

RESOLUTION NO. 22-16
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 28TH
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 ALONG EAST WHIPP ROAD SOUTH OF OLD WHIPP COURT 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 standard highway easement 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 28th 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. 22-16, passed by the Council of the City of Centerville, Ohio on the 28th 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

**LEGAL DESCRIPTION
HEARTLAND FEDERAL CREDIT UNION
0.009 ACRES**

Situated in Section 15, Town 2, Range 6, M.Rs., City of Centerville, Montgomery County, Ohio, being part of a 1.162 acre (deed) tract of land conveyed to Heartland Federal Credit Union in IR Deed 04-087382 of the Montgomery County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin found at the southwest corner of Lot 3 of the Whipp Road Plat as recorded in P.B. 145 Pg 37;

Thence along the north right of way line of Whipp Road, along a curve to the right an arc distance of 101.86 feet to a 5/8" iron pin set, said curve having a radius of 735.25 feet, a delta of 7°56'16" and a chord bearing N53°59'02"W a distance of 101.78 feet;

Thence continuing, N50°00'54"W a distance of 7.97 feet to a 5/8" iron pin set;

Thence along a new division line, N39°59'06"E a distance of 1.00 feet to a 5/8" iron pin set;

Thence continuing, along a curve to the left an arc distance of 108.77 feet to a 5/8" iron pin set in the aforementioned west line of Lot 3, said curve having a radius of 782.00 feet, a delta of 7°58'11" and a chord bearing S56°17'39"E a distance of 108.69 feet;

Thence along said west line, S25°50'02"W a distance of 6.03 feet to the point of beginning.

Containing 0.009 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. DATE
OHIO PROFESIONAL SURVEYOR NO. 8611



CINCINNATI
COLUMBUS
DAYTON

6305 Centre Park Drive
West Chester, OH 45069
phone ▶ 513.779.7851
fax ▶ 513.779.7852
www.kleingers.com

**LEGAL DESCRIPTION
HEARTLAND FEDERAL CREDIT UNION
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 15, Town 2, Range 6, M.Rs., City of Centerville, Montgomery County, Ohio, being part of a 1.162 acre (deed) tract of land conveyed to Heartland Federal Credit Union in IR Deed 04-087382 of the Montgomery County, Ohio 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 west line of Lot 3 of the Whipp Road Plat as recorded in P.B. 145 Pg 37, said point being N25°50'02"E a distance of 6.03 feet from the southwest corner of said Lot 3;

Thence along the proposed north right of way line of Whipp Road along a curve to the right, an arc distance of 108.77 feet, said curve having a radius of 782.00 feet, a delta of 7°58'11" and a chord bearing N56°17'39"W a distance of 108.69 feet;

Thence continuing, S39°59'06"W a distance of 1.00 feet to a point in the existing north right of way line of Whipp Road;

Thence along said existing north right of way line, N50°00'54"W a distance of 5.00 feet;

Thence through the aforementioned 1.162 acre (deed) tract of land, N39°59'06"E a distance of 5.82 feet;

Thence continuing, along a curve to the left an arc distance of 112.54 feet to a point in the aforementioned west line of Lot 3, said curve having a radius of 777.00 feet, a delta of 8°17'56" and a chord bearing S56°06'17"E a distance of 112.44 feet;

Thence along said west line, S25°50'02"W a distance of 5.01 feet to the point of beginning.

Containing 0.013 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 PROFESSIONAL SURVEYOR NO. 8611

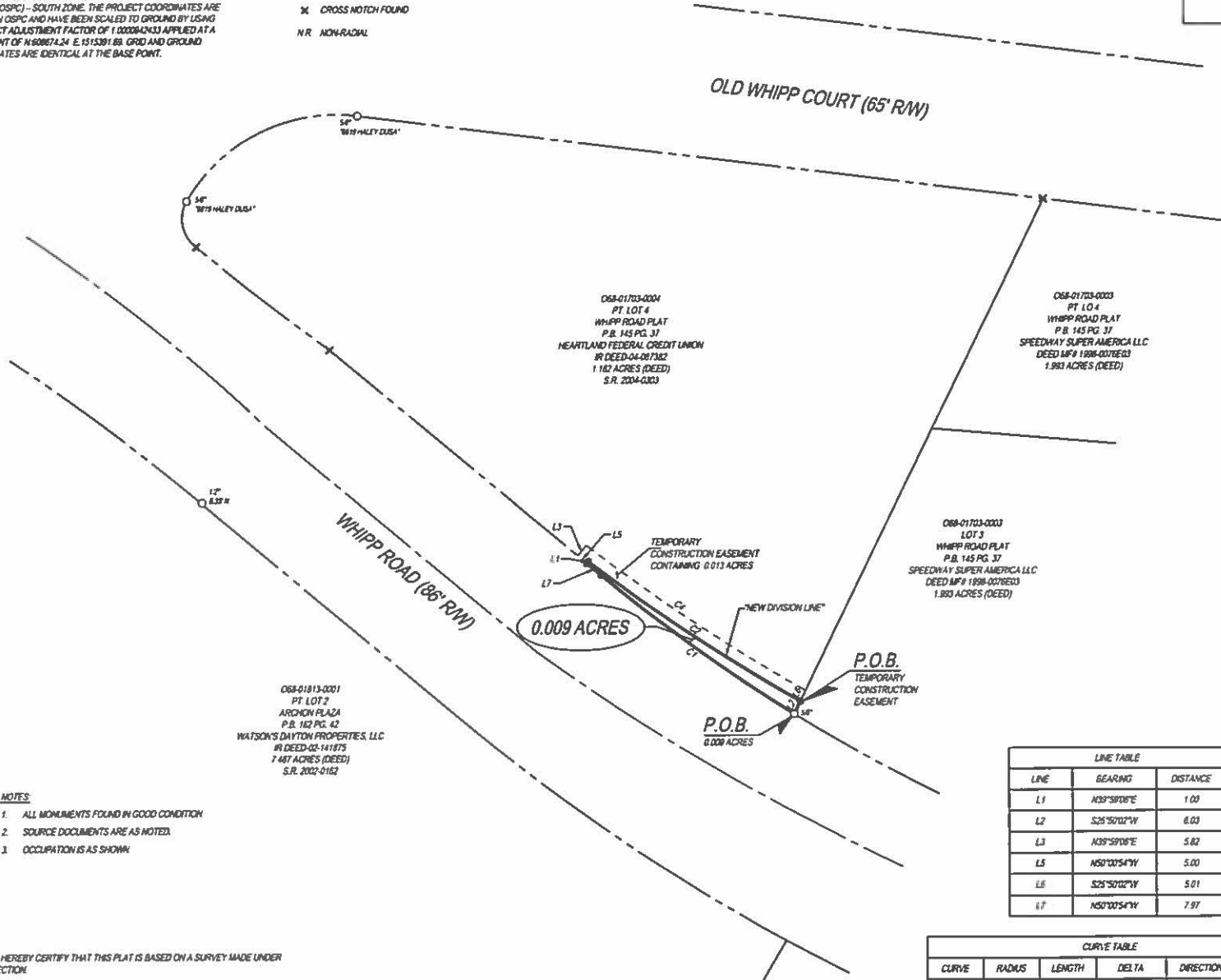
DATE



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 1.000042433 APPLIED AT A BASE POINT OF N408674.24, E 1515391.89. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.

LEGEND

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



068-01813-0001
 PT. LOT 2
 ARCHON PLAZA
 P.B. 162 PG. 42
 WATSON'S DAYTON PROPERTIES, LLC
 #1 DEED-02-141875
 7.487 ACRES (DEED)
 S.R. 2002-0162

068-01703-0004
 PT. LOT 4
 WHIPP ROAD PLAT
 P.B. 145 PG. 37
 HEARTLAND FEDERAL CREDIT UNION
 #1 DEED-04-097362
 1.162 ACRES (DEED)
 S.R. 2004-0203

068-01703-0003
 PT. LOT 4
 WHIPP ROAD PLAT
 P.B. 145 PG. 37
 SPEEDWAY SUPER AMERICA LLC
 DEED #19 1998-007863
 1.993 ACRES (DEED)

068-01703-0003
 LOT 3
 WHIPP ROAD PLAT
 P.B. 145 PG. 37
 SPEEDWAY SUPER AMERICA LLC
 DEED #19 1998-007863
 1.993 ACRES (DEED)

NOTES

1. ALL MONUMENTS FOUND IN GOOD CONDITION
2. SOURCE DOCUMENTS ARE AS NOTED.
3. OCCUPATION IS AS SHOWN.

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

MATTHEW D. HABEDANK, P.S. _____ DATE
 OHIO PROFESSIONAL SURVEYOR NO. 8611

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N29°59'00"E | 1.00 |
| L2 | S25°50'00"W | 6.03 |
| L3 | N29°59'00"E | 5.82 |
| L5 | N50°00'54"W | 5.00 |
| L6 | S25°50'00"W | 5.01 |
| L7 | N50°00'54"W | 7.97 |

| CURVE | RADIUS | LENGTH | DELTA | DIRECTION | CHORD |
|-------|--------|--------|----------|-------------|--------|
| C1 | 735.25 | 101.86 | 7°56'16" | A53°59'02"W | 101.78 |
| C2 | 782.00 | 128.77 | 7°58'11" | S58°17'38"E | 128.69 |
| C4 | 777.00 | 112.54 | 6°17'56" | S58°06'17"E | 112.44 |

THE KLEINGERS GROUP
 CIVIL ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE
 www.kleingers.com
 6305 Canova Park Dr.
 West Chester, OH 45069
 513.778.7851



| NO. | DATE | DESCRIPTION |
|-----|-----------|---------------------------|
| 1 | 11/17/15 | INITIAL SURVEY - DKY |
| 1 | 2/22/2016 | REVISED RW AND TEMP - MEH |

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

PROJECT NO: 150173V8D000
 DATE: 11/16/15
 SCALE: 1" = 30'

HEARTLAND FEDERAL CREDIT UNION

SHEET NO: **1 OF 1**

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