

RESOLUTION NO. 2-13
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gusham ON THE 18th
DAY OF February, 2013.

A RESOLUTION ACCEPTING A LIMITED WARRANTY DEED
FROM THE MISSAL FAMILY FOR THE PUBLIC USE FOR
ROADWAY PURPOSES.

WHEREAS, Stephen L. Missall and Mary K. Missall, husband and wife, grant and dedicate with limited warranty covenants, to the City of Centerville, County of Montgomery, State of Ohio, .088 acre of land for the public use for roadway purposes; and

WHEREAS, Prior Instrument Reference is Deed Microfiche Nos. 03-062308 and 03-086049; and

WHEREAS, The City of Centerville desires to accept this Deed for .088 acre of land for the improvement of Paragon Road in the City of Centerville.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts the Limited Warranty Deed from Stephen L. Missall and Mary K. Missall, husband and wife, a copy of which is attached hereto and incorporated herein as Exhibit "A".

Section 2. This Resolution is to take effect at the earliest date allowed by law.

PASSED THIS 18th day of February, 2013

C. Mark Kumpel
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
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. 2-13, passed by the Council of the City of Centerville, Ohio on the 18th day of February, 2013.

Debra A. James
Clerk of the Council

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

LIMITED WARRANTY DEED

STEPHEN L. MISSALL and MARY K. MISSALL, husband and wife, for valuable consideration paid, grant with limited warranty covenants, to **THE CITY OF CENTERVILLE, an Ohio municipality**, whose tax-mailing address is 100 W. Spring Valley Road, Centerville, OH 45458, for the public use for roadway purposes the following described real property:

SEE ATTACHED EXHIBIT "A"


SUBJECT TO all easements, conditions, restrictions and limitations of record and all legal highways, and excepting from the warranty hereof taxes and assessments due and payable June, 2013 and thereafter.

Parcel No. O68-011-16-0030 and O67-038-14-0051
Prior Deed Reference: Instrument No. 03-062308 and Instrument No. 03-086049 of the Montgomery County records.

EXECUTED this 7 day of ~~January~~^{FEB}, 2013.



STEPHEN L. MISSALL



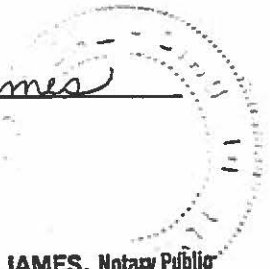
MARY K. MISSALL

STATE OF OHIO)
) **SS**
COUNTY OF MONTGOMERY)

BE IT REMEMBERED, that on this 7th day of Feb., 2013, before me, the subscriber, a Notary Public in and for said County and State, personally came **STEPHEN L. MISSALL and MARY K. MISSALL, husband and wife**, and acknowledged the signing of the foregoing instrument, and that the same is their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

Debra A. James
Notary Public



This instrument prepared by:
Scott A. Liberman, Esq.
Altick & Corwin Co., L.P.A.
One South Main Street
Suite 1590
Dayton, Ohio 45402

**DEBRA A. JAMES, Notary Public
In and for the State of Ohio
My Commission Expires April 13, 2015**

EXHIBIT A

Legal Description for 0.164 Acres

Parcel 13WD

Section 35, Town 3, Range 5 M.Rs.

City of Centerville and Washington Township, Montgomery County, Ohio

December 10, 2012

Situated in Section 35, Town 3, Range 5 M.Rs., City of Centerville and Washington Township, Montgomery County, Ohio and being part of a 9.452 acre tract of land conveyed to Stephen L. Missall and Mary K. Missall as recorded in Instrument Record DEED-03-086049 (all references to deed books, official records, microfiche numbers, survey records and plats refer to the Montgomery County Recorder's Office, Montgomery County, Ohio), being more particularly described as follows:

Commencing from an ODOT Mon. Box (to be set at completion of construction) at Station 41+18.98 (stationing is along Centerline of Construction per Roadway Improvement Plans, Paragon Road Phase I & II, Washington Township, Montgomery County, Ohio) set at the northwest corner of The Paragon Place as recorded in Plat Book 198, Page 25 and being on the centerline of Paragon Road (82' right-of-way);

thence along the centerline of Paragon Road South 05°40'33" West, 387.06 feet to the southeast corner of a 5.001 acre tract of land conveyed to Alexander Moore and Sara Moore as recorded in Instrument Record DEED 08-010707, being at Station 37+31.92, witness a railroad spike found 0.15 feet south and 0.36 feet west and being the **Point of Beginning** for the following described tract of land;

thence continuing along said centerline South 05°40'33" West, 204.34 feet to the northeast corner of a 3.516 acre tract of land conveyed to Sreeneelima Garimella and Chowdary V. Garimella as recorded in Instrument Number DEED-04-094202, witness a railroad spike found 0.44 feet south and 0.46 feet west;

thence along the north line of said Garimella tract North 89°38'44" West, 35.15 feet to a 5/8" iron pin with a cap stamped "CESO" set at the new right-of-way line of Paragon Road;

thence along said new right-of-way line and through said Missall tract North 05°40'33" East, 204.30 feet to a 5/8" iron pin with a cap stamped "CESO" set on the south line of said 5.001 acre Moore tract;

thence along said south line South 89°42'46" East, 35.16 feet to the **Point of Beginning**, containing 0.088 acres (3,833 sq. ft.) in the City of Centerville and 0.076 acres (3,311 sq. ft.) in Washington Twp. for a total of **0.164 acres (7,144 sq. ft.)**, subject however to all covenants, conditions, restrictions and easements contained in any instrument of record pertaining to the above described tract of land.

EXHIBIT A

Legal Description for 0.164 Acres

Parcel 13WD

Section 35, Town 3, Range 5 M.Rs.

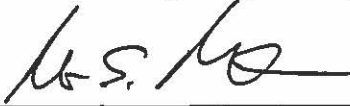
City of Centerville and Washington Township, Montgomery County, Ohio

December 10, 2012

Bearings are based on the centerline of Paragon Rd. (North 05°40'33" East) established using NAD 83 Ohio State Plane Coordinates System, South Zone.

Plat of Survey recorded in The Montgomery County Engineer's Record of Land Surveys in Volume 2010, Page 0071 and Centerline Plat as recorded in Plat Book 214, Page 24

This description prepared by CESO Inc., under the direct supervision of Robert E. Matko P.S. #8132., 8534 Yankee Street, Suite 2B, Centerville, Ohio, 45458 and based on a field survey in June 2009, prepared by TesTech Inc. 8534 Yankee Street, Suite 2C, Centerville, Ohio 45458 under the direct supervision of David R. Barnhart P.S. #7646, and filed in Plat Book 214, Page 24 of the Montgomery County Ohio Recorder's Office.



12-19-12

Robert E. Matko

Date

Ohio Professional Surveyor No. 8132



PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 12/17/12 FILE NO. 2010 0071

BY

