

EMERGENCY RESOLUTION NO. 40-98
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JAMES SINGER
ON THE 28TH DAY OF SEPTEMBER, 1998

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE SOCIAL ROW ROAD, YANKEE STREET PIKE, YANKEE TRACE DRIVE, WEDGESTONE COURT, BENTGRASS LANE, AND GATEKEEPER WAY, BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, CURBING, AND PAVING, CONSTRUCTING STORM AND SANITARY SEWERS, SIDEWALKS, AND WATER MAINS, AND PROVIDING ALL RELATED WORK AND NECESSARY APPURTENANCES WITH RESPECT TO THOSE IMPROVEMENTS, AND ALSO YANKEE TRACE DRIVE, WEDGESTONE PLACE, YANKEE TRACE SECTION 16, BENTGRASS LANE, AND WEDGESTONE 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 1998 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, water mains, and street lighting, all for the public welfare and safety.

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

- a. The improvement of Social Row Road by constructing a 16" diameter water main along the south side of Social Row Road starting at a point located at the intersection

of Social Row Road and Yankee Trace Drive, and extending approximately 1700 feet to the east.

- b. The improvement of Yankee Street Pike by constructing a left turn lane along Yankee Street Pike at the intersection of Yankee Street Pike and Winding Green Way and clearing, grading, draining, curbing, paving, and the installation of storm sewers, sidewalks, together with all necessary appurtenances thereto.
- c. The improvement of Yankee Trace Drive approximately 400 feet in length starting from Yankee Trace Drive approximate roadway station 53 +80 to Yankee Trace Drive road station 57+80 by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalks, together with all necessary appurtenances thereto.
- d. The improvement of Wedgestone Court (Wedgestone Court is approximately 430 feet in length, intersecting Yankee Trace Drive at approximate Yankee Trace Drive station 55+50 as indicated on the preliminary subdivision plan for Yankee Trace Section 17) 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. Extending Yankee Trace Drive starting from the terminus point described in Section 2c by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.
- f. The improvement of Gatekeeper Way by extending the public road 900 feet from its current terminus at Gatekeeper Road station 31+30 by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, storm sewers, water mains, sidewalk, together with all necessary appurtenances thereto.

g. The construction of two public roadways approximately 550 feet in total length, located at approximate Yankee Trace Drive roadway station 61+00, by clearing, grading, draining, curbing, paving, and installation of sanitary sewers, water mains, sidewalk together with all necessary appurtenances thereto.

h. 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 improvement of Yankee Trace Drive by constructing the final course of asphalt approximately 3,100 feet in length starting from Yankee Trace Drive roadway station 12+79.24 to Yankee Trace Drive road station 47+17.

(ii) The improvement of Bentgrass Lane and Wedgecreek Place by constructing the final course of asphalt.

(iii) 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 44+00 to 57+00, approximately 9 lights;

(2.) On Wedgestone Place, Yankee Trace Section 16, approximately 3 lights;

(3.) On Bentgrass Lane, approximately 2 lights;

(4.) On Wedgestone Court, approximately 3 lights.

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 street 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.

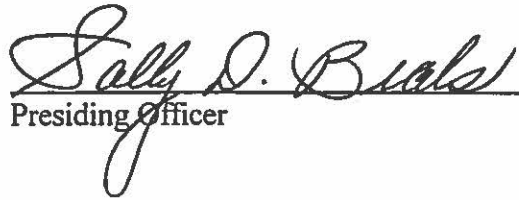
SECTION 8. That the special assessments to be levied shall be paid in thirty annual installments of principal and interest, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the total 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 28th day of September, 1998.



Presiding Officer

Attest: 
Clerk of Council

EXHIBIT A

Description of Property

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 192 to 196, and Lot Numbers 198 to 201, Yankee Trace Section Ten (10), as recorded in Plat Book "169", Pages 259, and 25A of the Plat Records of Montgomery County, Ohio.
2. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 211 to 226 Yankee Trace Section Twelve (12), as recorded in Plat Book "172", Pages 10, 10A, and 10B of the Plat Records of Montgomery County, Ohio.
3. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 232,233,234,238, and 243, Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.
4. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 249 to 259, 261,262, 267, and 268 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.
5. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 270, and 272 Yankee Trace Section Fifteen (15), as recorded in Plat Book "172", Pages 11, and 11A of the Plat Records of Montgomery County, Ohio.
6. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbers 274 to 285 Yankee Trace Section Sixteen (16), as recorded in Plat Book "___", Pages __, and __A of the Plat Records of Montgomery County, Ohio.
7. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being all of the lots owned by Yankee Trace Development within the preliminary subdivision plan for yankee Trace Section 17 which was approved by Centerville Planning Commission.

EXHIBIT A (Continued)

Description of Property

Property owned by:

City of Centerville

100 West Spring Valley Road

Centerville, Ohio 45458

Greg Horn

City Manager

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being part of Yankee Trace Section 17, Block B more particularly described by the metes and bounds description attached at the end of this exhibit.

Property owned by:

Builders and Homeowners:

SECTION 10

Lot Number 190

Jarrod L. and Holly Vaughn

9916 Herlihy Drive

Miamisburg, Ohio 45342

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 190 Yankee Trace Section Ten (10), as recorded in Plat Book "169", Pages 25, and 25A of the Plat Records of Montgomery County, Ohio.

Lot Number 191

Jeffery L. Vaughn

1700 Greenhollow Court

Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 191 Yankee Trace Section Ten (10), as recorded in Plat Book "169", Pages 25, and 25A of the Plat Records of Montgomery County, Ohio.

Lot Number 197

James J. and Martha M. Gannon

8161 Back Bay Court

Dayton, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 197 Yankee Trace Section Ten (10), as recorded in Plat Book "169", Pages 25, and 25A of the Plat Records of Montgomery County, Ohio.

SECTION 13

Lot Number 231

Robert S. and Martha J. Foster
1730 Seabreeze Court, Apt. 1B
Dayton, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 231 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 235

Wanda M. Molen
1970 Kresswood Circle
Kettering, Ohio 45429

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 235 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 236

John D. and Annjanette S. Garber
7250 Southpoint Drive
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 236 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 237

Roger J. and Kathleen Lorelle
1500 Penbrooke Trail
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 237 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 239

John R. and Carole E. Remick
P.O. Box 148
Springboro, Ohio 45066

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 239 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 240

William R. and Rosetta A. Brower
740 Treasury Drive
Kettering, Ohio 45429

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 240 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 241

Andre J. and Therese J. Pelletier
1231 Hidden Oaks Drive
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 241 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 242

Robin K. and Robin R. Dunkle
331 Zengel Drive
Dayton, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 242 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 244

William F. and Patrice A. Schottelkotte
411 Island Lake Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 244 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 245

Patrick E. and Marydale Montplaisir
5637 Markdale Drive
Dayton, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 245 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 246

Diane M. Lorelle
2069 Fox Knoll Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 246 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 247

C and L Associates, an Ohio General Partnership, by
Edward J. Chamberlin, principal
2400 Springboro Road
Dayton, Ohio 45439

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 247 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

Lot Number 248

William L. and Laura J. Mercer
224 Bradstreet Road
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 248 Yankee Trace Section Thirteen (13), as recorded in Plat Book "170", Pages 7, and 7A of the Plat Records of Montgomery County, Ohio.

SECTION 14

Lot Number 260

R.A. Rhoads, Inc.
55 Rhoads Center Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 260 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.

Lot Number 263
R.A. Rhoads, Inc.
55 Rhoads Center Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 263 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.

Lot Number 264
R.A. Rhoads, Inc.
55 Rhoads Center Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 264 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.

Lot Number 265
R.A. Rhoads, Inc.
55 Rhoads Center Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 265 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.

Lot Number 266
R.A. Rhoads, Inc.
55 Rhoads Center Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 266 Yankee Trace Section Fourteen (14), as recorded in Plat Book "170", Pages 8, and 8A of the Plat Records of Montgomery County, Ohio.

SECTION 15

Lot Number 269
Arthur R. and Patrica A. Molineux
1350 Fingerlakes
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 269 Yankee Trace Section Fifteen (15), as recorded in Plat Book "172", Pages 11, and 11A of the Plat Records of Montgomery County, Ohio.

Lot Number 271

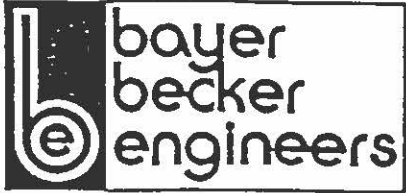
Joseph F. and Linda H. Scheper
1601 Penbrooke Trail
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 271 Yankee Trace Section Fifteen (15), as recorded in Plat Book "172", Pages 11, and 11A of the Plat Records of Montgomery County, Ohio.

Lot Number 273

Dunnington-Koepfer Builders, Inc.
7917 Washington Woods Drive
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 273 Yankee Trace Section Fifteen (15), as recorded in Plat Book "172", Pages 11, and 11A of the Plat Records of Montgomery County, Ohio.



6900 tylersville road, suite a
mason, oh 45040
(513) 336-6600
fax (513) 336-9365

September 1, 1998

DESCRIPTION: = = 4.110 Acres

LOCATION: Section 19
Yankee Trace

Situated in Section 5, Town 2, Range 5, Mrs, and in Section 35, Town 2, Range 5, Mrs, City of Centerville, Montgomery County, Ohio and being a 4.110 acre parcel further described as follows:

Beginning at an existing 1" iron pipe at the southeasterly corner of Section 5; thence with the easterly line of The City of Centerville as recorded in M.F. 94-742-D06 of the Montgomery County Recorder's Office North 02°48'24" East, 1283.92 feet to the true point of beginning;

- thence South 87°44'33" East, 23.60 feet;
- thence North 77°27'26" West, 177.77 feet;
- thence North 08°46'11" East, 95.54 feet;
- thence North 01°35'38" East, 128.79 feet;
- thence South 87°44'33" East, 734.53 feet;
- thence South 02°15'27" West, 293.11 feet;
- thence North 81°49'38" West, 202.52 feet;
- thence with a curve to the left having a radius of 270.00 feet, an arc length of 16.84 feet (chord = North 06°23'10" East, 16.84 feet);
- thence North 87°44'33" West, 67.98 feet;
- thence North 70°30'22" West, 289.34 feet;
- thence South 02°48'24" West, 85.74 feet to the true point of

beginning.