

RESOLUTION NO. 10-93  
CITY OF CENTERVILLE

SPONSORED BY COUNCILMEMBER J.V. Stoue 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 21-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 Thomas E. Topp and Richard H. Topp, 2165 Willowgrove Avenue, Kettering, Ohio 45409.

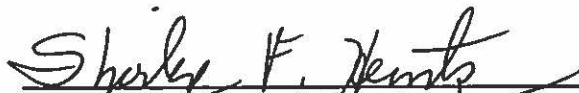
Section 3. The purpose of the acquisition of said real estate and the taking described hereinabove is for the public use, namely for the improvement of the Wilmington Pike Widening Project.

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.

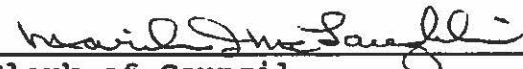
Section 5. It is desirable in the public interest that the City of Centerville take immediate possession of the property and any structures thereon, in order for the construction of said Wilmington Pike Widening Project.

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. 10-93, passed by the Council of the City of Centerville, Ohio on the 15th day of March, 1993.

Marie J. McLaughlin  
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 21WD  
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 Thomas E. Topp and Richard H. Topp by deed recorded in Deed Microfiche Number 87-449A08 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 ( $01^{\circ}33'25''$ ) East for one thousand fifty-eight and 85/100 (1058.85) feet to the northeast corner of land conveyed to Shawn P. and Nancy L. Cochran by deed recorded in Deed Microfiche Number 86-524C02 in the Deed Records of Montgomery County, Ohio, and the southeast corner of grantor's land, said corner being the TRUE POINT OF BEGINNING;

thence along the north line of Shawn P. and Nancy L. Cochran's land and the south line of grantor's land, on a non-radial bearing, North seventy degrees fifty-nine minutes twelve seconds ( $70^{\circ}59'12''$ ) West for seventeen and 41/100 (17.41) feet;

thence leaving the north line of Shawn P. and Nancy L. Cochran's land and the south line of grantor's land, on a curve to the right with a radius of one thousand twenty-eight and 379/100 (1028.379) feet for an arc distance of two hundred ninety-nine and 80/100 (299.80) feet, [long chord bearing North six degrees forty-seven minutes forty-one seconds ( $06^{\circ}47'41''$ ) West for two hundred ninety-eight and 74/100 (298.74) feet, central angle of said curve being sixteen degrees forty-two minutes eleven seconds ( $16^{\circ}42'11''$ )];

thence on a tangent bearing, North one degree thirty-three minutes twenty-five seconds ( $01^{\circ}33'25''$ ) East for twenty-nine and 42/100 (29.42) feet to a point in grantor's north line and the south line of Cheltenham Section Six as recorded in Plat Book 148, page 12 in the Plat Records of Montgomery County, Ohio;

thence along the north line of grantor's land and the south line of Cheltenham Section Six, South seventy degrees forty-nine minutes no seconds ( $70^{\circ}49'00''$ ) East for sixty-two and 96/100 (62.96) feet to the northeast corner of grantor's land and the southeast corner of Cheltenham Section Six, said corner being in the line common to sections 8 and 14, and the line common to Montgomery County and Greene County;

thence along the line common to sections 8 and 14, along the line common to Montgomery County and Greene County and along the east line of grantor's land, South one degree thirty-three minutes twenty-five seconds ( $01^{\circ}33'25''$ ) West for three hundred eleven and 15/100 (311.15) 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 338/1000 (0.338) acres, more or less, inclusive of the present road which occupies no and 208/1000 (0.208) acres, more or less.

**Description of Parcel 21WD  
Wilmington Pike Widening  
June 8, 1992**

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

