

RESOLUTION NO. 83-21
CITY OF CENTERVILLE, OHIO

20th SPONSORED BY COUNCILMEMBER Bill Serr ON THE
DAY OF September, 2021.

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF CENTERVILLE TO TAKE ALL STEPS NECESSARY TO ACCEPT THE DONATION AND DEDICATION OF CERTAIN INTERESTS IN REAL PROPERTY FOR PUBLIC RIGHT OF WAY FOR PROPERTY LOCATED ON IRON HORSE TRAIL AND WHIPP ROAD.

WHEREAS, the City of Centerville is engaged with the City of Kettering in a joint project to improve the connectivity of the bikeway system called the MOT Hewitt Road Bikeway Connector Project (the "Project"); and

WHEREAS, as part of the Project, the City of Kettering has completed the acquisition of necessary parcels, some of which are within the City of Centerville; and

WHEREAS, the acquisition of the property describes as set forth and attached hereto as Exhibit A and incorporated herein is for roadway purposes; and

WHEREAS, the Council has determined that the right-of-way donation and dedication hereinafter described is necessary for public roadway construction in connection with such Project so that there will be no delay for the immediate preservation of the public peace, health, safety and welfare; and

WHEREAS, the owner of the Property located along Iron Horse Trail and Whipp Road had agreed to dedicate said Property to the City for the right of way purposes.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The Council of the City of Centerville deems it necessary to declare such right of way and described in the attached Exhibit "A" as public roadway defined as the Iron Horse Trail and Whipp Road Permanent Take – RW Dedication containing 0.0611 acres, more or less, and further described as the Parcel 4-WDV MOT-Hewitt Ave. Bikeway.

Section 2. That the City Manager or his designate is hereby authorized to take all steps necessary to accept the right-of-way donation and dedication.

Section 3. That this resolution shall take effect at the earliest date allowed by law.

PASSED THIS 20th day of September, 2021.



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. 83-21, passed by the Council of the City of Centerville, Ohio on the 20th day of September, 2021.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT A

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Rev. 06/09

LPA RX 851 WD

Ver. Date 06/10/20

PID 105751

**PARCEL 4-WDV
MOT-HEWITT AVE BIKEWAY
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CENTERVILLE, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

(Surveyor's description of the premises follows)

Situate in the City of Centerville, County of Montgomery, State of Ohio, Section 20, Town 2, Range 6 M.Rs., being part of a 5.1540 acre parcel of land owned by Washington Township Park District, A.K.A. Centerville Washington Park District, as recorded in DEED MF 91 265D01 of the records of the Montgomery County Recorder's Office and being more particularly described as follows:

Being on the RIGHT side of the centerline of right-of-way of East Whipp Road, as shown on the MOT-Hewitt Ave Bikeway Centerline Location Plan as recorded in Plat Book 236, Page 22/22A (I.R. Plat 20-_____) and being located within the following described points in the boundary thereof: 00074144

All references herein to station and offset are to the centerline of right-of-way of East Whipp Road.

BEGINNING at a 5/8" iron pin found on the Grantor's west property line, on the existing south right-of-way line of East Whipp Road and the northeast lot corner of Lot 410 of Red Coach South Section One as recorded in Plat Book 85, Page 69 of the Plat Records of Montgomery County, Ohio, being located at 36.84 feet right, Station 76+59.40;

thence with the Grantor's west property line on a non-tangent curve to the left, having a *radius* of *1,156.88 feet*, an *arc distance* of *40.68 feet*, a central angle of $2^{\circ}00'52''$, a chord bearing North $33^{\circ}54'55''$ East for a chord distance of 40.67 feet to the Grantor's northwest property corner on the north line of said Section 20, being located at 1.82 feet right, Station 76+80.09, said curve being tangent at its point of beginning to a line bearing South $34^{\circ}55'22''$ West;

thence with the Grantor's north property line and the north line of said Section 20 *South $86^{\circ}42'39''$ East* for a distance of *75.25 feet* to the Grantor's northeast property corner, being located at 1.75 feet right, Station 77+55.34;

thence with the Grantor's east property line on a non-tangent curve to the right, having a *radius* of *1179.00 feet*, an *arc distance* of *37.19 feet*, a central angle of

EXHIBIT A

LPA RX 851 WD

Ver. Date 06/10/20

PID 105751

1°48'27", a chord bearing South 32°00'11" West for a chord distance of 37.19 feet to a point of compound curvature on the Grantor's east property line, being located at 34.38 feet right, Station 77+37.50, said curve being tangent at its point of beginning to a line bearing North 31°05'58" East;

thence on a tangent curve to the right along the Grantor's east property line, having a *radius* of 1222.88 feet, an *arc distance* of 2.74 feet, a central angle of 0°07'43", a chord bearing South 32°58'18" West for a chord distance of 2.74 feet to an iron pin set; being located at 36.77 feet right, Station 77+36.15;

thence with a new division line, said line being the Grantor's proposed north property line and the proposed south right-of-way line of East Whipp Road *North 86°42'39" West* for a distance of 76.74 feet to the **POINT OF BEGINNING**.

The above described area is contained within Montgomery County Auditor's Parcel Number O68 00609 0002 and contains 0.0611 acres, more or less, and being subject to all legal highway and any easements or restrictions of record. The P.R.O. in Take for Auditor's Parcel O68 00609 0002 is 0.0523 acres.

Prior instrument reference as of the date this survey was prepared: DEED MF 91 265D01 in the Deed Records of Montgomery County, Ohio.

This description was prepared and reviewed on June 10, 2020 by the City of Kettering Engineering Department.

This description is based on a survey made under the direction and supervision of Lee M. Thieman, Registered Surveyor Number 8758 in July 2019.

Monuments referred to as iron pins set are 30 inch long No. 5 iron pin with a yellow cap stamped "City of Kettering". Right-of-way monuments called for as set herein will be set upon the completion of the acquisition process.

All bearings shown are for project use only. They are based on 1983 North American Datum (2011 Adjustment) State Plane Coordinates (Ohio South Zone 3402) as determined by the City of Kettering.

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 12/09/20 FILE NO. 2020-0176

BY Wayne B. W.



Lee M. Thieman
Lee M. Thieman, Ohio Registered Surveyor No. 8758

12/07/2020
Date