

EMERGENCY RESOLUTION NO. 83-97
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton
ON THE 15TH DAY OF DECEMBER, 1997

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE YANKEE TRACE DRIVE, WATERS EDGE DRIVE, LANTERN WAY, GREENSKEEPER WAY AND COURTYARD PLACE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, CURBING, AND PAVING, CONSTRUCTING STORM AND SANITARY SEWERS, SIDEWALKS, AND WATER MAINS, INSTALLING GAS STREET LIGHTS, AND PROVIDING ALL RELATED WORK AND NECESSARY APPURTENANCES WITH RESPECT TO THOSE IMPROVEMENTS, AND ALSO SOCIAL ROW ROAD, YANKEE TRACE DRIVE, AND YANKEE STREET PIKE 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 at the earliest possible date in order to start work on the improvement early in 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 improvements:

1. The improvement of Yankee Trace Drive from Yankee Trace Drive roadway station 12+79.42 (approximately 230 feet north of the intersection of Yankee Trace Drive and

Liberty Crossing) a distance of approximately 3,100 feet to Yankee Trace Drive station 44+00 by grading, draining, curbing, and paving, constructing storm and sanitary sewers, sidewalks, and water mains, and providing all related work and necessary appurtenances thereto.

2. The installation of gas street lights and all related work and necessary appurtenances thereto in the following locations:

On Lantern Way in future Yankee Trace Section 11; approximately 5 lights. On Yankee Trace Drive from roadway station 12+79.24 to roadway station 44+00.00; approximately 22 lights. On Greenskeeper Way, Section 13 (Parcel 19); approximately 7 lights. On Courtyard Place (west), Section 14 (Parcel 16); approximately 8 lights.

3. Waters Edge Drive by constructing a brick paver crosswalk at approximately Waters Edge Drive roadway station 30+30.

4. Yankee Trace Drive by constructing curbing to provide traffic control islands at approximately Yankee Trace Drive roadway station 9+50 and at roadway station 11+50.

5. Optional work to be provided in the following order to the extent of available funds, if any, from the proceeds of the bonds to be issued for the improvement:

(a) Social Row Road from a point approximately 400 feet east of Yankee Trace Drive easterly approximately 1600 feet by constructing a water main, together with all necessary appurtenances.

(b) Extending Yankee Trace Drive commencing at the terminus point described in paragraph 1 above by grading, draining, curbing, and paving, constructing storm and sanitary sewers, sidewalks, and water mains, and providing all related work and necessary appurtenances thereto.

(c) Yankee Street Pike at the intersection of Yankee Street Pike and Winding Green Way by grading and paving to provide a left turn lane.

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 or deductions from the location and number of gas street lights, or constructing a water main in Social Row Road, or extending Yankee Trace Drive, or widening Yankee Street Pike 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 benefitted 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.

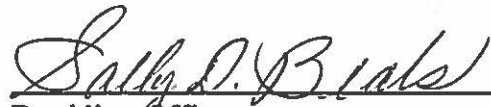
SECTION 8. That the special assessments to be levied shall be paid in thirty annual installments of principal and interest, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the total 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 15th day of December, 1997.



Presiding Officer

Attest: 

Clerk of Council

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 83-97, passed by the Council of the City of Centerville, Ohio, on the 15th day of December, 1997.

Marie J. Saughell
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EXHIBIT A

Description of Property

Part B-2

Property owned by Builders and Homeowners:

SECTION 6A

Lot Number 149

George F. and Sharon J Mansfield
1989 Midchester Drive
West Bloomfield, Michigan 48234

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 149 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 151

George D. Gonczy
1224 Captains Bridge
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 151 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 152

Richard L. and Arminta H. Tompkins
7878 Braewood Trail
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 152 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 153

Robert G. and Joyce M. Moran
9763 Winding Green Way
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 153 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 154

E. Thomas and Linda B. Halloran
7818 Braewood Trail
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 154 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 155

Tatjana Mauch
9784 Winding Green Way
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 155 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 156

Marjorie R. and Robert F. Bleicher
9783 Greenside Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 156 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 157

Rochelle D. Hurt
1412 Finger Lakes
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 157 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 158

C. Mark Kingseed
910 Pimlico Drive
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 158 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 159

Robert and Caren Coffey
9759 Greenside Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 159 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 160

Paul W. and Shirley F. Heintz
9751 Greenside Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 160 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 161

Ruth Ann Hagedorn
7615 Brahms Hill Drive
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 161 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

Lot Number 162

Gary Coveyou
9735 Greenside Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 162 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

SECTION 7

Lot Number 163

Dunnington / Koepfer Builder, Inc.
76 Marco Lane
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 163 Yankee Trace Section Seven, as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

Lot Number 165

Dunnington / Koepfer Builder, Inc.
76 Marco Lane
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 165 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

Lot Number 167

Richard and Catherine Lieberman
46 Inlets Blvd.
Nokomis, Fl. 34275

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 167 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

Lot Number 168

Thomas and Sharon Tyler
1050 Green Timber Trail
Dayton, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 168 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

Lot Number 169

Dunnington / Koepfer Builder, Inc.
76 Marco Lane
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 169 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

Lot Number 171

Russell E. and Deanna K. Kross
5691 Willow Twig Lane
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 171 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A of the Plat Records of Montgomery County, Ohio.

SECTION 9

Lot Number 184

Jacque R. and Martha A. Sheley
181 Pleasant Hill Drive
Centerville, Ohio 45459

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 184 Yankee Trace Section Nine, as recorded in Plat Book "167", Page 45 of the Plat Records of Montgomery County, Ohio.

Lot Number 185

Jack W. and Elyse S. Kindler
2084 Andover Road
Columbus, Ohio 43221

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 185 Yankee Trace Section Nine, as recorded in Plat Book "167", Page 45 of the Plat Records of Montgomery County, Ohio.

Lot Number 187

Donald and Betty Maudlin
9693 Greenside Court
Centerville, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 187 Yankee Trace Section Nine, as recorded in Plat Book "167", Page 45 of the Plat Records of Montgomery County, Ohio.

Lot Number 188

Andrew S. Lehman
16 Ashridge Road
Dayton, Ohio 45458

Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 188 Yankee Trace Section Nine, as recorded in Plat Book "167", Page 45 of the Plat Records of Montgomery County, Ohio.

EXHIBIT A

Description of Property

Part B-1

Property owned by:

Yankee Trace Development, Inc.

3650 Park 42 Drive

Cincinnati, Ohio 45241

James P. Sullivan

Vice President and Treasurer

1. Legal Description Bayer Becker Engineers
 (Parcel 22A & 22B) Date: 11/10/97 36.760 Acre Tract

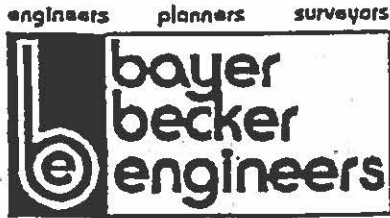
2. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 148,150, and 151 Yankee Trace Section Six A (Section 6A being a replat of Yankee Trace Sections Four and Six), as recorded in Plat Book "166", Pages 39, 39A, 39B, 39C, and 39D of the Plat Records of Montgomery County, Ohio.

3. Situated in the City of Centerville, County of Montgomery and State of Ohio, and being Lot Numbered 164,166,170,172, and 173 Yankee Trace Section Seven , as recorded in Plat Book "167", Pages 28, and 28A 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 174,175,176,177,178,179,180,181,182, and 183 Yankee Trace Section Eight, as recorded in Plat Book "167", Pages 44, and 44A 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 Numbered 186, and 189 Yankee Trace Section Nine, as recorded in Plat Book "167", Page 45 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 Numbered 202,203,204,205,206,207,208,209, and 210 Yankee Trace Section Eleven, as recorded in Plat Book "170", Page 10, and 10A of the Plat Records of Montgomery County, Ohio.



865 lila avenue
milford, oh 45150
(513) 248-8311
fax (513) 248-8314

November 10, 1997

DESCRIPTION: 36.760 Acre Tract
LOCATION: Yankee Trace
City of Centerville
Montgomery County, Ohio

Situated in Section 5, Town 2, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a 36.760 acre tract further described as follows:

Begin at the northeasterly corner of Section 5, Town 2, Range 5, MRs, said corner also being in the centerline of Spring Valley Pike; thence departing said centerline with the easterly line of Section 5 South 02°39'28" West 837.85 feet; thence departing said section line North 72°44'22" West, 182.09 feet; thence South 31°58'11" West 65.38 feet; thence North 70°50'15" West 547.89 feet to the true point of beginning;

- thence from the point of beginning thus found South 19°43'07" West 592.15 feet;
- thence with a curve to the left having a radius of 285.00 feet, an arc length of 142.12 feet, a delta angle of 28°34'19" (chord = North 58°41'58" West 140.65 feet);
- thence North 72°59'07" West, 126.44 feet;
- thence with a curve to the left having a radius of 390.00 feet, an arc length of 593.41 feet, a delta angle of 87°10'44" (chord = South 63°25'31" West, 537.80 feet);
- thence South 19°50'09" West, 117.65 feet;
- thence North 70°16'53" West, 1074.54 feet to a point in the centerline of Yankee Street Pike;
- thence with said centerline North 02°56'16" East, 753.71 feet;
- thence departing said centerline North 89°45'50" East, 385.17 feet;
- thence North 02°40'13" East, 223.20 feet;
- thence South 70°34'55" East, 1346.24 feet;
- thence South 70°50'15" East, 285.26 feet to the point of beginning containing 36.760 acres of land subject to all easements and rights-of-way of record.

