

RESOLUTION NO. 41-14
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON
THE 20th DAY OF October, 2014.

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 5770 WILMINGTON PIKE FOR THE WIDENING OF WILMINGTON PIKE FROM EXISTING WILMINGTON PIKE AND FEEDWIRE ROAD INTERSECTION TO SOUTH.

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 that 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 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:

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

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

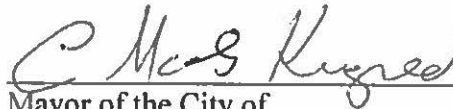
SECTION 3: It is further determined that for said road improvement to be constructed it is necessary that the City of Centerville take immediate possession of said land, permanent and temporary right-of-ways and easements for construction purposes.

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 Section 719.05 of the Revised Code.

SECTION 5: Additionally, upon passage of the within Resolution, the Mayor shall cause written notice to be given to the owner of, person in possession of, or person having an interest of record in, every piece of property sought to be appropriated pursuant to Ohio Revised Code Sections 719.05, 163.04 and 163.041.


SECTION 6: This resolution shall take effect at the earliest time allowed by law.

PASSED THIS 20th day of October, 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.

91-14, passed by the Council of the City of Centerville, Ohio on the
20~~th~~ day of October, 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



CINCINNATI
COLUMBUS
DAYTON

6305 Centre Park Drive
West Chester, OH 45069
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fax ► 513.779.7852
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**LEGAL DESCRIPTION
SUGARCREEK CROSSING, LLC
0.077 ACRES**

Situated in Section 9, Town 2, Range 6, MRs, City of Centerville, Greene County, Ohio being part of Lot 2 of Sugarcreek Crossing as recorded in P.C. 34 Pg. 593B-597A as conveyed to Sugarcreek Crossing Permanent, LLC in O.R. 2460 Pg. 155 of the Greene County Recorder's Office the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin set at the southwest corner of said Lot 2 also being in the east right of way line of Wilmington Pike;

Thence along said east right of way line the following three (3) courses:

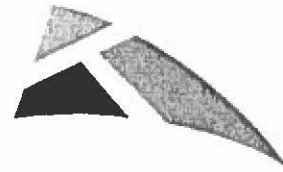
1. N01°00'29"E a distance of 175.67 feet;
2. N09°12'50"W a distance of 20.62 feet;
3. N04°49'20"E a distance of 106.36 feet to an 5/8" iron pin found in the south right of way line of Feedwire Road;

Thence along said south right of way line, N57°02'51"E a distance of 32.79 feet to a 5/8" iron pin found;

Thence continuing, N83°51'53"E a distance of 22.81 feet to a 5/8" iron pin found;

Thence through the aforesaid Lot 2, the following nine (9) courses:

1. Along a curve to the left for an arc distance of 29.04 feet to a 5/8" iron pin set, said curve having a radius of 39.00 feet, a central angle of 42°39'42" and a chord which bears S62°32'02"W a distance of 28.37 feet;
2. S41°12'11"W a distance of 9.80 feet to a 5/8" iron pin set;
3. Along a curve to the left for an arc distance of 6.44 feet to a 5/8" iron pin set, said curve having a radius of 16.00 feet, a central angle of 23°04'26" and a chord which bears S29°39'58"W a distance of 6.40 feet;



4. Along a curve to the left for an arc distance of 8.67 feet to a 5/8" iron pin set, said curve having a radius of 41.00 feet, a central angle of 12°07'08" and a chord which bears S12°04'12"W a distance of 8.66 feet;
5. Along a curve to the left for an arc distance of 144.10 feet to a 5/8" iron pin set, said curve having a radius of 7744.00 feet, a central angle of 1°03'58" and a chord which bears S05°28'39"W a distance of 144.10 feet;
6. S06°28'36"E a distance of 25.42 feet to a 5/8" iron pin set;
7. S04°49'59"W a distance of 49.61 feet to a 5/8" iron pin set;
8. S05°41'11"E a distance of 32.86 feet to a 5/8" iron pin set;
9. S04°49'59"W a distance of 37.20 feet to a 5/8" iron pin set in the south line of said Lot 2;

Thence along said south line, N88°59'31"W a distance of 7.38 feet to the Point of Beginning;

Containing 0.077 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 Kleingers & Associates, Inc., under the direction of Randy C. Wolfe, Ohio Professional Surveyor No. 8321. A plat of survey is recorded in Volume _____ Page _____ of the Greene County Engineers Record of Land Surveys.



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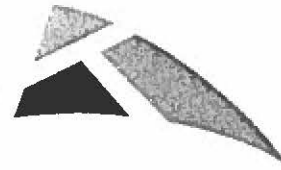
**LEGAL DESCRIPTION
SUGARCREEK CROSSING, LLC
TEMPORARY CONSTRUCTION EASEMENT**

Situated in Section 9, Town 2, Range 6, MRs, City of Centerville, Greene County, Ohio being part of Lot 2 of Sugarcreek Crossing as recorded in P.C. 34 Pg. 593B-597A as conveyed to Sugarcreek Crossing Permanent, LLC in O.R. 2460 Pg. 155 of the Greene County Recorder's Office the boundary of a temporary construction easement being more particularly described as follows:

Beginning a point in the south line of said Lot 2 being S88°59'31"E a distance of 7.38 feet from the southwest corner of said Lot 2;

Thence through said Lot 2 the following nine (9) courses:

1. N04°49'59"E a distance of 37.20 feet;
2. N05°41'11"W a distance of 32.86 feet;
3. N04°49'59"E a distance of 49.61 feet;
4. N06°28'36"W a distance of 25.42 feet;
5. Along a curve to the right for an arc distance of 144.10 feet, said curve having a radius of 7744.00 feet, a central angle of 1°03'58" and a chord which bears N05°28'39"E a distance of 144.10 feet;
6. Along a curve to the right for an arc distance of 8.67 feet, said curve having a radius of 41.00 feet, a central angle of 12°07'08" and a chord which bears N12°04'12"E a distance of 8.66 feet;
7. Along a curve to the right for an arc distance of 6.44 feet, said curve having a radius of 16.00 feet, a central angle of 23°04'26" and a chord which bears N29°39'58"E a distance of 6.40 feet;
8. N41°12'11"E a distance of 9.80 feet;
9. Along a curve to the left for an arc distance of 29.04 feet to a point in the south right of way line of Feedwire Road, said curve having a radius of 39.00 feet, a central angle of 42°39'42" and a chord which bears N62°32'02"E a distance of 28.37 feet;



Thence along the south right of way line of said Feedwire Road, N83°51'53"E a distance of 14.51 feet;

Thence through said Lot 2 the following five (5) courses:

1. S00°55'38"W a distance of 11.46 feet;
2. N89°04'22"W a distance of 23.03 feet;
3. Along a curve to the left for an arc distance of 116.51 feet, said curve having a radius of 6127.50 feet, a central angle of 1°05'22" and a chord which bears S05°45'40"W a distance of 116.51 feet;
4. N84°47'01"W a distance of 19.38 feet;
5. S00°47'31"W a distance of 198.87 feet to the south line of the aforesaid Lot 2;

Thence along said south line, N88°59'31"W a distance of 9.02 feet to the Point of Beginning;

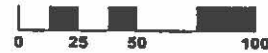
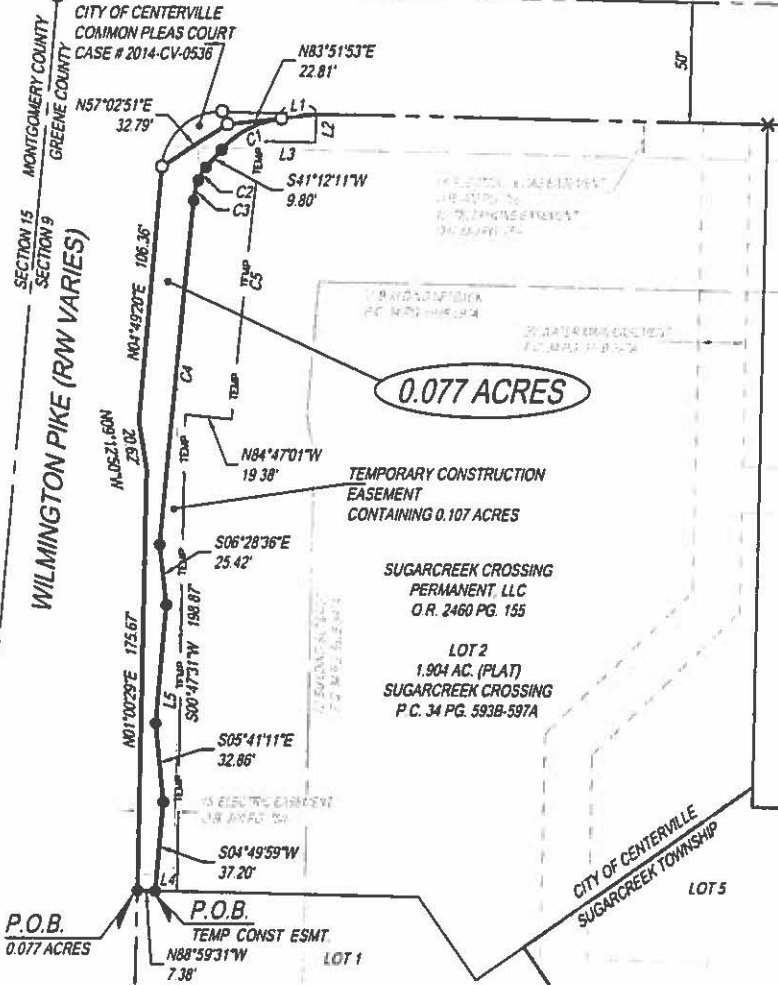
Containing 0.107 acres more or less and being subject to easements and rights of way of record.

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.

GREENE COUNTY SURVEY RECORD NO. _____ PAGE _____

THE CITY OF CENTERVILLE
O.R. 3442 PG. 836
1.928 ACRES (DEED)
S.R. 43-28

FEEDWIRE ROAD (RW VARIES)



| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N83°51'53"E | 14.51 |
| L2 | S00°55'38"W | 11.46 |
| L3 | N89°04'22"W | 23.03 |
| L4 | N88°59'31"W | 9.02 |
| L5 | S04°49'59"W | 49.61 |

| CURVE TABLE | | | | | |
|-------------|---------|--------|-----------|-------------|--------|
| CURVE | RADIUS | LENGTH | DELTA | DIRECTION | CHORD |
| C1 | 39.00 | 29.04 | 42°39'42" | S62°32'02"W | 28.37 |
| C2 | 16.00 | 6.44 | 23°04'26" | S29°39'58"W | 6.40 |
| C3 | 41.00 | 8.67 | 12°07'08" | S12°04'12"W | 8.66 |
| C4 | 7744.00 | 144.10 | 1°03'58" | S05°28'39"W | 144.10 |
| C5 | 6127.50 | 116.51 | 1°05'22" | S05°45'40"W | 116.51 |

NOTES:

- 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 1.0000942433 APPLIED AT A BASE POINT OF N: 608674.24 E: 1515391.69. GRID AND GROUND COORDINATES ARE IDENTICAL AT THE BASE POINT.
- ALL MONUMENTS FOUND IN GOOD CONDITION.
- SOURCE DOCUMENTS ARE AS NOTED.
- OCCUPATION IS AS SHOWN.

BOUNDARY SURVEY
and DIVISION
0.077 ACRES

LEGEND

- 5/8" IRON IN SET W/D CAP STAMPED "KLEINGERS"
- 5/8" IRON PIN FOUND W/D CAP STAMPED "CESO"
- × CROSS NOTCH FOUND

SURVEYED BY:
Randy C. Wolfe Reg. Surveyor No. 8033

APPROVED
Greene County Engineer
By _____ Date _____

APPROVED BY:
ZONING _____ DATE _____

RPCC, CITY, OR VILLAGE _____ DATE _____



CIVIL ENGINEERING www.kleingers.com
SURVEYING
LANDSCAPE ARCHITECTURE
6305 Centre Park Dr
West Chester, OH 45380
513.779.7851

GRANTOR SUGAR CREEK CROSSING PERMANENT, LLC
GRANTEE THE CITY OF CENTERVILLE

LOCATION:
Section 9, Town 2, Range 6, MRs

CITY OF CENTERVILLE
GREENE COUNTY, OHIO

Date 10/7/14 JOB NO.: 130551VSD000

10/9/2014 3:52:28 PM: sbrfnc