

RESOLUTION NO. 38-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE 19TH
DAY OF JUNE, 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 necessity 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 29-WV; 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 Richard A. Kuszpa and Donna J. Kuszpa, husband and wife, 107 West Spring Valley Road, Centerville, Ohio 45458 and the mortgagee thereon is Citicorp Mortgage, Inc., Mail Station 301, P.O. Box 790001, St. Louis, Missouri 63179-0001.


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 19th day of June, 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. 38-89, passed by the Council of the City of Centerville, Ohio on the 19th day of June, 1989.

Marilyn J. Savelle
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"

Situate in Section 30, Township 3, Range 5 MRS in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of a 0.096 acre tract conveyed to Donna J. and Richard A. Kuszpa by deed recorded on Microfiche 84-347A05 of the deed records of Montgomery County, Ohio 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"W 848.23 feet to the Grantor's southeast corner and the true point of beginning, said point being 9.50 feet right of the centerline of Spring Valley Road Station 111+44.00;

Thence S83°57'03"W 114.00 feet to the Grantor's southwest corner, said point being 9.50 feet right of the centerline of Spring Valley Road Station 110+30.00;

Thence N6°02'57"W 52.50 feet along Grantor's west line to a point 43.00 feet left of the centerline of Spring Valley Road Station 110+30.00;

Thence N83°57'03"E 114.00 feet to a point on the Grantor's east line, said point being 43.00 feet left of the centerline of Spring Valley Road Station 111+44.00;

Thence S6°02'57"E 52.50 feet along the Grantor's east line to the point of beginning containing 0.1374 acres, (5985 sq.ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals, Inc., John J. Beals, Ohio P. S. 5312.

As shown by plans on file in the office of the City of Centerville.

Excluded from the general warranty covenants herein granted are all legal highways, easements, conditions and restrictions of record and all taxes and assessments becoming due and payable in June, 1989 and thereafter.