

Ord # 3165

The City of Wilmington, Ohio 45177
56 WEST LOCUST STREET AREA CODE 513



December 18, 1990

To Whom It May Concern:

RE: Dedication of street running along the west margin of the Wal-Mart development area

Gentlemen:

City of Wilmington's Resolution NO. 953, Section 2, describes certain conditions to be met prior to acceptance of the referenced street for public use. The following comments apply to Resolution No. 953, Section 2.

1. The proposed street meets all City street specifications. Bore testing for foundation base and pavement depth was performed by City Service Department personnel.
2. The concrete driveway-type approach apron was replaced with an asphalt street-type approach in accordance with City Standards.
3. A sidewalk was constructed in accordance with City Standards. Some portions have since been damaged by vehicles moving between the adjacent shopping centers. Prior to sidewalk construction, an 8-inch water main was installed within the proposed street right-of-way in accordance with City Specifications. Fire hydrants and valves were located and installed per City requirements.
4. The proposed street name of Carrie Drive needs to be accepted by City Council.
5. A dedication plat has been received in this office.

It is to be understood by the readers of this report that anything said herein does not obligate City Council to accept dedication of the referenced street or utilities.

Respectfully submitted,

Robert W. Holmes, P.E.
Safety/Service Director

RWH/nm

Evelyn
 382-5457
 Alan Gano
 382-5500
 Jamesworth
 382-5454
 Roy A. Phillips
 382-5515
 David Roich
 382-5450
 MEMBERS OF COUNCIL
 Rita Carey
 Alan J. Cowin
 Thomas Foster, Jr.
 George M. Rice
 William Liermann
 Mark Mars
 David C. Hockaday
 SAFETY SERVICE DIRECTOR
 AND CITY ENGINEER
 Robert W. Holmes
 382-5509



ACCEPTING APPLICATION FOR ANNEXATION OF 0.851 ACRES OF LAND,
MORE OR LESS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON,
STATE OF OHIO:

Section 1. That the application of Robert Clonch and
Carl Schultz for the annexation of the following described
territory in the Township of Union, County of Clinton and
City of Wilmington, to-wit:

Situated in Union Township, Clinton County, Ohio,
and being a part of Military Survey No. 2690 and
bounded and described as follows:

Beginning at a 1/2" iron pin (found) at the
Southwesterly corner of a 1.401 Acre Tract as
recorded in Volume 19, Plat No. 37 of the Clinton
County Engineers Record of Land Division.

Running thence, from said point of beginning, with
the Westerly line of said 1.401 Acre Tract, N 9°
03' 32" E. 165.09 feet to a 1/2" iron pin (set);
thence, by new division lines, on the following
courses: (1) N. 63° 55' 40" E. 178.22 feet to a
1/2" iron pin (set); (2) S. 24° 56' 23" E. 185.28
feet to a 1/2" iron pin (set); thence, with the
Southerly line of said 1.401 Acre Tract, S. 74° 29'
00" W. 274.20 feet to the point of beginning,
containing Eight Hundred Fifty-one Thousandths
(0.851) of an Acre. Subject to a roadway easement,
40 feet in width, along the Westerly line of the
above described tract, as recorded in Volume 11,
Page 28, of the Clinton County Surveyors Record, an
access easement, 20 feet in width, along the
Southerly line of the above described tract, as
recorded in Volume 3, Page 405, and Volume 29, Page
292, of the Official Records of Clinton County and
all other easements of record.

The herein Grantor, also, conveys to the herein
Grantees, their heirs, successors and assigns, a
non-exclusive right-of-way and easement, for access
purposes, over the following described tract:
Beginning at the iron pin at the Southwesterly
corner of the above described 0.851 Acre Tract:
thence, on the following courses: (1) S. 15° 31'
00" E. 198.70 feet to an iron pin; (2) with the
Northerly margin of Rombach Avenue, S. 74° 15' 09"
W. 60.00 feet to a point; (3) N. 15° 31' 00" W.
198.94 feet to a point; (4) N. 74° 29' 00" E. 38.01
feet to a point; (5) N. 9° 03' 32" E. 234.24 feet
to a point; (6) S. 80° 56' 28" E. 20.00 feet to an
iron pin; thence with the Westerly line of the
above described 0.851 Acre Tract and said line
extended, S. 9° 03' 32" W. 225.09 feet to the point
of beginning.

This description is the result of a new survey made
under the direction of Richard D. Roll, Registered
Surveyor No. 4957, by CLINCO Engineers and
Surveyors, Wilmington, Ohio, in July, 1988, as
recorded in Volume 22, Plat No. 50, of the
Clinton County Engineers Record of Land Division.

an accurate map of which territory, together with the
petition for its annexation and other papers relating

thereto, and a certified transcript of the proceedings of the Clinton County Commissioners in relation thereto are on file with the Clerk of Council of this City, be, and the same hereby is, accepted.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 22nd day of February, 1991.




President of Council

ATTEST:

Clerk of Council

Approved by me this 22nd day of February, 1991.



Mayor

EXPRESSING INTENT TO ACCEPT DEDICATION OF A CERTAIN STREET FOR THE PUBLIC USER ONLY AFTER CERTAIN CONDITIONS ARE SATISFIED

WHEREAS, Tennessee & Associates-VIII is the fee owner of a certain private street intersecting with Rombach Avenue and running along the west margin of the Wal-Mart development area; and

WHEREAS, said owner desires to dedicate said private street to the City for the public user; and

WHEREAS, the City Planning Commission has recommended acceptance of such street dedication contingent upon resolution of certain conditions; and

WHEREAS, the conditions cited by the Planning Commission upon which acceptance should be contingent have not been satisfied; and

WHEREAS, Council has determined not to accept such street dedication until the aforementioned conditions have first been satisfied;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That, only after fulfillment by Tennessee & Associates-VIII, the "Owner", of all conditions precedent hereinafter provided, the City intends to accept dedication for use as public street a part of the private street identified in the survey drawing No. C-5343 by CLINCO Engineers & Surveyors, dated July 26, 1988, the same being incorporated herein by reference, and running along the west margin of the Wal-Mart development area, with the part thereof to be accepted for dedication described as follows:

Being the entire 50.65 foot width of right-of-way from its intersection at the northerly margin of Rombach Avenue and running thence in a northerly direction a distance of 1100.00 feet.

Section 2. Those conditions precedent to acceptance of dedication which are to be fulfilled by the Owner, at its obligation and expense, to the satisfaction of City are as follows:

1. Verification by means acceptable to City that said street meets all City street specifications on file in the Office of the Director of Public Service, including but not limited to curbs, gutters, width of right-of-way, width of paved area, foundation base and pavement depth; and
2. Changing concrete driveway-type approach apron from Rombach Avenue to an asphalt street-type approach; and
3. A bond satisfactory in terms and amount to City to be provided by the Owner for the benefit of City to cover the cost for design and construction of a sidewalk on the west side of the street proposed for dedication and running from Rombach Avenue the entire length of the street to be dedicated within the street right-of-way in the event that Tract 2, identified in said survey drawing, is used for

EXPRESSING INTENT TO ACCEPT DEDICATION OF CERTAIN STORM AND SANITARY SEWER LINES ONLY AFTER CERTAIN CONDITIONS ARE SATISFIED

WHEREAS, Tennessee & Associates-VIII is the fee owner of the certain real property known as the Wal-Mart development area, including the storm and sanitary sewer lines constructed thereon; and

WHEREAS, said owner desires to dedicate said storm and sanitary sewer lines to the City; and

WHEREAS, the Council has determined to accept only portions of such storm and sanitary sewer lines only upon fulfillment of certain conditions which must first be satisfied;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That, only after fulfillment by Tennessee & Associates-VIII, the "Owner", of all conditions precedent hereinafter provided, the City intends to accept for dedication only those storm and sanitary sewer lines, to include pipes, manholes and appurtenances, identified in the sketch of proposed 20' Wide Sanitary and Storm Sewer Easements and Detention Pond Easement Over Tennessee & Associates-VIII (Meadow Park lands) prepared by CLINCO Engineers and Surveyors, Drawing L-5809, dated April 5, 1990, the same being attached hereto as "Exhibit A" and incorporated herein by reference.

Section 2. Those conditions precedent to acceptance of dedication which are to be fulfilled by the Owner, at its obligation and expense, to the satisfaction of City are as follows:

1. Recordable written 20 foot easement to the City, satisfactory in form and substance to the City, with accurate legal description, being 10 feet on each side of the centerline of the sewer line as identified on attached Exhibit "A" for purposes to include maintenance, repair and replacement of the sewer lines; and
2. Recordable written easement to the City, satisfactory in form and substance to the City, with accurate legal description to include the entire area designated as "Detention Pond" identified on attached Exhibit "A" for purposes to include maintenance, repair and replacement of the sewer lines.

Section 3. That there shall be no acceptance of said proposed storm and sanitary sewer line dedication to the City except as may occur by an ordinance subsequently duly adopted by City Council expressly accepting the same. After fulfillment of all of the conditions herein provided to the satisfaction of City, City shall accept dedication of only the storm and sanitary sewer lines identified on attached Exhibit "A".

Section 4. That this resolution shall be in full force and effect from and after the earliest period allowed by law.

WAL-MART

1. Permanent easement to Railroad
2. Installation of sidewalk or present a Performance Bond
3. Blakctop entrance
4. Traffic study on whether a traffic light is needed or present the City with bond
5. Thickness of road done by boring
6. Sewer and sanitary sewer lines possible acceptance by City
7. Water line - no acceptance in shopping center. Must be dedicated along Rombach Avenue -- run new water line along dedicated street to new development
8. Retainage basin responsibility of shopping center owner
Easement only wanted on pipes that the City would need access to

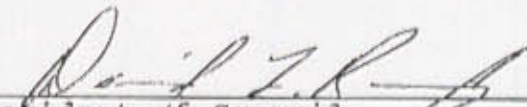
residential or commercial-type uses, with the same to be released only if said tract is used for industrial purposes, or, alternatively, actual construction of such sidewalk in accordance with City specifications; and

4. Designation of a street name acceptable to the City; and
5. Recordable permanent written 50.65 foot easement to the City, satisfactory in form and substance to the City, with accurate legal description, running generally northerly from the point of termination of the dedicated portion of the street to a point at the southerly margin of the B & O Railroad right-of-way for purposes of future public street right-of-way.

Section 3. That there shall be no acceptance of said proposed street dedication for use as a public street except as may occur by an ordinance subsequently duly adopted by City Council expressly accepting the same. After fulfillment of all of the conditions herein provided to the satisfaction of City, City shall accept said street dedication for use as a public street.

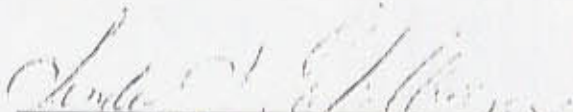
Section 4. That this resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this 5th day of April, 1990.



President of Council

ATTEST:



Clerk of Council

Approved by me this 5th day of April, 1990.



Mayor

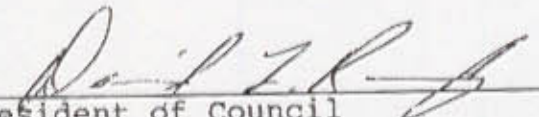
residential or commercial-type uses, with the same to be released only if said tract is used for industrial purposes, or, alternatively, actual construction of such sidewalk in accordance with City specifications; and

4. Designation of a street name acceptable to the City; and
5. Recordable permanent written 50.65 foot easement to the City, satisfactory in form and substance to the City, with accurate legal description, running generally northerly from the point of termination of the dedicated portion of the street to a point at the southerly margin of the B & O Railroad right-of-way for purposes of future public street right-of-way.

Section 3. That there shall be no acceptance of said proposed street dedication for use as a public street except as may occur by an ordinance subsequently duly adopted by City Council expressly accepting the same. After fulfillment of all of the conditions herein provided to the satisfaction of City, City shall accept said street dedication for use as a public street.

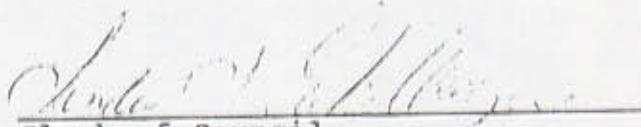
Section 4. That this resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this 5th day of April, 1990.



President of Council

ATTEST:



Clerk of Council

Approved by me this 5th day of April, 1990.



Mayor

EXPRESSING INTENT TO ACCEPT DEDICATION OF CERTAIN WATER LINES ONLY AFTER CERTAIN CONDITIONS ARE SATISFIED

WHEREAS, Tennessee & Associates-VIII is the fee owner of the certain real property known as the Wal-Mart development area, including the water lines constructed thereon; and

WHEREAS, said owner desires to dedicate said water lines to the City; and

WHEREAS, the Council has determined to accept only portions of such water lines only upon fulfillment of certain conditions which must first be satisfied;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

Section 1. That, only after fulfillment by Tennessee & Associates-VIII, the "Owner", of all conditions precedent hereinafter provided, the City intends to accept for dedication only the water lines, to include pipes and appurtenances, identified in the sketch of proposed 20' Wide Water Line Easement Over Tennessee & Associates-VIII (Meadow Park) lands prepared by CLINCO Engineers and Surveyors, Drawing L-5808, dated April 5, 1990, the same being attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Those conditions precedent to acceptance of dedication which are to be fulfilled by the Owner, at its obligation and expense, to the satisfaction of City are as follows:

1. Installation in accordance with City standards and specifications of one not smaller than 8 inch water line running from the water main line running parallel with Rombach Avenue and within the westerly right-of-way of the street proposed for dedication in Exhibit "A" attached hereto, with such line to extend the entire length of the dedicated portion of said street with shut-off valve at northern most point and two (2) fire hydrants located at such points as directed by the City, all installed in accordance with City standards and specifications, all at Owner's expense; and
2. Dedication by the Owner and others across whose property it crosses of the existing water main line which runs parallel and adjacent to Rombach Avenue from its eastern-most point as presently dedicated to the City and running westerly the entire length of said existing water main line; and
3. Recordable written 20 foot easement to the City, satisfactory in form and substance to the City, with accurate legal description, being 10 feet on each side of the centerline of the water line/s, inclusive of street right-of-way, as identified on attached Exhibit "A" and also the water line and water main line identified in Nos. 1 and 2 of this Section 2 for purposes to include maintenance, repair and replacement of the water lines; and
4. Recordable written 20 foot easement to the City, from owners of all property through which the water main line crosses, satisfactory in form and substance to the

City, with accurate legal description, being 10 feet on each side of the centerline of the water main line running along Rombach Avenue, inclusive of street right-of-way, as provided in No. 2 of this Section 2 for purposes to include maintenance, repair and replacement of the water line; and

5. Installation at Owner's expense of two (2) shut-off valves in accordance with City standards and specifications in the existing water lines located at such points as directed by the City; and
6. Relocation of the existing water line in accordance with City standards and specifications, at Owner's expense, as necessary such that the same is not closer than ten (10) feet at any point to the foundation of the building now owned and/or leased by Wal-Mart; and
7. Connection in accordance with City standards and specifications, at Owner's expense, tying together the existing water lines and the new water line identified in No. 1 hereof.

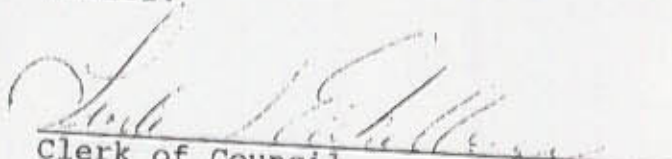
Section 3. That there shall be no acceptance of said proposed water line dedication to the City except as may occur by an ordinance subsequently duly adopted by City Council expressly accepting the same. After fulfillment of all of the conditions herein provided to the satisfaction of City, City shall accept dedication of only the water lines identified on attached Exhibit "A" and the water line and water main line identified in Nos. 1 and 2 of Section 2 herein.

Section 4. That this resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this 5th day of April, 1990.


President of Council

ATTEST:

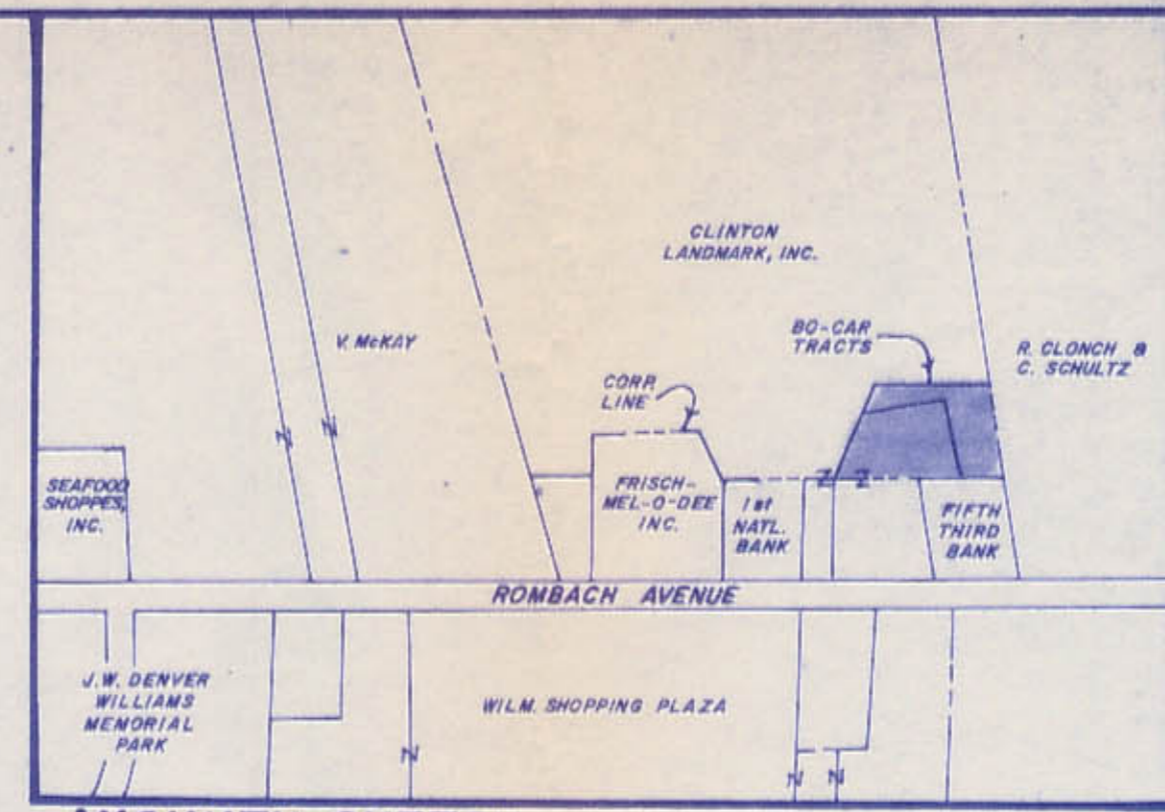

Clerk of Council

Approved by me this 5th day of April, 1990.


Mayor

CLINTON COUNTY ENGINEERS
 RECORD OF LAND DIVISION
 VOLUME 22 PLAT NO. 50
 DATE 4-26-91
 SCALE 1"=50'

DEED REFERENCE
 OFFICIAL RECORD
 VOLUME 24 PAGE 595
 TOWNSHIP UNION
 MILITARY SURVEY NO. 2690



RECEIVED BY THE WILMINGTON CITY PLANNING
 COMMISSION ON 4-8 ~~1988~~ 1991

SECRETARY
 APPROVED ON 4-23 ~~1988~~ 1991
 CHAIRMAN _____ SECRETARY _____

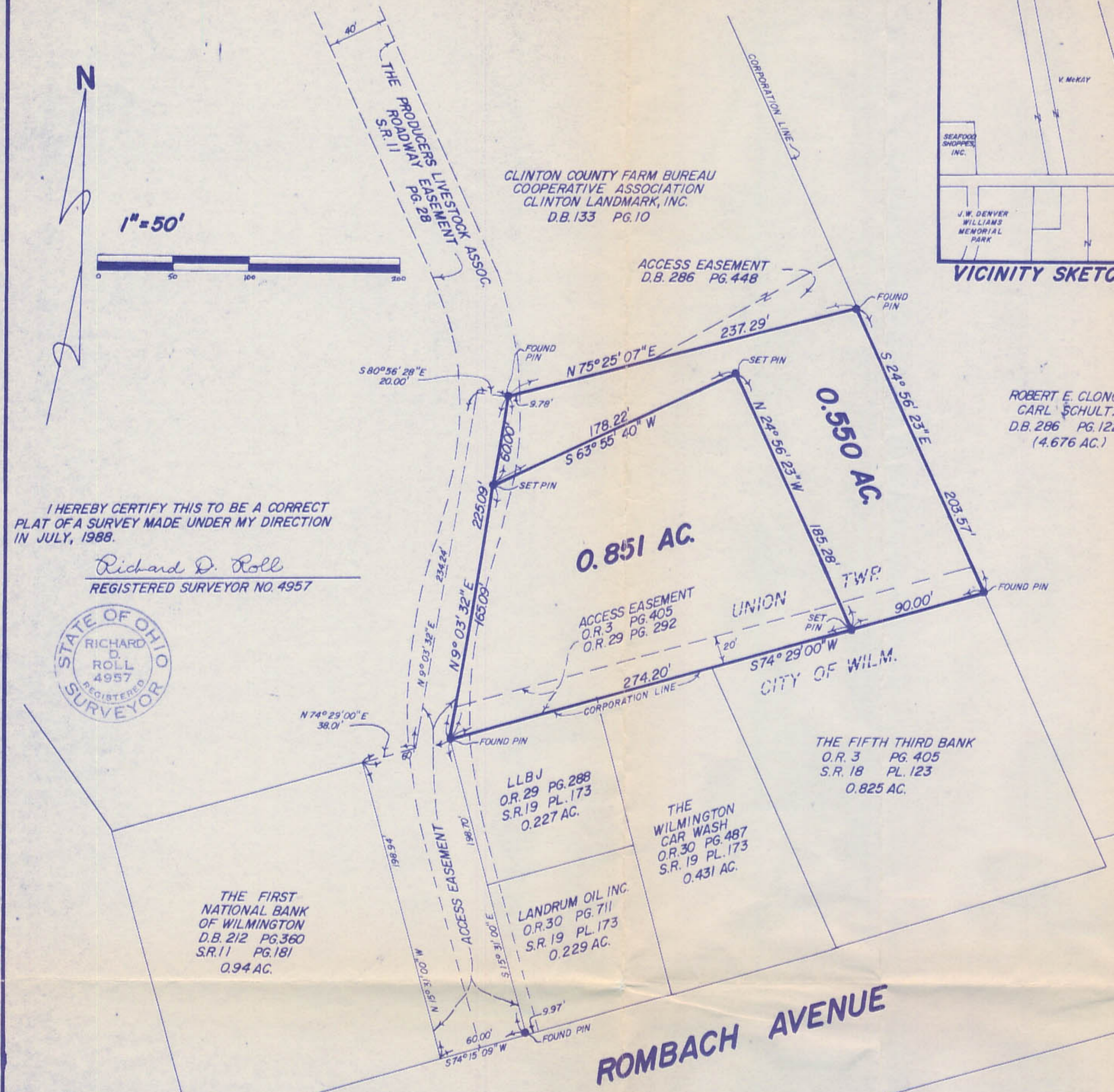
NOTES:
 (1) "FOUND PIN" & "SET PIN" DENOTE 1/2"x 30" IRON PIN WITH PLASTIC CAP.
 (2) BEARINGS WERE DERIVED FROM THE SURVEY OF THE 1.401 ACRE TRACT AS RECORDED IN VOLUME 19, PLAT NO. 37, OF THE CLINTON COUNTY ENGINEERS RECORD OF LAND DIVISION.

SURVEY PLAT OF
 PARTS OF **BO-CAR, INC.** LANDS
 SITUATED IN
 MILITARY SURVEY NO. 2690
 UNION TOWNSHIP
 CLINTON COUNTY, OHIO

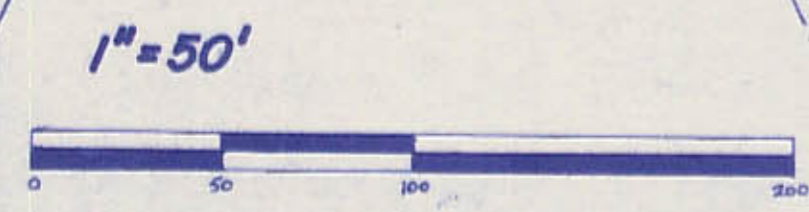
APPROVED FOR
 MATHEMATICAL ACCURACY
 Clinton County Engineer
 Per [Signature]
 JUL 14 1988

CLINCO
 ENGINEERS ~ SURVEYORS
 P.O. BOX 241
 62 1/2 E. SUGARTREE ST. WILMINGTON, OHIO

SCALE	1"=50'	DRAWN BY	MSH	CHECKED BY	RDR
DATE	7-11-88	DRWG.	C-5332		



I HEREBY CERTIFY THIS TO BE A CORRECT
 PLAT OF A SURVEY MADE UNDER MY DIRECTION
 IN JULY, 1988.
Richard D. Roll
 REGISTERED SURVEYOR NO. 4957



ORDINANCE

3165