

RESOLUTION NO. 22-90
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Sally Beels ON THE
2nd DAY OF July, 1990.

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 REAL PROPERTY FOR THE PROJECT KNOWN AS THE CLYO ROAD - WILMINGTON PIKE IMPROVEMENT 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 a fee simple interest in certain real property 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 necessity and intent for the purpose of preparing to acquire said interest in said real property 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 a fee simple interest in certain real property within the corporate limits of said City under Section 719.02 of the Ohio Revised Code for public roadway 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 owner of said real property, to appropriate same for public roadway purposes, and to construct such necessary improvements thereon, said project being known as the Clyo Road - Wilmington Pike

Improvement Project. The legal description of said real property is attached hereto as Exhibit A and made a part of this Resolution of Necessity and Intent by reference. The owner of said real property is B.P. Oil Company, formerly known as Standard Oil Company, 200 Public Square, Cleveland, Ohio 44114.

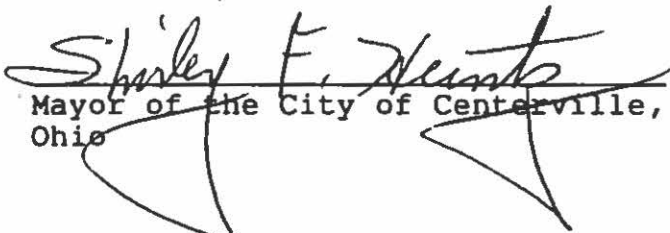
Section 3. The purpose of the acquisition of said real property and the taking described hereinabove is for the public use, namely for the Clys Road - Wilmington Pike Improvement Project.

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 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. The Municipal Attorney is hereby authorized to commence proceedings in the Common Pleas Court of Montgomery County, Ohio for the purpose of assessing compensation to be paid for such property to be appropriated.

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 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 THIS 2nd day of July, 1990.


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. 22-90, passed by the Council of the City of Centerville, Ohio on the 2nd day of July, 1990.

Marion J. McFarland
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

EXHIBIT A



A DESCRIPTION OF
CLYO ROAD - WILMINGTON PIKE
RIGHT-OF-WAY CONDEMNATION

June 4, 1990

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 a tract of land conveyed by deed to Joseph F. Rippe, Trustee, in Deed Book 2431, Page 16 and a portion of a tract of land conveyed by deed to Gary W. Yagley, Donna P. Yagley, and F. and G. Realty, Inc. in Deed Microfiche 86-0027808 of the Deed Records of Montgomery County, Ohio, to be condemned, and being more particularly described as follows:

Beginning at the southwest corner of Sugarcreek Plaza recorded in Plat Book 22, Page 14 of the Plat Records of Greene County, Ohio, said point also being in the east line of Section 14 and in the centerline of Wilmington Pike, also being the Montgomery-Greene County Line;

thence along the east line of Section 14, also being the centerline of Wilmington Pike, and the Montgomery-Greene County Line, South no degrees one minutes forty seconds (00°01'40") West for two hundred seventy-seven and 00/100 (277.00) feet;

thence over said Yagley land and said Rippe land for the following six courses:

North eighty-nine degrees fifty-eight minutes twenty seconds (89°58'20") West for sixty and 00/100 (60.00) feet;

thence North no degrees one minutes forty seconds (00°01'40") East for two hundred seventy-seven and 00/100 (277.00) feet;

thence on a curve to the left with a radius of twenty and 00/100 (20.00) feet for an arc distance of thirty-one and 42/100 (31.42) feet, [long chord bearing North forty-four degrees fifty-eight minutes twenty seconds (44°58'20") West for twenty-eight and 28/100 (28.28) feet, central angle of said curve being ninety degrees no minutes no seconds (90°00'00")];

thence North eighty-nine degrees fifty-eight minutes twenty seconds (89°58'20") West for two hundred eighty and 00/100 (280.00) feet;

thence North no degrees one minutes forty seconds (00°01'40") East for forty-five and 00/100 (45.00) feet;

Description
Clyo Road & Wilmington Pike
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thence South eighty-nine degrees fifty-eight minutes twenty seconds ($89^{\circ}58'20''$) East for three hundred sixty and 00/100 (360.00) feet to a point in the west line of said Sugarcreek Plaza, said point also being in the east line of Section 14 and in the centerline of Wilmington Pike, also being the Montgomery-Greene County Line;

thence along the west line of said Sugarcreek Plaza, also being the east line of Section 14 and the centerline of Wilmington Pike, also being the Montgomery-Greene County Line, South no degrees one minutes forty seconds ($00^{\circ}01'40''$) West for sixty-five and 00/100 (65.00) feet to the point of beginning. The above described condemnation tract contains no and 783/1000 (0.783) acres, more or less.

This description was made in accordance with a land survey performed by Woolpert Consultants in November of 1988. The bearing system used is based on the said Sugarcreek Plaza Record plan system.