

RESOLUTION NO. 14-13
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON
THE 15th DAY OF MARCH, 2013.

**A RESOLUTION ACCEPTING THE ANNEXATION OF
1.214± ACRES OF PROPERTY FROM WASHINGTON
TOWNSHIP TO THE CITY OF CENTERVILLE.**

WHEREAS, Yankee Trace Development LLC, an Ohio limited liability company, and Simms Highlands LLC, an Ohio limited liability company, are the owners of land which is located in the unincorporated area of Washington Township, Montgomery County, Ohio, but contiguous to the corporate limits of the City of Centerville; and

WHEREAS, Yankee Trace Development LLC and Simms Highlands LLC filed a petition to annex 1.214 acres, more or less, of land as more particularly described in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, a petition seeking annexation of such property was presented to and subsequently approved by the Montgomery County Board of County Commissioners on or about January 15, 2013; and

WHEREAS, the Resolution of the Montgomery County Board of County Commissioners granting the petition for annexation and the accompanying map or plat, petition, and record were received from the County Commissioners' Clerk by the City of Centerville Clerk on January 16, 2013 in accordance with the provisions of §709.04 *et seq.* Ohio Revised Code, more than sixty days have elapsed since the City Clerk's receipt of the annexation papers and the matter is now ready for acceptance or rejection by the City of Centerville; and

WHEREAS, the Council of the City of Centerville wishes to accept the annexation of such property to the City of Centerville in accordance with the provisions of §709.04 *et seq.* Ohio Revised Code.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY RESOLVES:

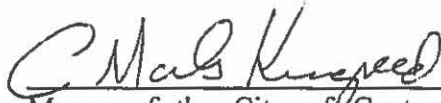
Section 1: That the annexation of property described in Exhibit "A" attached hereto be and is hereby accepted.

Section 2: The Clerk is hereby directed to send certified copies of the annexation petition, map or plat, and transcript and record

to the Secretary of State, the county auditor and recorder, written notice of the boundary change and a copy of this resolution and annexation map or plat to the board of elections within thirty days, and any other official filing required by statute.

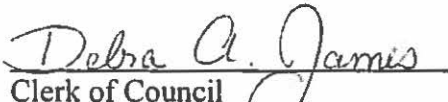
Section 3: This Resolution is to be effective at the earliest date allowed by law.

PASSED THIS 18th day of March, 2013.



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. 14-13, passed by the Council of the City of Centerville, Ohio on the 18th day of March, 2013.



Clerk of the Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT A



6900 Tylersville Road, Suite A
Mason, OH 45040
phone: 513.336.6600
fax: 513.336.9365
www.bayerbecker.com



December 14, 2005 *Div III*
067-038-13-

DESCRIPTION:

Yankee Trace Subdivision
1.214 Acres
Washington Township

LOCATION:

Washington Township,
Montgomery County, Ohio

Situate in Section 34, Town 3, Range 5, M.Rs., Washington Township, Montgomery County, Ohio and being part of a 5.687 acre parcel as conveyed to John T. Jr. & Mary Kay Reese, as recorded in M.F.# 78-0276-A06 of the Montgomery County Recorder's Office containing 1.214 acres and being further described as follows:

Begin at a set 5/8" iron pin at the southwest corner of Lot 271 of Rose Estates, Section 14, as recorded in Plat Book 107, Page 47, said corner also being on an easterly line of a 3.988 acre parcel, as conveyed to the City of Centerville, as recorded in M.F. #01-0663-E05, on the north line of said Section 34, and the City of Centerville corporation line and being the true point of beginning;

- thence from the true point of beginning, with said Section line, said corporation line, and said Rose Estates, North 88°44'02" East, 414.68 feet to set 5/8" iron pin;
- thence departing said Section line, said corporation line, and said Rose Estates, with a new division line, South 16°19'33" West, 205.39 feet, to an existing 5/8" iron pin on the northeast corner of a 40.726 acre parcel, as conveyed to Yankee Trace Development, Inc. as recorded in M.F.# 01-0663-D08, a northwest corner of a 4.175 acre remainder parcel, as conveyed to Kevin A. & Polly A. Harker, as recorded in I.R. #03-06988-00 and said corporation line;
- thence departing said new division line, with said corporation line, and said Yankee Trace Development, Inc., North 71°27'47" West, 379.02 feet, to an found 1 1/2" iron pipe, on a easterly corner of said City of Centerville 3.988 acre parcel;
- thence departing said Yankee Trace Development, Inc; continuing with said City of Centerville, 3.988 acre parcel, and said corporation line, North 02°08'03" East, 67.50 feet to the point of beginning, containing 1.214 acres of land subject to all easements and rights of way of record.

Basis of Bearing: The City of Centerville M.F. # 01-0663-E05 (North 02°08'03" East, 67.50')

The above description is the result of a survey prepared by Bayer Becker Engineers under the direct supervision of Jeffrey O. Lambert, Ohio Registered Surveyor No. 7568, dated 12/14/05. Set iron pins are capped B.B. #7568. The plat of which is recorded in the Montgomery County Engineer's Record of Land Surveys in Record Volume No. 2005-06-33.

JOSEPH LITVIN, PE., PS
MONTGOMERY COUNTY ENGINEER
DAYTON, OHIO

APPROVED
BY *[Signature]* DATE *[Date]*
FILE NO. *2005-0633*

NO PLAT RECORD 216106
Montgomery County Planning Commission

J:\YANKEE\03M003\Legal\03M003-000 SP of 1-214 Act.doc
700 Niles Road 14 East Eighth Street 6900 Tylersville Road
Fairfield, OH 45014 Covington, KY 41011 Mason, OH 45040
(REV. 0605)

[Signature]