

ORDINANCE NO. 17-68

AN ORDINANCE ACCEPTING THE PLAT OF THE J. S. DAVIS COMMERCIAL CENTER, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS, AND CONFIRMING DEDICATION OF PUBLIC LANDS, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Planning Board of the Municipality of Centerville has approved the plat of The J. S. Davis Commercial Center, subject to certain conditions hereinafter set forth, and

WHEREAS, the cost of the completion of the improvements described in the drawings and specifications for said plat is \$ 228,000.00, as confirmed by the Village Engineer, and

WHEREAS, the Developer of said plat has offered for dedication for public use certain land for street and roadway purposes and public easements, all as shown on and described in said plat; now, therefore

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. The Council of the Municipality of Centerville, Montgomery County, Ohio, hereby accepts and approves, subject to the conditions listed in Section 2. below, the above-described plat, drawings, specifications, and the dedication to the public use of the street and roadway shown on said plat.

Section 2. This acceptance and approval is conditioned upon and subject to the following requirements:

(a) Notification from the Director of the Ohio Department of Highways that acquisition of the land dedicated to public use as aforesaid is not at such time found to be in the public interest, or failure to receive such notice within the period provided by law, in accordance with the requirements of Section 5511.01 as amended, of the Revised Code of the State of Ohio, and

(b) The execution of a Developer's Agreement in the standard form required by this Municipality and approved by the Village Solicitor, and

(c) The posting of a Performance Bond in the amount of \$ 228,000.00, as required by the Developer's Agreement and in a form approved by the Village Solicitor, and

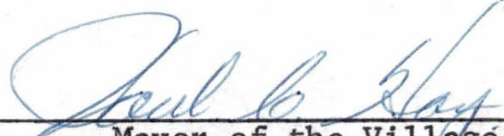
(d) The inclusion in the said plat of restrictive covenants, running with the land, in a form approved by the Village Solicitor, which will require the developers, their successors and assigns, to (1) construct a sidewalk, in accordance with Centerville standards as approved by the Village Engineer, along the south and west (or inside) sides of the roadway shown on said plat as the adjacent land is developed, and (2) to grant a fifty (50) foot easement or right of way along the east boundary of the said tract to and from adjacent property to the east of the roadway shown on the said plat, between Alexandersville-Bellbrook Road and the proposed Interstate 675, the exact location of which easement or right of way to be determined by the Planning Board of the Municipality of Centerville, provided the grantee of said easement shall install, improve and maintain any roadway in said easement at no cost or expense to the Municipality of Centerville or to the owner or owners of land to the west of the roadway shown in said plat and with no damage to said roadway, and

(e) The furnishing to the Municipality of a Title Certificate, approved by the Village Solicitor, showing title to the area in which the aforesaid street and roadway, sidewalk, and fifty (50) foot public easement will be located to be good in the name of The J. S. Davis Company, ^{and assigns} free and clear of all encumbrances whatsoever, as of the date and hour of the filing of said final plat for record.

Section 3. Any ordinances, resolutions, or parts thereof, in conflict herewith are hereby rescinded and repealed.

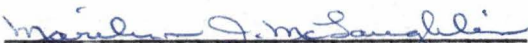
Section 4. This ordinance shall become effective at the earliest date allowed by law.

PASSED this 4th day of Nov., 1968.



Mayor of the Village of
Centerville, Ohio


ATTEST:



Clerk of the Council of the
Village of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the Village of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 17-68, passed by the Council of the Village of Centerville, Ohio, on the 4th day of November, 1968.



Clerk of the Council