

RESOLUTION NO. 25-89
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 parcels of real estate are known as 10-T; 10-S-1; 10-S; 10-T-3; 10-T-2 and 10-T-1; 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 Dayton-Pittsburgh Associates, a Pennsylvania partnership, 3612 Boulevard of the Allies, Pittsburgh, Pennsylvania 15213.

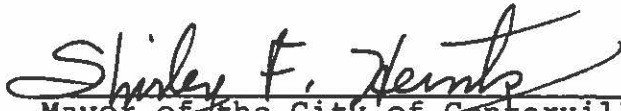
Section 3. The purpose of the acquisition of said real estate and the taking described hereinabove is for the public use, namely for the improvement of the South Main Street and Spring Valley Road Project.

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. 25-89, 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 DESCRIPTIONS FOR
TEMPORARY RIGHTS-OF-WAY AND
SEWER EASEMENTS**

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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"E 229.94 FEET TO A POINT AT STATION 49+00.26; THENCE N88°58'15"E 60.00 FEET TO THE GRANTOR'S SOUTHWEST CORNER AND THE TRUE POINT OF BEGINNING, SAID POINT BEING IN THE EXISTING EAST RIGHT OF WAY LINE OF S.R. 48 AT STATION 49+99.26 60.00 FEET RIGHT OF THE CENTERLINE;

THENCE N1°01'45"W 128.74 FEET ALONG THE GRANTOR'S WEST LINE AND THE EAST RIGHT OF WAY LINE TO A POINT 60.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 51+28.00;

THENCE N88°58'15"E 30.00 FEET TO A POINT 90.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 51+28.00;

THENCE S1°01'45"E 90.00 FEET TO A POINT 90.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+38.00;

THENCE S88°58'15"W 20.00 FEET TO A POINT 70.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+38.00;

THENCE S1°01'46"E 37.93 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE 70.00 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 50+00.07;

THENCE S84°21'45"W 10.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0708 ACRES, (3083 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-1

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 81-446E08 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 552.29 FEET TO A POINT 3.79 FEET RIGHT OF THE CENTERLINE OF STATION 53+20.06; THENCE S88°58'15"E 60.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE AND ON THE GRANTOR'S WEST LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 63.79 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 53+20.06;

THENCE N1°01'45"W 90.00 FEET ALONG THE GRANTOR'S WEST LINE AND THE EAST RIGHT OF WAY LINE TO A POINT 66.04 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 54+10.03;

THENCE N88°58'15"E 10.00 FEET TO A POINT 76.03 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 54+09.78;

THENCE S1°01'45"E 90.00 FEET TO A POINT 73.78 FEET RIGHT OF THE CENTERLINE OF S.R. 48 STATION 53+19.81;

THENCE S88°58'15"W 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0207 ACRES, (900 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-2

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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, N84°21'52"E 318.09 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.5; THENCE N5°38'08"W 50.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.5 AND THE TRUE POINT OF BEGINNING;

THENCE 5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50;

THENCE N84°21'52"E 59.50 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+70.00;

THENCE S5°38'08"E 10.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+70.00;

THENCE S84°21'52"W 59.50 FEET ALONG THE GRANTOR'S SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 0.0137 ACRES, (595 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-T-3

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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°57'03"E 601.87 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+94.28; THENCE N5°38'08"W 50.00 FEET TO THE GRANTOR'S NORTHEAST 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 125+94.28 AND THE TRUE POINT OF BEGINNING;

THENCE S84°21'52"W 42.28 FEET TO A POINT ON THE SAID RIGHT OF WAY LINE, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52.00;

THENCE N5°38'08"W 5.00 FEET TO A POINT 55.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52.00;

THENCE N84°21'52"E 42.69 FEET TO A POINT ON GRANTOR'S EAST LINE, SAID POINT BEING 55.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+94.69;

THENCE S0°55'58"E 5.02 FEET ALONG THE GRANTOR'S EAST LINE TO THE POINT OF BEGINNING, CONTAINING 0.0049 ACRES, (212 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-S

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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, N84°21'52"E 318.09 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50; THENCE N5°38'08"W 50.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE GRANTOR'S SOUTH LINE 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50;

THENCE S84°21'52"W 25.00 FEET ALONG THE GRANTOR'S SOUTH LINE TO A POINT 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 122+85.50;

THENCE N5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 122+85.50;

THENCE N84°21'52"E 25.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 123+10.50; THENCE S5°38'08"E 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0060 ACRES, (260 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:

SPRING VALLEY ROAD & S.R.48 PHASE 1

PARCEL NO. 10-S-1

DAYTON PITTSBURG ASSOCIATES

SITUATE IN THE CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND BEING PART OF A 9.152 ACRE TRACT CONVEYED TO DAYTON PITTSBURG ASSOCIATES BY DEED RECORDED IN MICROFICHE 82-446E08 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, N84°21'52"E 549.72 FEET TO A POINT ON THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42; THENCE N5°38'08"W 50.00 FEET TO A POINT ON THE GRANTOR'S SOUTH LINE AND THE TRUE POINT OF BEGINNING, SAID POINT BEING 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42;

THENCE N84°21'52"E 10.00 FEET ALONG THE GRANTOR'S SOUTH LINE TO A POINT 50.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52;

THENCE N5°38'08"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+52;

THENCE S84°21'52"W 10.00 FEET TO A POINT 60.00 FEET LEFT OF THE THE CENTERLINE OF SPRING VALLEY ROAD STATION 125+42;

THENCE S5°38'08"E 10.00 FEET TO THE GRANTOR'S SOUTH LINE AND POINT OF BEGINNING, CONTAINING 0.0023 ACRES, (100 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: