

RESOLUTION NO. 23-16  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Lerr 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 5495 WILMINGTON PIKE 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, a water main easement and an easement for construction purposes, the following property for the purpose of widening and improving Wilmington Pike and East Whipp Road which are roads 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 "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.

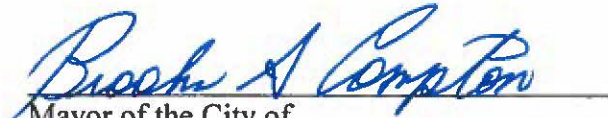
Temporary Construction Easement as identified in Exhibit "C" and depicted in Exhibit "D", both exhibits hereby attached and incorporated by reference.

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 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. 23-16, 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

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**LEGAL DESCRIPTION  
SPEEDWAY SUPERAMERICA  
0.112 ACRES**

Situated in Section 15, Town 2, Range 6, MRs, City of Centerville, Montgomery County, Ohio being part of a 1.993 acre (deed) tract of land conveyed to Speedway Super America, LLC in Deed M.F. #1998-0076E03 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 set in the west right of way line of Wilmington Pike, said point being S04°49'20"W a distance of 96.71 feet from the northeast corner of Lot 3 of Whipp Road Plat as recorded in P.B. 145 Pg 37;

Thence along said west right of way line, S04°49'20"W a distance of 96.55 feet to a 5/8" iron pin found;

Thence continuing, along a curve to the right an arc distance of 23.56 feet to a 5/8" iron pin set in the north right of way line of Whipp Road, said curve having a radius of 15.00 feet, a delta of 89°59'31" and a chord bearing S49°49'05"W a distance of 21.21 feet;

Thence along said north right of way line N85°11'09"W a distance of 2.11 feet to a point, said point being witnessed by a 5/8" iron pin found lying 0.3 feet West;

Thence continuing, along a curve to the right an arc distance of 349.47 feet to a 5/8" iron pin found at the southwest corner of the aforementioned Lot 3, said curve having a radius of 735.25 feet, a delta of 27°13'59" and a chord bearing N71°34'09"W a distance of 346.19 feet;

Thence along the west line of said Lot 3, N25°50'02"E a distance of 6.03 feet to a 5/8" iron pin set;

Thence along new division lines, the following six (6) courses:

1. Along a curve to the left an arc distance of 293.80 feet to a 5/8" iron pin set, said curve having a radius of 782.00 feet, a delta of 21°31'35" and a chord bearing S71°02'32"E a distance of 292.08 feet;
2. N89°40'56"E a distance of 25.31 feet to a 5/8" iron pin set;
3. N00°19'04"W a distance of 3.00 feet to a 5/8" iron pin set;
4. N89°40'56"E a distance of 7.94 feet to a 5/8" iron pin set;



5. Along a curve to the left an arc distance of 51.77 feet to a 5/8" iron pin set, said curve having a radius of 36.00 feet, a delta of 82°23'16" and a chord bearing N48°29'18"E a distance of 47.42 feet;
6. Along a curve to the right an arc distance of 55.59 feet to the point of beginning, said curve having a radius of 7877.00 feet, a delta of 0°24'16" and a chord bearing N07°29'47"E a distance of 55.59 feet.

Containing 0.112 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.

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

DATE



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
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**LEGAL DESCRIPTION  
SPEEDWAY SUPERAMERICA  
WATER MAIN EASEMENT**

Situated in Section 15, Town 2, Range 6, MRs, City of Centerville, Montgomery County, Ohio being part of a 1.993 acre (deed) tract of land conveyed to Speedway Super America, LLC in Deed M.F. #1998-0076E03 of the Montgomery County, Ohio 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, said point being  $S04^{\circ}49'20''W$  a distance of 61.00 feet from the northeast corner of Lot 3 of Whipp Road Plat as recorded in P.B. 145 Pg 37;

Thence along said west right of way line,  $S04^{\circ}49'20''W$  a distance of 35.71 feet;

Thence the following four (4) courses:

1. Along a curve to the left an arc distance of 55.59 feet, said curve having a radius of 7877.00 feet, a delta of  $0^{\circ}24'16''$  and a chord bearing  $S07^{\circ}29'47''W$  a distance of 55.59 feet;
2. Along a curve to the right an arc distance of 8.66 feet, said curve having a radius of 36.00 feet, a delta of  $13^{\circ}47'17''$  and a chord bearing  $S14^{\circ}11'18''W$  a distance of 8.64 feet;
3.  $N04^{\circ}49'20''E$  a distance of 99.77 feet;
4.  $S85^{\circ}10'40''E$  a distance of 4.00 feet to the point of beginning.

Containing 0.007 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.  
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**LEGAL DESCRIPTION  
SPEEDWAY SUPER AMERICA  
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 15, Town 2, Range 6, MRs, City of Centerville, Montgomery County, Ohio being part of a 1.993 acre (deed) tract of land conveyed to Speedway Super America, LLC in Deed M.F. #1998-0076E03 of the Montgomery County, Ohio Recorder's Office, the boundary of a temporary construction easement being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of Whipp Road Plat as recorded in P.B. 145 Pg 37;

Thence along the west right of way line of Wilmington Pike, S04°49'20"W a distance of 61.00 feet;

Thence the following seven (7) courses:

1. N85°10'40"W a distance of 4.00 feet;
2. S04°49'20"W a distance of 99.77 feet;
3. Along a curve to the right an arc distance of 43.11 feet, said curve having a radius of 36.00, a delta of 68°35'59" and a chord bearing S55°22'56"W a distance of 40.57 feet;
4. S89°40'56"W a distance of 7.94 feet;
5. S00°19'04"E a distance of 3.00 feet;
6. S89°40'56"W a distance of 25.31 feet;
7. Along a curve to the right an arc distance of 293.80 feet to a point in the west line of the aforementioned Lot 3, said curve having a radius of 782.00 feet, a delta of 21°31'35" and a chord bearing N71°02'32"W a distance of 292.08 feet;

Thence along said west line, N25°50'02"E a distance of 10.02 feet;

Thence the following five (5) courses:

1. Along a curve to the left an arc distance of 226.20 feet, said curve having a radius of 772.00 feet, a delta of 16°47'16" and a chord bearing S68°37'21"E a distance of 225.39 feet;
2. N14°29'55"E a distance of 12.47 feet;
3. S78°17'54"E a distance of 71.91 feet;
4. N29°30'43"E a distance of 91.07 feet;
5. N04°51'32"E a distance of 89.61 feet to a point in the north line of the aforementioned Lot 3;

**THE  
KLEINGERS  
GROUP**



Thence along said north line, S85°11'11"E a distance of 20.19 feet to the point of beginning.

Containing 0.209 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 1.000042433 APPLIED AT A BASE POINT OF N 808674.24 E 1515391.83. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.

068-01703-0003  
PT. LD 4  
WHIPP ROAD PLAT  
P.B. 145 PG. 37  
SPEEDWAY SUPER AMERICA LLC  
DEED MF# 1998-0076E03  
1.993 ACRES (DEED)

068-01703-0004  
PT. LOT 4  
WHIPP ROAD PLAT  
P.B. 145 PG. 37  
HEARTLAND FEDERAL CREDIT UNION  
IR DEED 04-087382  
1.122 ACRES (DEED)  
S.R. 2004-0303

068-01703-0003  
LOT 3  
WHIPP ROAD PLAT  
P.B. 145 PG. 37  
SPEEDWAY SUPER AMERICA LLC  
DEED MF# 1998-0076E03  
1.993 ACRES (DEED)

068-01815-0002  
PT. LOT 2  
ARCHON PLAZA  
P.B. 152 PG. 42  
RICHARD S. CARPER  
IR DEED-2010-028586  
1.024 ACRES (DEED)  
S.R. 2002 - 425

068-00815-0003  
CHICKEN LITTLE  
REAL ESTATE LLC  
IR DEED 13-000334

SUGARCREEK CROSSING  
PERMANENT, LLC  
O.R. 2483 PG. 155

LOT 2  
1.904 AC. (PLAT)  
SUGARCREEK CROSSING  
P.C. 34 PG. 5308-5374

FEEDWIRE ROAD  
(RW VARIES)

WILMINGTON PIKE (RW VARIES)

0.112 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N85°11'00"W	2.11
L2	N25°50'02"E	6.03
L3	N85°43'56"E	25.31
L4	N00°19'04"W	3.00
L5	N89°40'59"E	7.94
L6	S85°10'40"E	4.00
L7	N25°50'02"E	10.02
L8	N14°29'53"E	12.47

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
C1	15.00	21.58	89°58'31"	S49°49'05"W	21.21
C2	735.25	349.47	27°13'58"	N71°34'09"W	348.19
C3	762.00	293.80	21°31'35"	S71°02'32"E	292.08
C4	36.00	51.77	82°23'16"	N48°29'18"E	47.42
C5	7877.00	55.59	0°24'16"	S07°29'47"W	55.59
C6	36.00	8.68	13°47'17"	S14°11'18"W	8.64
C7	772.00	228.20	16°47'16"	S68°32'21"E	224.39
C8	36.00	43.11	68°33'59"	N55°22'58"E	43.57

**LEGEND**

- 5/8" IRON PIN SET 1/4" CAP STAMPED "KLEINGERS"
- IRON PIN FOUND (SIZE AS NOTED)

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

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

DATE



CIVIL ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE  
www.kleingers.com  
8305 Carow Park Dr. West Chester, OH 45080  
513.778.7851



NO.	DATE	DESCRIPTION
1	11/16/15	INITIAL SURVEY - DCK
2	2/23/2016	REVISE RW - MDH

**BOUNDARY SURVEY**  
**0.112 ACRES**  
SECTION 15, TOWN 2, RANGE 8, M.R.3  
CITY OF CENTERVILLE  
MONTGOMERY COUNTY, OHIO

PROJECT NO: 150173VSD000  
DATE: 11/16/15  
SCALE: 1" = 30'  
0 15 30 60

**SPEEDWAY SUPER AMERICA**

SHEET NO  
**1 OF 1**

**NOTES:**

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