

RESOLUTION NO. 17-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stoue ON THE
17th DAY OF April, 1989.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CROWN PETROLEUM COMPANY FOR THE PURCHASE OF REAL PROPERTY FOR ROAD RIGHT OF WAY PURPOSES AND AUTHORIZING THE PAYMENT THEREFORE.

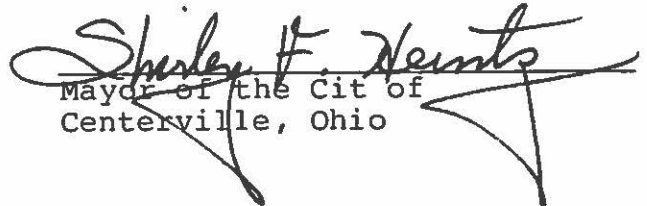
THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized and directed to enter into a contract for the purchase of real property for road right of way purposes with the Crown Petroleum Company. A copy of said contract is attached hereto as Exhibit "A" and incorporated herein.

Section 2. That the amount of money specified in the contract is hereby authorized to be expended by the City of Centerville for the purpose of the road right of way described in Exhibit "A".

Section 3. As a resolution, this measure shall become effective immediately upon passage.

PASSED THIS 17th day of April, 1989.


Mayor of the City of
Centerville, Ohio

ATTEST:

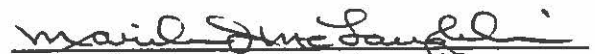

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 17-89, passed by the Council of the City of Centerville, Ohio, on the 17th day of April, 1989.

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

Department of Law
Robert N. Farquhar
Municipal Attorney


Clerk of the Council

PROJECT _____

PARCEL NO. 7

OFFER TO SELL REAL ESTATE

1. I/We Crown Petroleum Co.

hereinafter referred to as the "Owner(s)" hereby offer to sell to the City of Centerville, Ohio, hereinafter referred to as the "City" for the sum of Thirty Thousand (\$ 30,000), the real property described as follows:

Attached as exhibit "A AND B"

together with all improvements located wholly or partly thereon.

2. The consideration above stated includes compensation for all damages accruing from the taking of the real estate described herein.

3. The owner(s) will convey said property to the City in fee simple, free, clear and unencumbered, by deed of general warranty with full release of dower, and will procure, record and deliver to it all releases of all other interests therein which are necessary to convey such title including, but not by way of limitation, those of tenants, lessees or others now in

possession, or in any manner occupying said premises, and all assessment claims against the property. If, however, the conveyance of the property herein cannot be affected within the time stipulated because of defective title or the inability or refusal of the owner to convey said property, the owner shall be liable for all additional taxes and assessments which accrue as a result of said delay of conveyances.

4. Complete possession of the above described property shall be given to the City on date of conveyance to the City.

5. The City may withhold, at the time the sale is closed, a sufficient portion of the purchase money stated above to pay all fixed tax claims against the property for the payment of which the owner is obligated herein and all assessment claims against the property, and to pay all such tax and assessment claims which may then be liens but which cannot be paid until the amounts thereof are fixed. Any balance remaining after such claims are discharged shall be refunded to the owner, and the owner shall be liable for any deficiency.

WITNESSES:

Mary A. Spragg
Ruth E. Brown

DATE April 12 1989
J. J. Adams

This instrument was prepared by Robert E. Hunter, Attorney at Law .

"A"

Situate in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of a 0.9642 acre tract conveyed to Crown Petroleum Company by Deed Records on Microfiche 71-487B10 of the Deed Records of Montgomery County, with centerline bearings based on a survey by Lockwood Jones and Beals Inc., done in 1986 and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 48 with the centerline of Spring Valley Road;

Thence with the centerline of S.R. 48, S1°00'00"E 200.00 feet to the grantor's southeast corner, said point being the true point of beginning said point being on the centerline of S.R. 48 station 45+69.33;

Thence S83°57'30"W 43.17 feet to a point 43.00 feet left of the centerline of S.R. 48 station 45+65.53;

Thence N1°00'00"W 143.45 feet to a point 43.00 feet left of the centerline of S.R. 48 station 47+08.99;

Thence N48°31'28"W 22.13 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 119+29.32;

Thence S83°57'03"W 62.45 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 118+66.87;

Thence along the arc of a curve to the right having a radius of 2904.79 feet a distance of 84.92 feet, said arc having a chord bearing S84°47'18"W 84.92 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 117+83.12;

Thence S85°37'33"W 2.97 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 117+80.15;

Thence N0°59'59"W 38.82 feet to the grantor's northwest corner, said corner being 1.24 feet right of the centerline of Spring Valley Road station 117+82.43;

Thence N83°57'03"E 210.00 feet to the grantor's northeast corner, said corner being 0.0 feet right of the centerline of Spring Valley Road station 119+92.41;

Thence S1°00'00"E 200.00 feet to the point of beginning containing 0.3528 acres, (15368 sq. ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals Inc.

B

Situate in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of a 0.9642 acre tract conveyed to Crown Petroleum Company by Deed Recorded on Microfiche 71-487B10 of the Deed Records of Montgomery County, with centerline bearings based on a survey by Lockwood Jones and Beals Inc., done in 1986 and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 48 with the centerline of Spring Valley Road;

Thence with the centerline of Spring Valley Road, S83°51'03"W 213.42 feet to a point 1.33 feet right of centerline station 117+80.15;

Thence S6°02'57"E 38.67 feet to a point on the grantor's west line and the true point of beginning, said point being 40.00 feet right of the centerline of Spring Valley Road station 117+80.15;

Thence N85°37'33"E 2.97 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 117+83.12;

Thence along the arc of a curve to the left having a radius of 2904.79 feet a distance of 84.92 feet, said arc having a chord bearing N84°47'18"E 84.92 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 118+66.87;

Thence N83°57'03"E 62.45 feet to a point 40.00 feet right of the centerline of Spring Valley Road station 119+29.32;

Thence S48°31'28"E 22.13 feet to a point 43.00 feet left of the centerline of S.R. 48 station 47+08.99;

Thence S1°00'00"E 143.45 feet to a point on the grantor's south line, said point being 43.00 feet left of the centerline of S.R. 48 station 45+65.53;

Thence S83°57'30"W 15.06 feet along the grantor's south line to a point 58.00 feet left of the centerline of S.R. 48 station 45+64.21;

Thence N1°00'00"W 35.79 feet to a point 58.00 feet left of the centerline of S.R.48 station 46+00.;

Thence N4°42'38"E 50.25 feet to a point 53.00 feet left of the centerline of S.R. 48 station 46+50.00;

Thence N1°00'00"W 55.00 feet to a point 53.00 feet left of the centerline of S.R. 48 station 47+05.00;

Thence N44°09'43"W 14.50 feet to a point 48.00 feet right of the centerline of Spring Valley Road station 119+25.00;

Thence S83°57'03"W 58.13 feet to a point 48.00 feet right of the centerline of Spring Valley Road station 118+66.87;

Thence S84°37'10"W 67.99 feet to a point 48.00 feet right of the centerline of Spring Valley Road station 118+00.;

Thence S67°07'26"W 22.17 feet to a point on the grantor's west line, said point being 54.98 feet right of the centerline of Spring Valley Road station 117+79.26;

Thence N0°59'59"W 15.01 feet along the grantor's west line to the point of beginning containing 0.729 acres, (3176 sq.ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals Inc.