

RESOLUTION NO. 46-14  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Cheskam ON THE  
17th DAY OF NOVEMBER, 2014.

A RESOLUTION ACCEPTING A SIDEWALK EASEMENT FROM ZIMMER CENTERVILLE, LLC, FOR THE INSTALLATION AND MAINTENANCE OF SIDE WALKS ACROSS THEIR PROPERTY.

WHEREAS, a parcel of land owned by Zimmer Centerville, LLC, is necessary for the construction, reconstruction, maintenance and repair of the sidewalks thereon; and


WHEREAS, Zimmer Centerville, LLC, proposes to grant to the City of Centerville a permanent easement for a portion of land upon property set forth in more fully described in Exhibit "A", attached and incorporated herein, for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a permanent easement for a portion of the land owned by Zimmer Centerville, LLC for the installation and maintenance of sidewalks, said land being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Section 2. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 17th day of November, 2014.

  
\_\_\_\_\_  
Mayor of the City of Centerville,  
Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 46-14, passed by the Council of the City of Centerville, Ohio, on the 17<sup>th</sup> day of November, 2014.

  
Clerk of Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney

**SIDEWALK EASEMENT**

ZIMMER CENTERVILLE, LLC, an Ohio limited liability company, ("Grantor"), for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does hereby grant, sell, and convey unto the CITY OF CENTERVILLE, OHIO, an Ohio municipal corporation, its successor and assigns forever ("Grantee"), a sidewalk easement upon and across the property of the Grantor. (Grantor's property is described on the attached Exhibit A, which is subject to the Easement. The Easement itself is more fully described on the attached Exhibit B. Both Exhibit A and B are made a part hereof by this reference).

The easement, rights and privileges herein granted shall be used for any and all purpose by Grantee that are associated with the placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing a public sidewalk, and for no other purpose.

This Easement shall run with the land and be binding on, and shall inure to the benefit of the parties, their heirs, legal representatives, successors, and assigns. Wherever the term Grantor or Grantee is used herein, the term shall be deemed to include the heirs, legal representatives, agents, employees, successors and assigns of that party.

Grantor hereby warrants that Grantor has full power and authority to grant this Easement and has a good and indefeasible fee simple title to the above-described easement premises, free and clear of all liens and encumbrances except as to any matters of record, and agrees to forever defend the above described easement and rights unto Grantee against every person or entity claiming the easement property or any part of it, except as noted above.

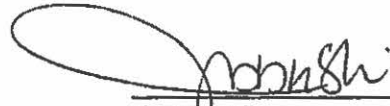
Grantor retains, reserves, and shall continue to enjoy use of the surface of the property for any and all purposes that do not conflict with the use by Grantee of the Easement. This instrument is executed this 13 day of November, 2014.

ZIMMER CENTERVILLE, LLC  
An Ohio limited liability company

By:  Managing Member  
Jeffrey R. Zimmer, Managing Member

STATE OF OHIO )  
COUNTY OF MONTGOMERY ) ss:

Sworn to and subscribed in my presence on this 13 day of November 2014, by Jeffrey R. Zimmer, Managing Member of Zimmer Centerville, LLC, an Ohio limited liability company, Grantor, on behalf of said company.

  
\_\_\_\_\_  
Notary Public



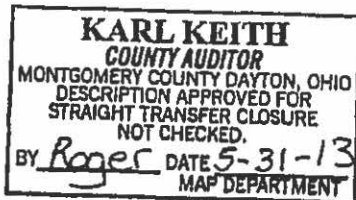
**This Instrument Prepared By:** Jon M. Rosemeyer, Esq., Pickrel, Schaeffer & Ebeling Co., LPA, 2700 Kettering Tower, Dayton, OH 45423. IEC1075

EXHIBIT A

068-3-8-25

SITUATED IN THE COUNTY OF MONTGOMERY, STATE OF OHIO AND CITY OF CENTERVILLE, LOCATED IN SECTION 26, TOWN 2, RANGE 6 M.R.S. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE CENTERLINE OF STATE ROUTE NO. 48 AT THE SOUTHWEST CORNER OF VILLAGE SOUTH, SECTION TEN, AS RECORDED IN PLAT BOOK 76, PAGE 75 IN THE PLAT RECORDS OF MONTGOMERY COUNTY, OHIO; THENCE WITH THE SOUTH LINE OF SAID VILLAGE SOUTH, SECTION TEN AND THE SOUTH LINE OF NORTH VILLAGE DRIVE AS RECORDED ON VILLAGE SOUTH, SECTION TEN, NORTH EIGHTY-TWO DEGREES TWELVE MINUTES FIFTY SECONDS (82° 12' 50") EAST FOR THREE HUNDRED SEVENTY-NINE AND 99/100 (379.99) FEET; THENCE SOUTH SEVEN DEGREES FORTY-SEVEN MINUTES TEN SECONDS (7° 47' 10") EAST FOR ONE HUNDRED FIFTY AND 00/100 (150.00) FEET; THENCE SOUTH EIGHTY TWO DEGREES TWELVE MINUTES FIFTY SECONDS (82° 12' 50") WEST FOR THREE HUNDRED SEVENTY NINE AND 99/100 (379.99) FEET TO THE CENTERLINE OF SAID STATE ROUTE NO. 48 THENCE WITH THE CENTERLINE OF SAID STATE ROUTE NO. 48 NORTH SEVEN DEGREES FORTY SEVEN MINUTES TEN SECONDS (7° 40' 10") WEST FOR ONE HUNDRED FIFTY AND 0/100 (150.00) FEET TO THE POINT OF BEGINNING. CONTAINING ONE AND 309/1000 (1.309) ACRES, MORE OR LESS.



38130268 BOT  
CHICAGO TITLE  
1 S. MAIN STREET, SUITE 330  
DAYTON, OHIO 45402  
ATTN: JOAN BORGARDING

*Joelle Mayes*

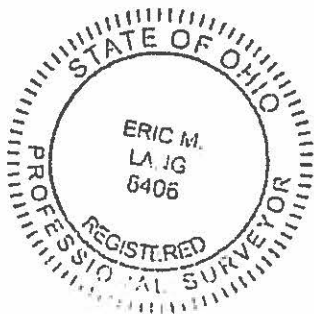
## EXHIBIT B

Situated in the City of Centerville, County of Montgomery, State of Ohio, and being an easement, 5 feet in width for sidewalk purposes, over part of a 0.964 acre parcel conveyed to Zimmer Centerville LLC in IR Deed 13-38504, Records of the Recorder's Office of Montgomery County, and being more particularly described as follows:

Begin for Reference at the intersection of the east right-of-way of Far Hills Avenue (a.k.a. S.R. 48 and Dayton Lebanon Pike 100' R/W) and the southerly right-of-way of North Village Drive (80' R/W); Thence from said point with the aforementioned right-of-way of Far Hills Ave. S 02°41'57" E for a distance of 15.00 feet to the Point of Commencement for the herein described easement; Thence on a curve to the right having a Chord which bears N 21°23'18" E for a distance of 12.25 feet, a radius of 15.00 feet and an arc length of 12.62 feet to a point; Thence along a line parallel to and 5 feet easterly of the existing right-of-way of Far Hills Avenue S 02°41'57" E for a distance of 146.18 feet to a point in the south line of the aforementioned Zimmer Centerville LLC parcel; Thence with said line S 87°18'03" W for a distance of 5.00' to the east right-of-way of Far Hills Avenue; Thence with said right-of-way N 02°41'57" W for a distance of 135.00 feet to the point of commencement, Containing 703 sq. feet more or less.

Bearings are based upon the Ohio State Plane Coordinate System, South Zone Grid, NAD 83 (2011) using Geoid 12a, per the ODOT Virtual Reference System VRS.

The above description was prepared by Eric M. Lang, Registered Professional Land Surveyor No #8406, in the State of Ohio, from a field survey by Land Consultants, Inc. April 2013.



*Eric M. Lang*  
10/11/2013