

RESOLUTION NO. 22-89  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stone ON THE  
17TH DAY OF APRIL, 1989.

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 SOUTH MAIN STREET SPRING VALLEY 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 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 purposes 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 and without 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

South Main Street Spring Valley Road Improvement Project. Said parcel of real estate is known as 8-T; the legal description and legal interests to be acquired on said parcel is attached hereto and made a part of this Resolution of Necessity and Intent by reference. The owners of said parcel are Thomas F. O'Rourke and Robert F. O'Rourke, 857 Grants Ridge Circle, Centerville, Ohio 45459.

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 South Main Street and Spring Valley Road 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 South Main Street Spring Valley Road 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 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 Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 22-89, passed by the Council of the City of Centerville, Ohio on the 17th day of April, 1989.

  
Clerk of the Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

LEGAL DESCRIPTION FOR  
TEMPORARY RIGHT-OF-WAY

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 8-T

THOMAS F. O'ROURKE & ROBERT F. O'ROURKE

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 0.845 ACRE TRACT CONVEYED TO THOMAS F. O'ROURKE & ROBERT F. O'ROURKE BY DEED RECORDED IN MICROFICHE 82-458A08 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, N1°01'45" W 55.00 FEET TO A POINT ON THE CENTERLINE OF S.R. 48 STATION 48+24.32; THENCE N88°58'15"E 60.00 FEET TO THE GRANTOR'S SOUTHWEST CORNER AND BEING ALSO ON THE EAST RIGHT OF WAY LINE, SAID CORNER BEING 60.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 48+24.32 AND THE TRUE POINT OF BEGINNING;

THENCE N1°01'45"W 174.94 FEET ALONG THE GRANTOR'S WEST LINE AND THE SAID RIGHT OF WAY LINE, TO A POINT 60.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 49+99.26;

THENCE N84°21'45"E 5.02 FEET TO A POINT 65.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 49+99.66;

THENCE S1°01'45"E 166.91 FEET TO A POINT 65.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 48+32.75;

THENCE N84°21'52"E 107.71 FEET TO A POINT 58.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+70.00;

THENCE S5°38'08"E 8.00 FEET TO THE GRANTOR'S SOUTHEAST CORNER AND A POINT ON THE NORTH RIGHT OF WAY LINE OF SPRING VALLEY ROAD SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 121+70.00;

THENCE S84°21'52"W 113.37 FEET ALONG THE GRANTOR'S SOUTH LINE AND THE SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.0399 ACRES, (1739 SQ.FT.), MORE OR LESS, AND SUBJECT TO ALL LEGAL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION PREPARED BY:

LOCKWOOD, JONES AND BEALS INC.

by \_\_\_\_\_  
JOHN J. BEALS, OHIO P. S. 5312

Prior Deed References: