

EMERGENCY RESOLUTION NO. 28-99  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Reppent  
ON THE 2ND DAY OF AUGUST, 1999

*Repealed*

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE HALEY DRIVE, HERITAGE LAKE DRIVE, STREET A, CLUB VIEW DRIVE, AND OLD POND WAY, BETWEEN CERTAIN TERMINI, BY CLEARING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING SANITARY SEWERS, STORM SEWERS, WATER MAINS, AND SIDEWALKS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND ALSO YANKEE TRACE DRIVE, VILLA VISTA PLACE, BENTGRASS LANE, HALEY DRIVE, HERITAGE LAKE DRIVE, CLUB VIEW DRIVE, AND VINTAGE GREEN COURT AS PROVIDED HEREIN TO THE EXTENT OF AVAILABLE FUNDS, AND DECLARING AN EMERGENCY.

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 emergency resolution must be commenced during the 1999 construction season and thereby enable the improvements to be completed at the earliest possible date in order to provide public streets, drainage facilities, sanitary sewers, and water mains, all for the public welfare and safety.

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

- a. The improvement of a public right of way, Haley Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcel 1 (Section 21), starting at the existing terminus of Haley Drive located at the corporation line of the City of Centerville and Washington Township, and extending west approximately 1250 feet,

by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

- b. The improvement of a public right of way, Heritage Lake Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcels 3C, and 24, starting at the existing terminus of Heritage Lake Drive (Section 3 Record Plan), and extending southwest approximately 1,800 feet, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- c. The improvement of a public right of way, Street "A", as indicated on the preliminary subdivision plan for Yankee Trace Parcels 3C, and 24, starting at the intersection of Street "A", and Heritage Lake Drive, which is located approximately 950 feet west of the intersection of Heritage Lake Drive and Heirloom Crossing, and extending approximately 200 feet on both sides of Heritage Lake Drive, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- d. The improvement of a public right of way, Club View Drive, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12, starting at Yankee Trace Drive, located at the southern boundary of parcel 12, and extending west approximately 1700 feet, by clearing, grading, draining, curbing, paving (including

final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

- e. The improvement of a public right of way, Old Pond Way, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12, starting at the intersection of Old Pond Way and Club View Drive, and extending north approximately 400 feet, terminating in a cul-de-sac, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- f. The improvement of a public right of way, Haley Drive as indicated on the preliminary subdivision plan for Yankee Trace Parcel 1 (Section 21), starting at the terminus of Haley Drive as described in paragraph (a) above, and extending southwest approximately 1300 feet terminating in a cul-de-sac; and the improvement of a public right of way, Street A, as indicated on the preliminary subdivision plan which was approved by Centerville Planning Commission for Yankee Trace Parcel 25, starting at the west terminus point of Street A as described in paragraph (c) above, and extending northwest approximately 700 feet, by clearing, grading, draining, curbing, paving (including final course of pavement), and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- g. Optional work to be provided to the extent of available funds, if any, from proceeds of the bonds to be issued for the improvement:

- (i) The installation of gas street lights, including gas main services and all necessary appurtenances thereto in the following locations:
  - (1) On Yankee Trace Drive from roadway station 58+00 to 67+50, approximately 7 lights.
  - (2) On Villa Vista Place, Yankee Trace Section 20, approximately 4 lights.
  - (3) On Bentgrass Lane, approximately 2 lights.
  - (4) On Haley Drive, Yankee Trace Section 21, approximately 8 lights.
  - (5) On Heritage Lake Drive, Yankee Trace Section 22, approximately 10 lights.
- (ii) The improvement of public right of ways, Yankee Trace Drive (Yankee Trace Section 20) starting at Yankee Trace Drive roadway station 57+84.62 which is approximately 330 feet north of the intersection of Yankee Trace Drive and Villa Vista Place, and extending south for approximately 970 feet to Yankee Trace roadway station 67+50, and Villa Vista Place (Yankee Trace Section 20), starting at Villa Vista Place roadway station 0+00 on the west side of Yankee Trace Drive, and extending east for approximately 450 feet to roadway station 4+45.51 on the east side of Yankee Trace Drive, by constructing the final course of asphalt.
- (iii) The extension of a public right of way, Clubview Drive, starting at the terminus point described in paragraph (d) above, which is approximately 1700 feet west of the intersection of Clubview Drive and Yankee Trace

Drive, and extending approximately 800 feet to the cul-de-sac terminus, by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

- (iv) The improvement of a public right of way, Vintage Green Court, as indicated on the preliminary subdivision plan for Yankee Trace Parcel 12 (Section 23), starting at the east intersection of Vintage Green Court and Clubview Drive, and extending approximately 970 feet to the west intersection of Vintage Green Court and Clubview Drive, by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

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 \$660.

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 4 hereof are specially benefited by the improvement. This Council further finds and determines that the streets to be improved are so situated in relation to each other that, in order to complete the improvement thereof in the most practical and economical manner, they may, at the option of the City Manager, be improved at the same time, with the same kind of materials and in the same manner and they may, at the option of the City Manager, be treated as a single improvement and included in the same legislation and contract. 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. The City Manager's signing of the petition on behalf of the City is hereby ratified, confirmed, and approved.

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: the lots and lands described in Exhibit A attached to and made a part of this resolution.

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 bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 7. That James P. Sullivan 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.

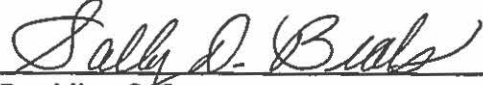
SECTION 8. That the special assessments to be levied shall be paid in thirty annual installments of principal and interest, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the total of the unpaid 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 bonds of the City shall be issued in anticipation of the collection of the annual installments of the special assessments and in an amount equal to the total of the special assessments.

SECTION 10. 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 11. That this resolution shall become effective upon its adoption, in accordance with Section 5.05 of the Charter of the City and by reason of Sections 5.05 and 8.11 of the Charter of the City shall not stand repealed as of the 75th day after adoption.

ADOPTED this 2nd day of August, 1999.

  
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Presiding Officer

Attest:   
Clerk of Council

EXHIBIT "A"

Description of Property

**Part 1**

Property owned by:

**Yankee Trace Development, Inc.**

3650 Park 42 Drive

Cincinnati, Ohio 45241

James P. Sullivan

Vice President and Treasurer

1. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 349 to 379, Yankee Trace Section Twenty (20). The preliminary plan for this section was approved by Centerville Planning Commission, as Yankee Trace Parcel 13, (31 lots).
2. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 327 to 332, and 335 to 348 Yankee Trace Section Nineteen (19), as recorded in Plat Book 176, Pages 4, and 4A, of the Plat Records of Montgomery County, Ohio, (20 lots).
3. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being preliminary lot number 510 from the preliminary plan for Yankee Trace Parcel 3C, to be included in the Record Plan for Yankee Trace Section 22, (1 lot).
4. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being preliminary lot numbers 517, and 477 to 494 from the preliminary plan for Yankee Trace Parcel 24, (19 lots).
5. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being preliminary lot numbers 401 to 408, 431 to 434, and 456 to 476 from the preliminary plan for Yankee Trace Parcel 25, (34 lots).

**Part 2**

Property owned by:

**City of Centerville**

100 West Spring Valley Road

Centerville, Ohio 45458

Greg Horn

City Manager

1. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being preliminary lot numbers 380 to 400, and 518 to 523 from the preliminary plan for Yankee Trace Parcel 1, to be recorded as Yankee Trace Section 21 (27 lots).



2. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being preliminary lot numbers 511 to 516, and 495 to 509 from the preliminary plan for Yankee Trace Parcel 1, to be recorded as Yankee Trace Section 22, (21 lots).

### Part 3

Property owned by:

**Bethany Commons at Yankee Trace**

6445 Far Hills Avenue

Dayton, Ohio 45459

7.517 acres (15 single family lot equivalency)

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being part of Yankee Trace Parcel 5 more particularly described by the metes and bounds description as follows:

DESCRIPTION: 7.517 Acre Parcel

LOCATION: City of Centerville

Montgomery County, Ohio

Situate in Section 5, Town 2, Range 5 MRs., Washington Township, The City of Centerville, Montgomery County, Ohio and being a 7.517 acre parcel further described as follows:

Begin at a set P.K. nail on the most northwesterly corner of Yankee Trace, Section One, as recorded in Plat Book 158, Pages 38, 38a & 38b of the Montgomery County recorders office, said P.K. nail also being on the centerline of Yankee Street Pike; thence, with said centerline North 02;43'13" East 172.66 feet to a set P.K. Nail on the southeast corner of The City of Centerville as recorded in M.F.# 94-678-A10 said nail also being the true point beginning;

thence from the point of beginning thus found, with said centerline and City of Centerville land North 02;43'35" East, passing The City of Centerville Corporation line at 183.41 feet, an existing railroad spike at the intersection of Silver Lake Drive at 228.38 feet, a total distance of 473.40 feet to an existing railroad spike on the Southwesterly corner of Yankee Trace Development Inc. as recorded in M.F. # 98-617-B01, thence departing said centerline with said Yankee Trace Development Inc. land South 70;16'53" East passing The City of Centerville Corporation line at 25.88 feet a total distance of 1074.54 feet to an existing 5/8" iron pin on the westerly right of way of Yankee Trace Drive;

thence departing said Yankee Trace Development Inc. land with said City of Centerville land and said right of way the following 6 courses: South 19;50'09" West, 65.37 feet to a set 5/8" iron pin;

thence with a curve to the right having a radius of 117.00 feet, an arc length of 108.97 feet, (Chord South 46;31'01" West 105.07 feet) to a set 5/8" iron pin;

thence with a curve to the left having a radius of 87.00 feet an arc length of 29.83 feet,

(Chord = South 63;22'30" West, 29.69 feet) to a set 5/8" iron pin;  
thence with a curve to the right having a radius of 15.00 feet, an arc length of 17.52 feet  
(Chord = South 87;00'27" West, 16.54 feet) to a set 5/8" iron pin;  
thence North 59;32'13" West, 2.47 feet to a set 5/8" iron pin;  
thence South 30;27'47" West, 50.00 feet to a set 5/8" iron pin;  
thence departing said right of way with the new division line North 83;44'42" West, 143.22  
feet to a set 5/8" iron pin on the southeast corner of Ronald C. & Christine A. Hill as  
recorded in M.F. #95-781-E01;  
thence departing said division line with said Hill land the following 3 courses: North  
05;04'41" East 33.00 feet to a set 5/8" iron pin;  
thence North 84;56'52" West 219.73 feet to a set 5/8" iron pin;  
thence South 05;04'41" West 33.00 feet to a set 5/8" iron pin on the northerly line of  
Ronald C. & Christine A. Hill as recorded in M.F. #89-050-B12;  
thence with said Hill land North 84;56'52" West passing a set 5/8" iron pin at the easterly  
right of way of Yankee Street Pike at 481.06 feet a total distance of 505.83 feet to the  
point of beginning containing 7.354 acres in The City of Centerville and 0.163 acres  
in Washington Township for a total of 7.517 acres.

This description was prepared by Bayer Becker Engineers, Jeffrey O. Lambert, P.S. #7568.

**Part 4**

**Property owned by Builders / Lot owners**

**Lot Number 333 & 334**

Zaring Homes, Inc.  
11300 Cornell Park Drive  
Cincinnati, Ohio 45242

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being  
Lot Numbers 333 & 334 Yankee Trace Section Nineteen (19), as recorded in Plat Book  
"176", Pages 4, and 4A of the Plat Records of Montgomery County, Ohio.