

RESOLUTION NO. 1-86

CITY OF CENTERVILLE

SPONSORED BY COUNCIL MEMBER Bernard Samples  
ON THE 20th DAY OF JANUARY, 1986.

TO DECLARE THE NECESSITY AND INTENTION OF  
ACQUIRING CERTAIN PARCELS OF REAL ESTATE  
FOR THE CLYO ROAD IMPROVEMENT PROJECT IN  
THE CITY OF CENTERVILLE, OHIO.

WHEREAS, the City is engaged in the acquisition of  
right-of-way for the Clyo Road Improvement Project in the City  
of Centerville, and

WHEREAS, the acquisition of certain parcels of real  
estate is immediately necessary for the construction in  
connection with said project, and

WHEREAS, this Council has determined that the lands  
hereinafter described are necessary for construction in  
connection with such project so that there will be no delays  
for the immediate preservation of the public peace, health,  
safety and welfare.

NO THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY  
RESOLVED:

Section 1.

This Council hereby declares the necessity and  
intention to appropriate certain real estate in accordance  
with Chapter 163 of the Ohio Revised Code.

Section 2.

It is the necessity and intention to appropriate  
from the following real estate a fee simple title and temporary  
easement in the real estate described herein to be for and  
during the period beginning with the breaking of the ground  
for the construction of said project and terminating when the  
completed work has been fully accepted by the City of Centerville



DESCRIPTION OF  
CLYO ROAD ACQUISITION  
FROM ACRO REALTY

Located in Section 20, Town 2, Range 6, M.R.S., City of Centerville, County of Montgomery, State of Ohio, and being a tract of land described as follows:

beginning at the southwest corner of land conveyed to the Dayton Power and Light Co. by deed recorded in Microfiche No. 84-188 D07 of the Deed Records of Montgomery County, Ohio, said point being the northwest corner of land conveyed to the City of Centerville, Ohio by deed recorded in Microfiche No. 84-422E05 of the Deed Records of Montgomery County, Ohio;

thence South three degrees fifty-seven minutes thirty-six seconds (03-57'36") West for forty-five and 31/100 (45.31) feet;

thence on a curve to the left with a radius of four thousand ninety-two and 56/100 (4092.56) feet for an arc distance of five hundred sixty-three and 89/100 (563.89) feet, [long chord bearing South eighty-three degrees thirteen minutes twenty seconds (83-13'20") West for five hundred sixty-three and 44/100 (563.44) feet, central angle of said curve being seven degrees fifty-three minutes forty seconds (7-53'40")];

thence South seventy-nine degrees sixteen minutes thirty seconds (79-16'30") West for three and 39/100 (3.39) feet;

thence North four degrees twelve minutes forty seconds (04-12'40") East for forty-six and 57/100 (46.57) feet;

thence on a curve to the right with a radius of four thousand one hundred thirty-seven and 56/100 (4137.56) feet for an arc distance of five hundred sixty-six and 84/100 (566.84) feet, [long chord bearing North eighty-three degrees nineteen minutes eight seconds (83-19'08") East for five hundred sixty-six and 40/100 (566.40) feet, central angle of said curve being seven degrees fifty minutes fifty-eight seconds (7-50'58") to the point of beginning, containing no and 586/1000 (0.586) acres, more or less, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

also dedicating a perpetual easement north of and adjacent to the northerly line of the just described tract of land, 20 feet wide and 566.84 feet long, for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, or other utility lines or services, community access television cable system lines, and for the express privilege of removing any or all trees or other constructions to the free use of said utilities, community access television cable system, and for providing ingress to and egress from the premises for said purposes and are to be maintained as such forever.


Section 3.

That the Municipal Attorney be and he is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owner, persons in possession of, or having an interest of record in the above described premises, and said notice shall be served according to law by a person to be designated for that purpose by said Municipal Attorney, and to make return of said service of notice in the manner provided by law.

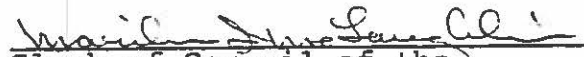
Section 4.

That for the reasons stated in the preamble hereto which is hereby made a part hereof, this Resolution shall take effect and be in force from and after its adoption as provided by law.

PASSED THIS 20th DAY OF JANUARY, 1986.

  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
Clerk of Council of the  
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. 1-86, passed by the Council of the City of Centerville, Ohio, on the 20 day of January, 1986.

  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney