

RESOLUTION NO. 16-14
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Jo Anne Rau ON THE 21st DAY OF
APRIL, 2014.

A RESOLUTION DECLARING IT NECESSARY TO
CONSTRUCT AND INSTALL PUBLIC ROADWAYS,
SIDEWALKS, CURBS AND SANITARY MAINS ALONG THE
YANKEE TRACE WOODS, LLC PROPERTY, TOGETHER
WITH ALL NECESSARY APPURTENANCES THERETO, AS
PROVIDED HEREIN TO THE EXTENT OF AVAILABLE
FUNDS.

WHEREAS, the owners of 100% of the lots and lands to be assessed for the improvement
described in Section 2 have petitioned this Council for the improvement described herein; now,
therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That this Council hereby declares that an emergency exists affecting the
public welfare, in that the improvement authorized by this resolution must be commenced during
the 2014 construction season and thereby enable the improvements to be completed at the earliest
possible date in order to provide public roadways, sidewalks, curbs and sanitary mains, all for the
public welfare and safety.

SECTION 2. That it is declared necessary to provide for the following improvement:

The extension of a public road, sidewalks, curbs and sanitary mains
starting from Yankee Trace Drive and extending approximately
1400 feet through the property known as the Yankee Trace Woods
property to a point of intersection with Paragon Road, together
with all necessary appurtenances thereto. Said improvements are

located on property described in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. That the plans, specifications, profiles and estimate of cost of the improvement, now on file in the office of the Clerk of Council, are approved. The improvement shall be made in accordance with, and the grade of the improvement and of the streets shall be the grade as shown on, the plans, specifications and profiles for the improvement, provided that, as authorized by the petition for the improvement, additions to, deductions from, or modifications of the improvement identified in Section 2 may be provided for at the time of letting contracts for the improvement or during the course of construction which are required in the reasonable judgment of the City Manager so that the annual principal amount of the special assessment and interest thereon will be as close as possible to and not exceed \$875.

SECTION 4. That this Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 5 hereof are specially benefited by the improvement. This Council further finds and determines that the improvement has been petitioned for by the owners of 100% of the lots and lands to be assessed for the improvement.

SECTION 5. The whole cost of the improvement shall be assessed in proportion to the benefits that may result from the improvement upon the following lots and lands, to-wit: Tax Parcel Numbers O671-03814-0070 and O671-03814-0103.

SECTION 6. That the cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the

special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interests therein required for the improvement, expenses of legal services including obtaining approving legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest per annum on moneys advanced by the City for the cost of that improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 7. That the City Manager is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When such estimated assessments have been so filed, the Clerk of this Council shall cause notice of the adoption of this Resolution and the filing of said estimated assessments to be given to owners of all lots and lands to be assessed as provided in Section 727.13 or 727.14 of the Revised Code, except to the extent any one or more waive such notice.

SECTION 8. That the special assessments to be levied shall be paid in thirty annual installments of principal and interest, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by securities issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by this Council when it passes the assessing ordinance levying those special assessments; provided that in accordance with the petition for the improvement there may be certified to and collected by the County up to two additional annual installments of interest only.

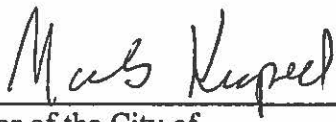
SECTION 9. That the City may issue securities in anticipation of the collection of the annual installments of the special assessments and in an amount equal to the total of the unpaid special assessments.

SECTION 10. That this Council authorizes the City Manager to enter into a Development Agreement with Yankee Trace Woods, LLC, to address remaining issues, including but not limited to the City's additional credit enhancement, results of the work coming in over budget and the timing and coordination of the assessment payments.

SECTION 11. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

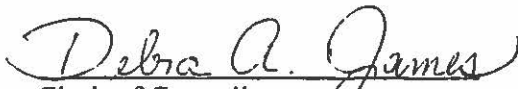
SECTION 12. That this resolution shall become effective upon its adoption, in accordance with Section 5.08 of the Charter of the City.

PASSED THIS 21st day of April, 2014.



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. 16-14, passed by the Council of the City of Centerville, Ohio on the 21st day of April, 2014.

Debra A. James
Clerk of the Council

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

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BRUMBAUGH ENGINEERING & SURVEYING, LLC
1105 South Miami St.
West Milton, Ohio 45383
937-698-3000

January 22, 2012

Description of 13.812 Acre Tract

Situate in the State of Ohio, County of Montgomery, Township of Washington, and being in Section 35, Town 3, Range 5 MRS, and part of the 14.00 Acre Tract as acquired by Patricia A. Barnard and Brian C. Barnard in IR Deed # 07-095190 (all references to deed books, official records, microfiche numbers, instrument numbers, survey records and/or plats refer to the Montgomery County Recorders office, Montgomery County, Ohio), and being more specifically described as follows:

Commencing at a Stone found at the Northwest corner of the Southwest quarter of Section 35, Town 3, Range 5 MRS marking the TRUE POINT OF BEGINNING;

Thence with the South line of a 2.00 acre tract conveyed to Linda S. Gastineau, Trustee in IR Deed # 07-004940 S 89° 41' 28" E for a distance of 870.70 feet to a Iron Pin set (All iron pins set are 5/8" x 30" rebar capped Brumbaugh E & S) at the Northwest corner of a 3.910 acre tract conveyed to James C. Mayberry, Sr. and Carolyn Mayberry in I.R. deed # 02-128968;

Thence with the West Line of said 3.910 acre tract S 00° 20' 12" W for a distance of 398.76 feet to an Iron Pin found at the Southwest corner of said 3.910 acre tract;

Thence with the South line of said 3.910 acre tract S 89° 43' 15" E for a distance of 369.70 feet to an Iron Pin set on the west line of a 0.189 acre tract as conveyed to the Board of Trustees of the Township of Washington, County of Montgomery, Ohio in I.R. Deed 10-051094. Being the west right-of-way line of Paragon Road (82' ROW);

Thence with the west right-of-way line of said Paragon Road on a curve to the left with an arc distance of 4.88 feet whose radius = 410.65 feet, delta = 0° 40' 51", tangent = 2.44 feet, and whose long chord bears S 05° 23' 11" W for a distance of 4.88 feet to a 5/8" capped Iron Pin set;

Thence continuing with the west right-of-way line of said Paragon Road S 05° 03' 17" W for a distance of 194.96 feet to an Iron Pin set on the north line of a 5.006 acre tract conveyed to Susan J. Mauro, Trustee in IR Deed # 03-083491;

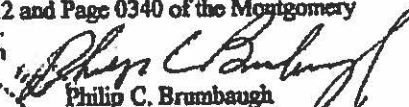
Thence with the North Line of said 5.006 acre tract N 89° 43' 22" W for a distance of 1070.46 feet to an Iron Pin found at the Northwest corner of said 5.006 acre tract and in the North line of Yankee Trace Section 17 recorded in Plat Book 174 page 42A;

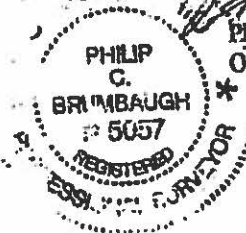
Thence with the North Line of said Yankee Trace Section 17 N 67° 49' 39" W for a distance of 219.90 feet to an Iron Post in concrete found in the west line of said section 35 and the east line of Yankee Trace Subdivision Section 16 as recorded in Plat Book 173 page 36A;

Thence with the West line of said section 35 and the east line of Yankee Trace Section 16 N 05° 56' 19" E for a distance of 518.93 feet to the **TRUE POINT OF BEGINNING**. The above described property contains a total of 13.812 acres more or less and being subject to all restrictions, easements, conditions, covenants and legal highways of record.

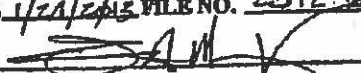
The basis of bearing of the foregoing description is the Ohio State Plane Coordinate system, south zone, NAD83 (cors), the South line of the 13.811 Acre Barnard Tract being N 89° 43' 22" W.


The foregoing description is according to the 12-12-12 survey of Philip C Brumbaugh, Registered Surveyor # 5057, as filed in Survey Volume 2012 and Page 0340 of the Montgomery County Engineers Office.


Philip C. Brumbaugh
Ohio Reg. #5057



Parcel No. 067 03814 0070, 103

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 1/21/2013 FILE NO. 2012-0340
BY 

KARL L. KEITH
MONTGOMERY COUNTY AUDITOR
NEW SURVEY
By  Date 1-14-13