

RESOLUTION NO. 147-06
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE 9th
DAY OF October, 2006.

A RESOLUTION ACCEPTING THE ANNEXATION OF PROPERTY OWNED BY ROGER PFISTER, TRUSTEE UNDER A CERTAIN AMENDED AND RESTATED REVOCABLE LIVING TRUST AGREEMENT EXECUTED BY CHARLES A. DILLE, JR., DILLE LABORATORIES CORP., SUGAR CREEK CROSSING, LLC AND SUGAR CREEK CROSSING PERMANENT, LLC, WHICH IS CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF CENTERVILLE AND WHICH IS LOCATED IN THE UNINCORPORATED AREA OF SUGARCREEK TOWNSHIP.

WHEREAS, Roger Pfister, Trustee under a certain Amended and Restated Revocable Living Trust Agreement executed by Charles A. Dille, Jr., Dille Laboratories Corp., Sugar Creek Crossing, LLC and Sugar Creek Crossing Permanent, LLC, are the owners of a 173.181 acre, more or less, tract of land which is located in the unincorporated area of Sugarcreek Township, Greene County, Ohio, but contiguous to the corporate limits of the City of Centerville which tract is 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 Greene County Board of County Commissioners on or about June 22, 2006; and

WHEREAS, the Resolution of the Greene County Board of County Commissioners granting the petition for annexation and the accompanying map or plat, petition, and record have been presented to the City of Centerville by the Clerk in accordance with the provisions of §709.04 *et seq.* Ohio Revised Code, 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.

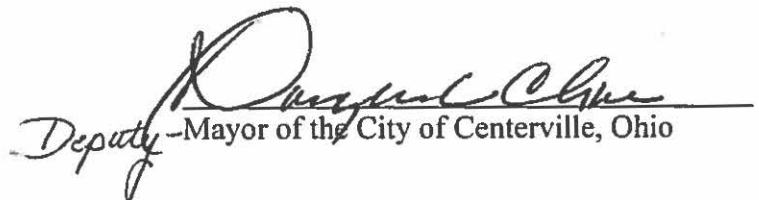
NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

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

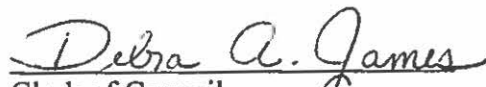
Section 2: The Clerk is hereby directed to send certified copies of the annexation petition, map or plat, and transcript and record to the Secretary of State, the county auditors and recorders, and any other official filing required by statute.

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

PASSED THIS 9th day of October, 2006.


Deputy 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. 47-06, passed by the Council of the City of Centerville, Ohio on the 9th day of October, 2006.


Clerk of the Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman, Municipal Attorney

Legal Description
Territory to be Annexed
to the
City of Centerville
containing **173.181** acres

Being part of Section 9, Town 2 East, Range 6 North, Miami Rivers Survey, in Sugarcreek Township, Greene County, Ohio, and consisting of all of the ground bounded by the south right of way line of Brown Road on the north, the west limited access right of way line of Interstate 675 on the east and the south, and the centerline of Wilmington Pike on the west, excepting Lots 5 and 6 of Sugarcreek Crossing, and including 0.046 acres of I-675 Limited Access right of way; said centerline of Wilmington Pike being the county line between Greene and Montgomery Counties and the existing corporate boundary between the City of Centerville and Sugarcreek Township, Greene County; and being more particularly bounded and described, based upon a field survey by Horizon Surveying, Inc. in 2005 with bearings based upon the Ohio State Plane Coordinate System, South Zone, (NAD83), a field survey by CESO dated 2000, additional field surveying by LJB Inc. in 2006, existing deeds and plats of record, and office calculations by LJB Inc. in 2006, as follows:

Beginning for reference at an Iron Pin found in a Monument Box at the northwest corner of said Section 9, being the intersection of the centerlines of Wilmington Pike and Brown Rd and in the west line of said Greene County;

Thence with said Wilmington Pike centerline and said County line South $04^{\circ} 46' 56''$ West 41.85 feet to a point, being the **True Point of Beginning** for the area of annexation herein described;

Thence perpendicular to said centerline South $85^{\circ} 13' 04''$ East 36.50 feet to an iron pin set at the intersection of the south right of way line of Brown Road with the east right of way line of Wilmington Pike, being an angle point in the 2.325 acre parcel of ground as conveyed to the Board of Commissioners of Greene County, Ohio, for the right of way for Wilmington Pike as recorded in Official Record 743 page 436 of the deed records of said County;

Thence along the south right of way line of Brown Road, being along a south line of said 2.325 acre parcel and the south line of an 0.026 acre parcel of land conveyed to Greene County Commissioners as recorded in Official Record 743, Page 434, North $74^{\circ} 47' 10''$ East 101.58 feet to an iron pin set;

Thence continuing along the south right of way line of Brown Road, 15.00 feet from said centerline and the north line of said Section 9, South $88^{\circ} 38' 49''$ East 2430.78 feet to a point in the west limited access right-of-way line of Interstate Route 675 as established by Deed Book 513, Page 662, (witness an iron pin set bearing North $04^{\circ} 57' 30''$ West 15.09 feet);

Thence along said west limited access right-of-way line of Interstate Route 675 for the following three (3) courses:

1. South 04° 57' 30" East 547.06 feet to a point, (witness an iron pin found bearing North 48° East 1.37 feet);
2. South 01° 09' 03" East 389.71 feet to an iron pin set;
3. South 02° 55' 11" West 306.40 feet to a point, (witness an iron pin found bearing North 32° East 0.63 feet);

Thence through said limited access right-of-way Interstate Route 675, along the west line of the limited access right-of-way parcel as established by Deed Book 513, Page 662 and the east line of the limited access right-of-way parcel as established by Official Record 204, Page 524, South 02° 55' 11" West 95.06 feet to a point, (witness an iron pin found bearing North 21° East 0.47 feet);

Thence continuing along said west limited access right-of-way line of Interstate Route 675 for the following six (6) courses:

1. South 02° 55' 11" West 95.68 feet to a point, (witness an iron pin found bearing North 6° East 0.58 feet);
2. South 23° 13' 01" West 193.27 feet to an iron pin set;
3. South 04° 27' 18" West 192.14 feet to an iron pin set;
4. South 21° 11' 54" West 379.62 to a point, (witness an iron pin found bearing North 84° West 0.29 feet);
5. South 27° 01' 14" West 436.90 feet to a point in the north limited access right-of-way line of Feedwire Road as established by instrument recorded in Deed Book 513, Page 654, Greene County records, (witness an iron pin found bearing North 29° West 0.32 feet);
6. South 36° 17' 54" West 285.30 feet to an iron pin set in the south limited access right-of-way line of said Feedwire Road, being the northeast corner of the Sugarcreek Crossing Plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Records office;

Thence along the south limited access right-of-way lines of Feedwire Road and the north line of said Plat for the following four (4) courses:

1. North 82° 57' 02" West 129.59 feet to an iron pin set;

2. South 77° 18' 00" West 101.98 feet to an iron pin set;
3. North 82° 53' 58" West 301.50 feet to an iron pin set;
4. North 78° 48' 43" West 11.00 feet to an iron pin set, being the southeast corner of the Feedwire Road right of way dedicated by said Sugarcreek Crossing Plat);

Thence with the south line of said Feedwire Road right of way North 89° 00' 12" West 902.87 feet to an iron pin set at the northeast corner of Lot 4 and the northwest corner of Lot 5 of the Sugarcreek Crossing Plat;

Thence along the common lines between Lot 5 and Lots 1 through 4 of the Sugarcreek Crossing Plat for the following ten (10) courses:

1. South 0° 59' 48" West 70.00 feet to an iron pin set;
2. South 89° 00' 12" East 75.00 feet to an iron pin set;
3. South 0° 59' 48" West 214.85 feet to an iron pin set;
4. North 89° 00' 12" West 556.96 feet to an iron pin set;
5. North 1° 19' 15" East 8.41 feet to an iron pin set;
6. South 55° 01' 17" West 117.24 feet to an iron pin set;
7. South 34° 58' 43" East 86.63 feet to an iron pin set;
8. South 0° 59' 13" West 200.45 feet to an iron pin set;
9. North 89° 00' 47" West 29.54 feet to an iron pin set;
10. South 0° 59' 13" West 368.52 feet to an iron pin set at the southeast corner of said Lot 1 in the north limited access right-of-way line of Interstate Route 675;

Thence with the south line of Lot 1 and said north limited access line North 89° 58' 53" West 140.07 feet to an iron pin found, (witness an iron pin found bearing South 84° 50' 25" East 0.31 feet;

Thence continuing with said Lot line and limited access line North 61° 38' 20" West 80.85 feet to an iron pin found, being the southwest corner of Lot 1 and the intersection of the north limited access right of way line of I-675 with the east limited access right of way line of Wilmington Pike, (witness an iron pin found bearing South 68° 06' 55" East 0.34 feet;

Thence along a new line North 85° 16' 14" West 80.00 feet to a centerline monument assembly found in the centerline Wilmington Pike, being the west line of said Section 9, the Montgomery-Greene county line and the existing east corporation line of the City of Centerville;

Thence with the west line of said Section 9, the centerline of Wilmington Pike, the Montgomery-Greene county line and the existing east corporation line of the City of Centerville North 04° 49' 44" East 996.64 feet to a PK nail found at the southwest corner of the northwest quarter of said section, being the intersection of the centerlines of Feedwire Road and Wilmington Pike;

Thence continuing with the west line of said Section 9, the centerline of Wilmington Pike, the Montgomery-Greene county line and the existing east corporation line of the City of Centerville North 04° 46' 56" East 2659.44 feet to the **True Point of Beginning** containing **173.181** acres, more or less.

Said 173.181 acres being comprised of the following, more or less:

- I 2.251 ac. All of the remainder of the 2.325 acre Wilmington Pike right of way parcel south of the south right of way line of Brown Road; said 2.325 acre parcel of land as conveyed to the Board of Commissioners of Greene County, Ohio, for the right of way for Wilmington Pike by instrument as recorded in Official Record 743 page 436 of the deed records of said County; from Auditor's Parcel ID Number L32000100020007100.
- II 70.164 ac. All of the 70.529 acre tract south of the south right of way line of Brown Road; said 70.529 acre tract of land as conveyed to Charles A. Dille, Trustee and owner, by instrument as recorded in Official Record 1187, Page 425 of the deed records of said County; from Auditor's Parcel ID Number L32000100020000100.
- III 84.160 ac. Part of the remainder of the 183.09 acre tract of land as conveyed to Dille Laboratories Corporation by instrument as recorded in Deed Book 244, Page 419 of the deed records of said County, being all of said remainder south of the south right of way line of Brown Road and west of Interstate 675; from Auditor's Parcel ID Number L32000100020000200.
- IV 0.851 ac. Part of the remainder of the 33.38 acre tract of land as conveyed to Dille Laboratories Corporation by instrument as recorded in Deed Book 357, Page 483 of the deed records of said County, being all of said remainder west of Interstate 675; from Auditor's Parcel ID Number L32000100020000400.
- V 0.097 ac. Part of the remainder of the 11.31 acre tract of land as conveyed to Dille Laboratories Corporation by instrument as recorded in Deed Book 318, Page

343 of the deed records of said County, being all of said remainder west of Interstate 675; from Auditor's Parcel ID Number L32000100020005000.

- VI 0.848 ac. Part of the remainder of the 7.463 acre tract as conveyed to Dille Laboratories Corporation by instrument as recorded in Deed Book 285, Page 620 of the deed records of said County, being all of said remainder west of Interstate 675; from Auditor's Parcel ID Number L32000100020004900.
- VII 2.965 ac. All of the 2.965 acre Feedwire Road limited access right of way tract of land, being west of the limited access right of way purchased for Interstate 675; said 2.325 acre parcel of land as conveyed to the State of Ohio, for the right of way for Feedwire Road by instrument as recorded in Deed Book 513 page 654 of the deed records of said County; from Auditor's Parcel ID Number L32000100020005800.
- VIII 1.891 ac. All of the Feedwire Road right of way and Wilmington Pike intersection right of way west of the Feedwire Road limited access right of way purchased for Interstate 675; subject right of way being dedicated to the public by the Sugarcreek Crossing plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Recorders office.; Auditor's Parcel ID Number not assigned.
- IX 2.027 ac. All of Lot 4 of the Sugarcreek Crossing plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Recorders office, said Lot 4 being part of the 20.835 acre tract of land as conveyed to Sugarcreek Crossing LLC by instrument as recorded in Official Record 1440 page 905 of the deed records of said County; said Lot 4 being Auditor's Parcel ID Number L32000100020008000.
- X 1.494 ac. All of Lot 3 of the Sugarcreek Crossing plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Recorders office, said Lot 3 being conveyed to Sugarcreek Crossing Permanent LLC by instrument as recorded in Official Record 2460 page 155 of the deed records of said County; said Lot 3 being Auditor's Parcel ID Number L32000100020007900.
- XI 1.904 ac. All of Lot 2 of the Sugarcreek Crossing plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Recorders office, said Lot 2 being conveyed to Sugarcreek Crossing Permanent LLC by instrument as recorded in Official Record 2460 page 155 of the deed records of said County; said Lot 2 being Auditor's Parcel ID Number L32000100020007800.
- XII 3.046 ac. All of Lot 1 of the Sugarcreek Crossing plat as filed in Plat Cabinet 34 drawer 593B of the Greene County Recorders office, said Lot 1 being conveyed to Sugarcreek Crossing Permanent LLC by instrument as recorded in Official Record 2460 page 155 of the deed records of said County; said Lot 1 being Auditor's Parcel ID Number L32000100020007700.

XIII 0.545 ac. All of the 0.545 acre Wilmington Pike right of way tract of land, being north of the limited access right of way purchased for Wilmington Pike with Interstate 675; said 0.545 acre parcel of land as conveyed to the State of Ohio, for the right of way for Wilmington Pike by instrument as recorded in Deed Book 513 page 656 of the deed records of said County; being Auditor's Parcel ID Number L32000100020005900.

XIV 0.892 ac. Part of the 32.406 acre tract of land purchased for limited access right of way for Wilmington Pike and Interstate 675, said part being along Wilmington Pike north of the north limited access right of way line for I-675 and south of Feedwire Road, said 32.406 acre tract of land as conveyed to the State of Ohio by instrument as recorded in Deed Book 513 page 658 of the deed records of said County; being from Auditor's Parcel ID Number L32000100020005500.

XV 0.046 ac. All of the 0.046 acre I-675 limited access right of way tract of land as conveyed to the State of Ohio, for the right of way for Interstate 675 by instrument as recorded in Official Record 204, Page 524 of the deed records of said County; being Auditor's Parcel ID Number L32000100020006600.

Notes:

1. Iron pins north of the centerline of Feedwire Road set by Horizon Surveying Inc.
2. Monumentation south of the centerline of Feedwire Road set by CESO.
3. Bearings returned by CESO survey and recorded on the Sugarcreek Crossing plat as filed in Plat Cabinet C drawer 593B of the Greene County Recorders office are rotated counterclockwise to match the bearings returned by Horizon Surveying Inc.
4. Occupation generally fits the lines herein described.
5. Description prepared for annexation purposes and is not to be utilized for any land conveyance.

The above legal description of the territory to be annexed to the City of Centerville was prepared by LJB Inc., by Harry G. Herbst III, Ohio registered Professional Surveyor # 6596.

Harry G. Herbst III date 5/22/06

