

RESOLUTION NO. 8-93
CITY OF CENTERVILLE

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
15th DAY OF March, 1993.

A RESOLUTION DECLARING A NECESSITY TO MAKE CERTAIN IMPROVEMENTS TO THE PUBLIC ROADWAY SYSTEM WHICH IS OPEN TO THE PUBLIC WITHOUT CHARGE BY THE CITY OF CENTERVILLE, AND DECLARING THE INTENT TO APPROPRIATE CERTAIN INTERESTS IN REAL PROPERTY FOR THE PROJECT KNOWN AS THE WILMINGTON PIKE WIDENING PROJECT WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF CENTERVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Centerville wishes to declare that it is necessary to improve its public roadway system within and without the limits of said City; and

WHEREAS, the City of Centerville has determined that certain real property and real property rights will be necessary to be acquired for said road improvement project; and

WHEREAS, the Council of the City of Centerville deems it necessary to declare such necessary and intent for the purpose of preparing to acquire said real property and real property rights for said project:

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville has determined that it is necessary for the benefit of its citizens to acquire certain real estate within the corporate limits of said City under Section 719.02 of the Ohio Revised Code for public roadway and storm sewer purposes, and that the same is necessary in the general public interest for the benefit of the health, safety and welfare of said community.

Section 2. It is the intent of the City of Centerville, Ohio, in the event agreement cannot be reached with the owners of said real property, to appropriate same for public roadway and storm sewer purposes, and to construct such necessary improvements thereon, said project being known as the Wilmington Pike Widening Project. Said parcels of real estate are known as parcel 69-WD; the legal descriptions and legal interests to be acquired on said parcels are attached hereto and made a part of this Resolution of Necessity and Intent by reference. The owner of said parcels is Metropolitan Builders and Development Inc., 7825 North Dixie Drive, Dayton, Ohio 45414

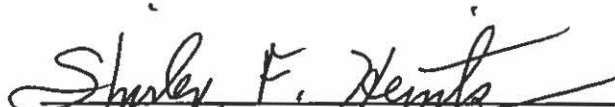
Section 3. The purpose of the acquisition of said real estate and the taking described hereinabove is for the public use, namely for the improvement of the Wilmington Pike Widening Project.

Section 4. At any time subsequent to the effective date of this resolution, and prior to the passage of the ordinance to appropriate, the City Manager is hereby authorized to acquire by purchase the real property interests herein described in this Resolution, and in accordance with such acquisition to enter into special contracts for necessary services, except or otherwise as the same may be required.

Section 5. It is desirable in the public interest that the City of Centerville take immediate possession of the property and any structures thereon, in order for the construction of said Wilmington Pike Widening Project.

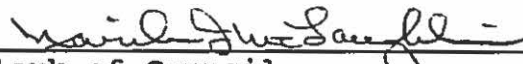
Section 6. This Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health safety, and welfare of said City of Centerville, and for the further reason that it is necessary for the City to acquire the interest in said real property described so that the project with respect to roadways of the City inside and outside the corporate limits may be commenced at the earliest possible date for optimum utilization of said roadways by the public without charge; therefore, this measure shall take effect and be in force from and after its passage.

Passed by Council this 15th day of March, 1993.



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. 8-93, passed by the Council of the City of Centerville, Ohio on the 15th day of March, 1993.


Clerk of Council

Approved as to form, consistency,
with existing ordinances, the
charter & constitutional provisions.

Dept. of Law
Robert N. Farquhar
Municipal Attorney

**LEGAL DESCRIPTIONS FOR
PROPERTY BEING ACQUIRED AND
TEMPORARY EASEMENT**



WOOLPERT

**DESCRIPTION OF PARCEL 69WD
WILMINGTON PIKE WIDENING
REVISED June 24, 1992**

Located in Section 15, Town 2, Range 6, M.R.s., City of Centerville, County of Montgomery, State of Ohio, and being a portion of land conveyed to Metropolitan Builders and Developers, Inc. by deed recorded in Deed Book 2197, page 220 in the Deed Records of Montgomery County, Ohio, and being more particularly described as follows:

Beginning at the corner common to Sections 9, 10, 15 and 16, Town 2, Range 6, M.R.s., said corner being a northeast corner in the City of Centerville Corporation line and a southeast corner in the City of Kettering Corporation Line, said corner also being in the line common to Montgomery County and Greene County;

thence along the line common to Sections 9 and 15, along the line common to Montgomery County and Greene County and along the City of Centerville's east corporation line, South one degree twenty-seven minutes twenty-three seconds (01°27'23") West for three hundred sixty-one and 73/100 (361.73) feet to a point in the north line of grantor's land, said point being the TRUE POINT OF BEGINNING;

thence with the north line of grantor's land, South eighty-eight degrees thirty-five minutes seventeen seconds (88°35'17") East for three and 46/100 (3.46) feet to the northeast corner of grantor's land;

thence with the east line of grantor's land, South one degree twenty-three minutes six seconds (01°23'06") West for ninety-two and 21/100 (92.21) feet the southeast corner of grantor's land and the northeast corner of Henderson Meadows Plat Section One as recorded in Plat Book "K-K", page 39 of the Plat Records of Montgomery County, Ohio;

thence with the south line of grantor's land and the north line of Henderson Meadows Plat Section One, North eighty-eight degrees thirty-two minutes thirty-seven seconds (88°32'37") West for thirty-nine and 58/100 (39.58) feet;

thence leaving the south line of grantor's land and the north line of Henderson Meadows Plat Section One, North one degree twenty-seven minutes twenty-three seconds (01°27'23") East for ninety-two and 18/100 (92.18) feet to a point in the north line of grantor's land and the south line of land conveyed to the Faith Family Worship Center, Inc. by deed recorded in Deed Microfiche Number 87-173C10 in the Deed Records of Montgomery County, Ohio;

thence with the north line of grantor's land and the south line of the Faith Family Worship Center, Inc.'s land, South eighty-eight degrees thirty-five minutes seventeen seconds (88°35'17") East for thirty-six and 00/100 (36.00) feet to the TRUE POINT OF BEGINNING, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

It is understood that the above described tract of land contains no and 084/1000 (0.084) acres, more or less, inclusive of the present road which occupies no and 063/1000 (0.063) acres, more or less.

The bearing system used is based on the Cheltenham Section One record plan system, recorded in Plat Book 137, Page 21 of the Plat Records of Montgomery County, Ohio.

This description was prepared from field surveys and courthouse records by Woolpert Consultants.

Daryl L. Wells

Daryl L. Wells
Ohio Professional Surveyor #6932

