

RESOLUTION NO. 23-95  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Stuffer ON THE  
24th DAY OF March, 1995.

A RESOLUTION OF INTENT TO APPROPRIATE  
CERTAIN REAL PROPERTY FOR RIGHT OF WAY  
FOR THE CONSTRUCTION OF A PUBLIC ACCESS  
STREET SOUTH OFF SPRING VALLEY ROAD FROM  
CENTERVILLE PROPERTIES, INC.

WHEREAS, the City of Centerville is engaged in the acquisition of right of way for the construction of a public access street south off Spring Valley Road for a distance of approximately 500 feet, and

WHEREAS, the acquisition of real estate is immediately necessary for the roadway construction in connection with said project, and

WHEREAS, the Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project so that there will be no delay for the immediate preservation of the public peace, health, safety and welfare.


NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. This Council hereby declares the necessity and intention to appropriate certain real property in accordance with Chapter 163 of the Ohio Revised Code.

SECTION 2. It is necessary and intention to appropriate certain roadway right of way from Centerville Properties, Inc., said real estate described herein: as more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. That the City Manager or his designate is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, persons in possession of, or having an interest of record in the above described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designate and to make return of said service of notice in the manner provided by law.

PASSED this 20th day of March,  
1995.

  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
Clerk of the Council of the  
City of Centerville, Ohio

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 23-95, passed by the Council of the City of Centerville, Ohio, on the 20th day of March, 1995.

  
Clerk of Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.  
Department of Law  
Robert N. Farquhar  
Municipal Attorney

RIGHT OF WAY  
for HIGHWAY PURPOSES

"BEERMAN DRIVE IMPROVEMENT PROJECT"

Centerville Properties, Inc.  
D.B. 2038 Page 206

Situated in the City of Centerville, Montgomery County, State of Ohio, Section 29, Town 3, Range 5 Mrs, and being part of a 3.941 acre tract conveyed to Centerville Properties, Inc., as of record in D.B. 2038 Page 206 of the Deed Records of Montgomery County, and being more particularly described as follows;

Beginning at a point in the north line of said Section 29, said point being South 83 degrees 57 minutes 03 seconds West, along said Section line , 466.80 feet from the intersection of Spring Valley Pike and Dayton Lebanon Pike (S.R. 48), said point also being the northeast corner of property conveyed to the City of Centerville of record in MF # 89-0321-E08, Deed Records of Montgomery County, Thence leaving said Section line, with the easterly line of said City of Centerville property, South 1 degree East, 177.43 feet to a point being the southwest corner of property conveyed to Barbara Weprin, Trustee as of record in MF # 87-0171-B12, Deed Records of Montgomery County, and being the TRUE POINT OF BEGINNING, thence with the southerly line of said Weprin property , North 89 degrees East , 39.50 feet to a point, thence, leaving said Weprin property, South 1 degree East , 162.41 feet to a point, thence with a curve to the left, having a central angle of 17 degrees 38 minutes 07 seconds, a radius of 342.50 feet, a chord of South 9 degrees 49 minutes 06 seconds East, 105.03 feet, 105.42 feet along the arc to a point, thence with a curve to the right, having a central angle of 17 degrees 33 minutes 28 seconds, a radius of 327.50 feet, a chord of South 9 degrees 51 minutes 08 seconds East, 99.99 feet, 100.36 feet along the arc to a point , thence South 89 degrees West, 70.99 feet to a point being the southeast corner of said City of Centerville property, thence with the easterly line of said City property, North 1 degree West, 365.00 feet to the point of beginning, containing 17576 square feet, (0.404 acres), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Barge, Waggoner, Sumner and Cannon, Inc.  
Barry K. Quinn, Ohio P.S. # 7596.