENT OF EAST WHIPP ROAD.

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 right-of-way and an easement for construction purposes, the following property for the purpose of widening and improving East Whipp Road 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:

Permanent Take Parcel as identified in Exhibit "A" and depicted in Exhibit "C", both exhibits hereby attached and incorporated by reference.

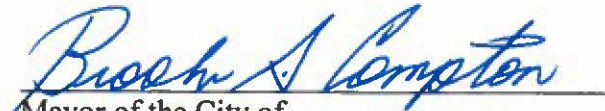
Temporary Construction Easement as identified in Exhibit "B" and depicted in Exhibit "C", both exhibits hereby attached and incorporated by reference.

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 28<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. 20-16, passed by the Council of the City of Centerville, Ohio on the 28<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  
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**LEGAL DESCRIPTION  
RICHARD S. CARPER  
0.003 ACRES**

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 Richard S. Carper in IR Deed 2010-039586 of the Montgomery County Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin set at the northeast corner of said Lot 2, said point being in the south right of way line of Whipp Road;

Thence along the east line of said Lot 2, S04°48'49"W a distance of 8.84 feet to a 5/8" iron pin set;

Thence along a new division line, N57°21'08"W a distance of 37.47 feet to a 5/8" iron pin set in the aforesaid south right of way line of Whipp Road;

Thence along said south right of way line along a curve to the left an arc distance of 34.25 feet to the point of beginning, said curve having a radius of 821.25 feet, a delta of 2°23'23' and a chord bearing S70°32'40"E a distance of 34.25 feet.

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.

The above description is based upon a field survey made by The Kleingers Group under the direction of Matthew D. Habedank, Ohio Professional Surveyor No. 8611. A plat of survey is recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Montgomery County Engineers Record of Land Surveys.

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

DATE





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**LEGAL DESCRIPTION  
RICHARD S. CARPER  
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 Richard S. Carper in IR Deed 2010-039586 of the Montgomery County Recorder's Office, the boundary of a temporary construction easement being more particularly described as follows:

Beginning at a 5/8" iron pin set in the east line of said Lot 2, said point being S04°48'49"W a distance of 8.84 feet from the northeast corner of said Lot 2;

Thence along said east line, S04°48'49"W a distance of 5.65 feet;

Thence through said Lot 2, N57°21'08"W a distance of 65.62 feet to a point in the existing south right of way line of Whipp Road;

Thence along said existing south right of way line along a curve to the left an arc distance of 25.99 feet to a point in the proposed south right of way line of Whipp Road, said curve having a radius of 821.25 feet, a delta of 1°48'49" and a chord bearing S68°26'35"E a distance of 25.99 feet;

Thence along said proposed south right of way line, S57°21'08"E a distance of 37.47 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.

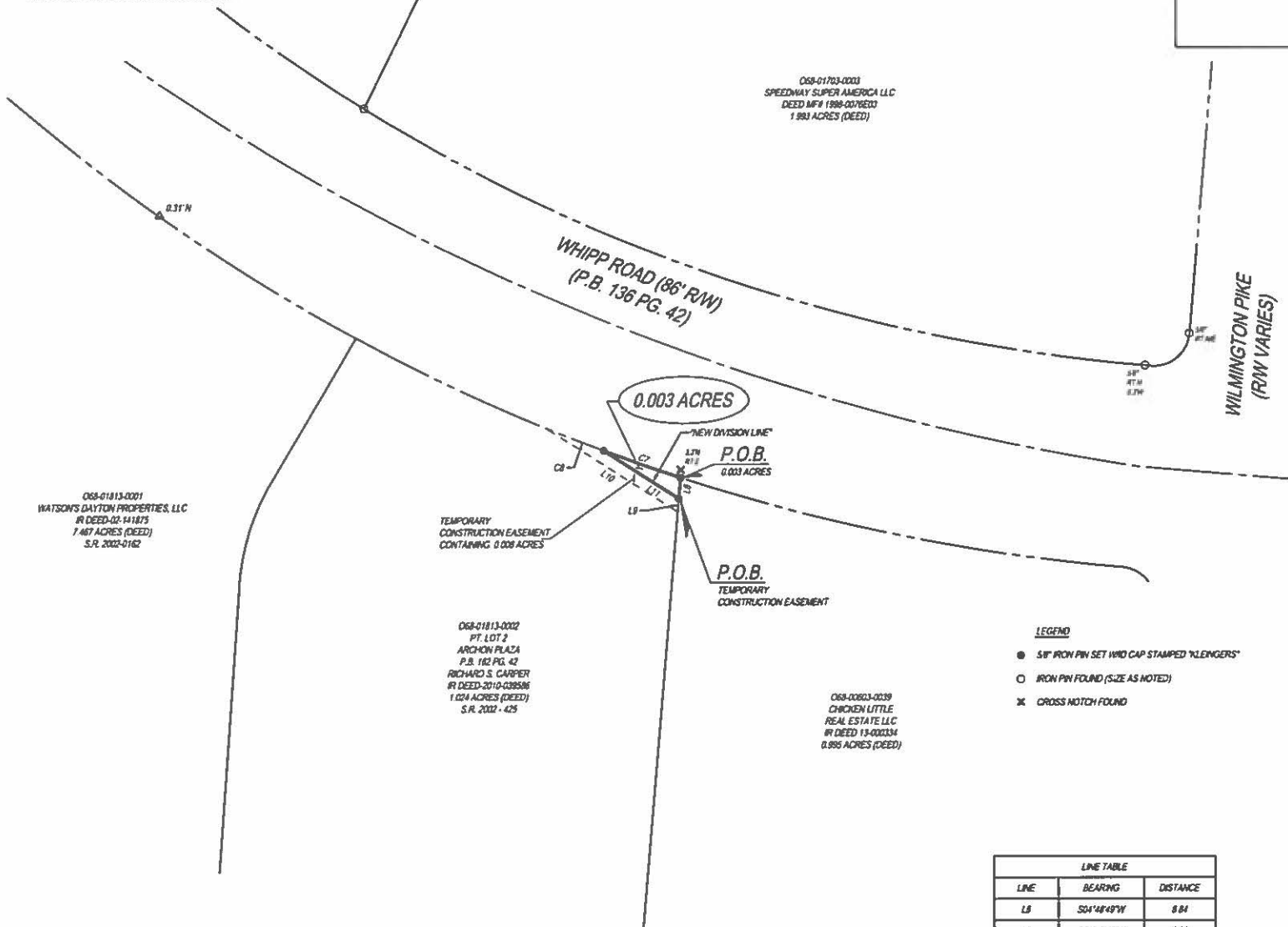
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MATTHEW D. HABEDANK, P.S.  
OHIO PROFESIONAL SURVEYOR NO. 8611

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 1.00004433 APPLIED AT A BASE POINT OF N 89874.24 E 1515381.83. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT



068-01813-001  
WATSON'S DAYTON PROPERTIES, LLC  
IR DEED-02-141873  
7.487 ACRES (DEED)  
S.R. 2002-0162

TEMPORARY  
CONSTRUCTION EASEMENT  
CONTAINING 0.008 ACRES

068-01813-002  
PT. LOT 2  
ARCHON PLAZA  
P.B. 162 PG. 42  
RICHARD S. CARPER  
IR DEED-2010-028586  
1.024 ACRES (DEED)  
S.R. 2012 - 425

068-01783-003  
SPEEDWAY SUPER AMERICA LLC  
DEED M/F 188-071603  
1.893 ACRES (DEED)

068-00603-0039  
CHICKEN LITTLE  
REAL ESTATE LLC  
IR DEED 13-000334  
0.995 ACRES (DEED)

**LEGEND**

- 5/8" IRON PIN SET W/ID CAP STAMPED "KLEINGERS"
- IRON PIN FOUND (SIZE AS NOTED)
- ✕ CROSS NOTCH FOUND

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L8         | S04°48'49"W | 8.84     |
| L9         | S04°48'49"W | 5.65     |
| L10        | N57°21'08"W | 65.82    |
| L11        | N57°21'08"W | 37.47    |

| CURVE TABLE |        |        |          |             |       |
|-------------|--------|--------|----------|-------------|-------|
| CURVE       | RADIUS | LENGTH | DELTA    | DIRECTION   | CHORD |
| C7          | 821.25 | 34.25  | 2°23'23" | S70°32'40"E | 34.25 |
| C8          | 821.25 | 25.99  | 1°48'49" | S68°26'35"E | 25.99 |

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON A SURVEY MADE UNDER MY DIRECTION.

\_\_\_\_\_  
MATTHEW D. HABEDANK, P.S.  
OHIO PROFESSIONAL SURVEYOR NO. 8811

\_\_\_\_\_  
DATE

- NOTES**
- ALL MONUMENTS FOUND IN GOOD CONDITION
  - SOURCE DOCUMENTS ARE AS NOTED
  - OCCUPATION IS AS SHOWN

**THE KLEINGERS GROUP**  
CIVIL ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE  
www.kleingers.com  
6305 Conroy Park Dr. West Chester, OH 43088  
513.778.7851



NO. DATE DESCRIPTION  
1 2/22/2018 INITIAL SURVEY - MDH

**BOUNDARY SURVEY**  
**0.003 ACRES**  
SECTION 15, TOWN 2, RANGE 6, M.R.2  
CITY OF CENTERVILLE  
MONTGOMERY COUNTY, OHIO

PROJECT NO: 150173V80000  
DATE: 2/22/2018

SCALE: 1" = 30'  
0 15 30 60

SHEET NAME:  
**CARPER PROPERTY**

SHEET NO:  
**1 OF 1**