

RESOLUTION NO. 9-93
CITY OF CENTERVILLE

SPONSORED BY COUNCILMEMBER Mervin Klug 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 43-WD and 43-S; 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 Society Bank N.A., Trustee, 333 West First Street, Dayton, Ohio 45402.

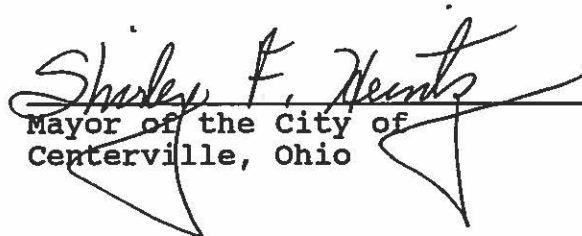
Section 3. The purpose of the acquisition of said real estate and the taking described hereinabove is for the public use, namely for the improvement of the Wilmington Pike Widening Project.

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.

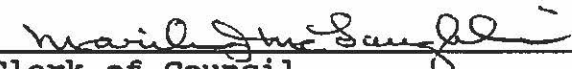
Section 6. This Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health safety, and welfare of said City of Centerville, and for the further reason that it is necessary for the City to acquire the interest in said real property described 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. 9-93, 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**



**DESCRIPTION OF PARCEL 43WD
WILMINGTON PIKE WIDENING**
June 8, 1992

Located in Section 14, Town 2, Range 6, M.R.s., City of Centerville, County of Montgomery, State of Ohio, and being a portion of land conveyed to Society Bank N.A., Trustee by deed recorded in Deed Microfiche Number 87-211D09 in the Deed Records of Montgomery County, Ohio, and being more particularly described as follows:

Beginning at a 3/4" iron pin found at the corner common to Sections 7, 8, 13 and 14, Town 2, Range 6, M.R.s. said iron pin being located in the line common to Montgomery County and Greene County;

thence along the line common to sections 8 and 14, and along the line common to Montgomery County and Greene County, North one degree thirty-three minutes twenty-five seconds (01°33'25") East for two thousand seven hundred three and 75/100 (2703.75) feet to a spike found at the northeast corner of Cheltenham Section Seven as recorded in Plat Book 148, page 13 in the Plat Records of Montgomery County, Ohio, said corner being in the centerline of Wilmington Pike;

thence continuing along the line common to sections 8 and 14, along the line common to Montgomery County and Greene County, and along the centerline of Wilmington Pike, North one degree thirty-one minutes thirty-five seconds (01°31'35") East for one thousand nine hundred thirty-nine and 81/100 (1939.81) feet to the southeast corner of grantor's remaining land, said corner being the TRUE POINT OF BEGINNING;

thence along the south line of grantor's remaining land, North eighty-eight degrees twenty-eight minutes twenty-five seconds (88°28'25") West for sixty and 00/100 (60.00) feet;

thence North one degree thirty-one minutes thirty-five seconds (01°31'35") East for four hundred twenty-eight and 18/100 (428.18) feet;

thence North one degree twenty-seven minutes thirty-seven seconds (01°27'37") East for two hundred forty-four and 06/100 (244.06) feet to a point in the west right-of-way line of Wilmington Pike;

thence along the west right-of-way line of Wilmington Pike for the following two (2) courses:

South no degrees fifty-three minutes ten seconds (00°53'10") East for two hundred forty-four and 25/100 (244.25) feet;

thence South eighty-eight degrees twenty-eight minutes twenty-five seconds (88°28'25") East for fifty and 00/100 (50.00) feet to a spike found in the line common to sections 8 and 14, the line common to Montgomery County and Greene County, and the centerline of Wilmington Pike;

thence along the line common to sections 8 and 14, along the line common to Montgomery County and Greene County, and along the centerline of Wilmington Pike, South one degree thirty-one minutes thirty-five seconds (01°31'35") West for four hundred twenty-eight and 21/100 (428.21) 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 618/1000 (0.618) acres, more or less, inclusive of the present road which occupies no and 295/1000 (0.295) acres, more or less.

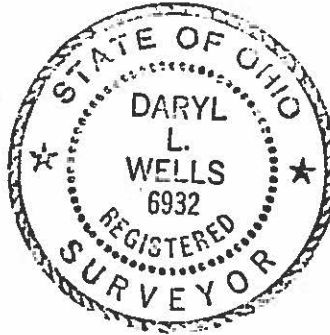
**Description of Parcel 43WD
Wilmington Pike Widening
June 8, 1992**

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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





WOOLPERT

**DESCRIPTION OF PARCEL 43S
WILMINGTON PIKE WIDENING
August 31, 1992**

Located in Section 14, Town 2, Range 6, M.R.s., City of Centerville, County of Montgomery, State of Ohio, and being an easement for storm drainage purposes over a portion of land conveyed to Society Bank N.A., Trustee by deed recorded in Deed Microfiche Number 87-211D09 in the Deed Records of Montgomery County, Ohio, and being more particularly described as follows:

Beginning at a 3/4" iron pin found at the corner common to Sections 7, 8, 13 and 14, Town 2, Range 6, M.R.s. said iron pin being located in the line common to Montgomery County and Greene County;

thence along the line common to sections 8 and 14, and along the line common to Montgomery County and Greene County, North one degree thirty-three minutes twenty-five seconds (01°33'25") East for two thousand seven hundred three and 75/100 (2703.75) feet to a spike found at the northeast corner of Cheltenham Section Seven as recorded in Plat Book 148, page 13 in the Plat Records of Montgomery County, Ohio, said corner being in the centerline of Wilmington Pike;

thence continuing along the line common to sections 8 and 14, along the line common to Montgomery County and Greene County, and along the centerline of Wilmington Pike, North one degree thirty-one minutes thirty-five seconds (01°31'35") East for one thousand nine hundred thirty-nine and 81/100 (1939.81) feet to the southeast corner of grantor's remaining land;

thence along the south line of grantor's remaining land, North eighty-eight degrees twenty-eight minutes twenty-five seconds (88°28'25") West for sixty and 00/100 (60.00) feet to a point in the proposed west right-of-way line of Wilmington Pike;

thence along the proposed west right-of-way line of Wilmington Pike, North one degree thirty-one minutes thirty-five seconds (01°31'35") East for three hundred twenty-six and 53/100 (326.53) feet to the TRUE POINT OF BEGINNING;

thence leaving the proposed west right-of-way line of Wilmington Pike, North fifty-three degrees twenty-eight minutes nineteen seconds (53°28'19") West for twenty-three and 00/100 (23.00) feet;

thence North thirty-six degrees thirty-one minutes forty-one seconds (36°31'41") East for twenty and 00/100 (20.00) feet;

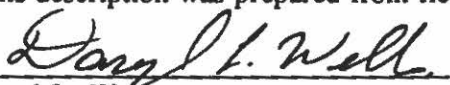
thence South fifty-three degrees twenty-eight minutes nineteen seconds (53°28'19") East for nine and 00/100 (9.00) feet to a point in the proposed west right-of-way line of Wilmington Pike;

thence along the proposed west right-of-way line of Wilmington Pike, South one degree thirty-one minutes thirty-five seconds (01°31'35") West for twenty-four and 42/100 (24.42) feet to the TRUE POINT OF BEGINNING;

It is understood that the above described tract of land contains no and 007/1000 (0.007) 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
Ohio Professional Surveyor #6932

