

RESOLUTION NO. 31-12
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE 20th
DAY OF August, 2012.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS AND EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO EFFECT THE SECURING OF AN EASEMENT FOR INGRESS/EGRESS OVER REAL PROPERTY OWNED BY R. MICHAEL PARKS and SUSAN K. PARKS, HUSBAND AND WIFE.

WHEREAS, R. Michael Parks and Susan K. Parks, husband and wife, (the "Parks") own property located at 7585 Stanley Mill Drive in the City of Centerville; and

WHEREAS, the City has identified and presented a T-turnaround (the "Project") as a plan to allow large vehicles to turn around at the dead-end of Stanley Mill Drive; and

WHEREAS, the Project is more generally depicted on the Exhibits attached hereto; and

WHEREAS, it is necessary to utilize land currently owned by Parks for the Project; and

WHEREAS, Parks intends to cooperate with the City and allow the needed easement; and

WHEREAS, the City staff has successfully negotiated with Parks to secure an easement over their real property located at 7585 Stanley Mill Drive for ingress/egress; and

WHEREAS, this City as a charter city with full home rule powers as authorized by Section 3, Article XVIII of the Constitution of the State of Ohio which powers would allow the City to conclude said securing of said easement if

this Council determines that such a procedure is in the best interests of the citizens of Centerville; and

WHEREAS, this Council has determined that it is in the best interests of the City to conclude said securing of said easement and to authorize and direct the City Manager to do any and everything and to execute all documents deemed by him to be necessary to conclude said securing of said easement.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is authorized and directed to do any and everything and to execute all documents deemed by him to be necessary to conclude the securing of said easement for the reasons set forth in the preamble hereof. A copy of the proposed Easement is attached hereto as Exhibit "A" and incorporated herein.

Section 2. That the City Manager is further authorized and directed to do any and everything and to accept the terms for said easement as set forth in the Easement Agreement, attached as Exhibit "A."

PASSED THIS 20th day of August, 2012.



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.

31-12, passed by the Council of the City of Centerville, Ohio on the
20th day of August, 2012.

Debra A. James
Clerk of the Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

INGRESS/EGRESS EASEMENT

R. MICHAEL PARKS and SUSAN K. PARKS, husband and wife, Grantors, of Montgomery County, Ohio for valuable consideration paid and the agreements set forth below, GRANTS to the CITY OF CENTERVILLE, OHIO, an Ohio municipal corporation, as trustee for the public, whose address is 100 West Spring Valley Road, Centerville, Ohio 45458, a non-exclusive perpetual easement for the public to provide a vehicular turnaround over the property of the Grantor as described in Exhibits "A" and depicted on "B" attached hereto and incorporated herein (the "Property").

Grantee shall construct and maintain the turnaround and associated infrastructure in good working condition throughout its useful life. If, in the future, the turnaround is no longer needed as determined by the City, the City will remove the turnaround and restore the area to match the surrounding lawn. If a repair of the water and/or sanitary utility owned by Parks is required in the pavement area expanded by the turnaround, the City agrees to pay the extra cost for the removal and replacement of the concrete, storm sewer, and related items, at a mutually agreed upon cost.

Grantor shall have the right to use the property for purposes not inconsistent with Grantee's full enjoyment of the easements granted.

The grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

Prior Instrument Reference: Microfiche 80-351 B03 of the Deed Records of Montgomery County, Ohio.

Executed by the Grantors this ____ day of _____, 2012.

R. MICHAEL PARKS

SUSAN K. PARKS

STATE OF OHIO
MONTGOMERY COUNTY SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by R. MICHAEL PARKS, husband, one of the Grantors.

NOTARY PUBLIC

STATE OF OHIO
MONTGOMERY COUNTY SS:

The foregoing instrument was acknowledged before me this ____ day of _____,
2012, by SUSAN K. PARKS, wife, one of the Grantors.

NOTARY PUBLIC

This Instrument Prepared By:
Scott A. Liberman, Esq.
Altick & Corwin Co., L.P.A.
One South Main Street, Suite 1590
Dayton, OH 45402

LEGAL DESCRIPTION

BEING AN INGRESS AND EGRESS EASEMENT OVER, THROUGH, AND ACROSS A TRACT OF LAND OWNED BY MICHAEL R. & SUSAN K. PARKS AS DESCRIBED IN DEED MF 80-351B03 OF THE MONTGOMERY COUNTY DEED RECORDS, SITUATE IN SECTION 13, TOWN 2, RANGE 6, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found on the southeast corner of Lot 427 of the Black Oak Estates-Five Section 2 Plat as recorded in Plat Book 92, Page 73 of the Montgomery County Plat Records, and being north right-of-way line of Stanley Mill Drive, and being on the west line of a tract of land owned by Barry L. & Martha T. Burtenshaw as recorded in Deed MF 94-239C12;

thence, South 09°-06'-05" East, 25.18 feet, along east line of said Black Oak Estates and the west line of said Burtenshaw tract to a point on the northwest corner of a tract of land owned by Michael R. & Susan K. Parks as recorded in Deed MF 80-351B03 and being the principal place of beginning of the easement herein conveyed;

thence, South 74°-07'-25" East, 96.26 feet, along the north line of said Parks tract to a point;

thence, South 15°-52'-35" West, 21.17 feet, to a point;

thence, South 42°-33'-28" West, 76.47 feet, to a point;

thence, North 74°-07'-25" West, 51.28 feet, to a point on the east line of Lot 428 of said Black Oak Estates;

thence, North 09°-06'-05" East, 90.13 feet, along the east line of said Lot 428 to the place of beginning.

Containing 0.160 acres more or less with all being subject to any legal highway and easements of record.

The bearings are based on NAD83, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, and dated August 6, 2012.

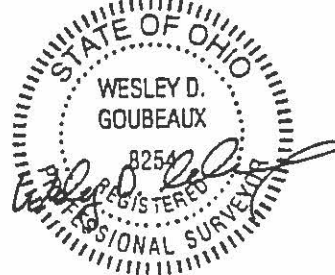


EXHIBIT B

BEING AN INGRESS AND EGRESS EASEMENT
SITUATE IN SECTION 13, TOWN 2, RANGE 6, M.R.S.
CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO

RONALD COMBS
7600 STANLEY MILL DR.
DMF 01-582A03
LOT 427

BLACK OAK ESTATES-FIVE,
SECTION TWO
PB 92-73

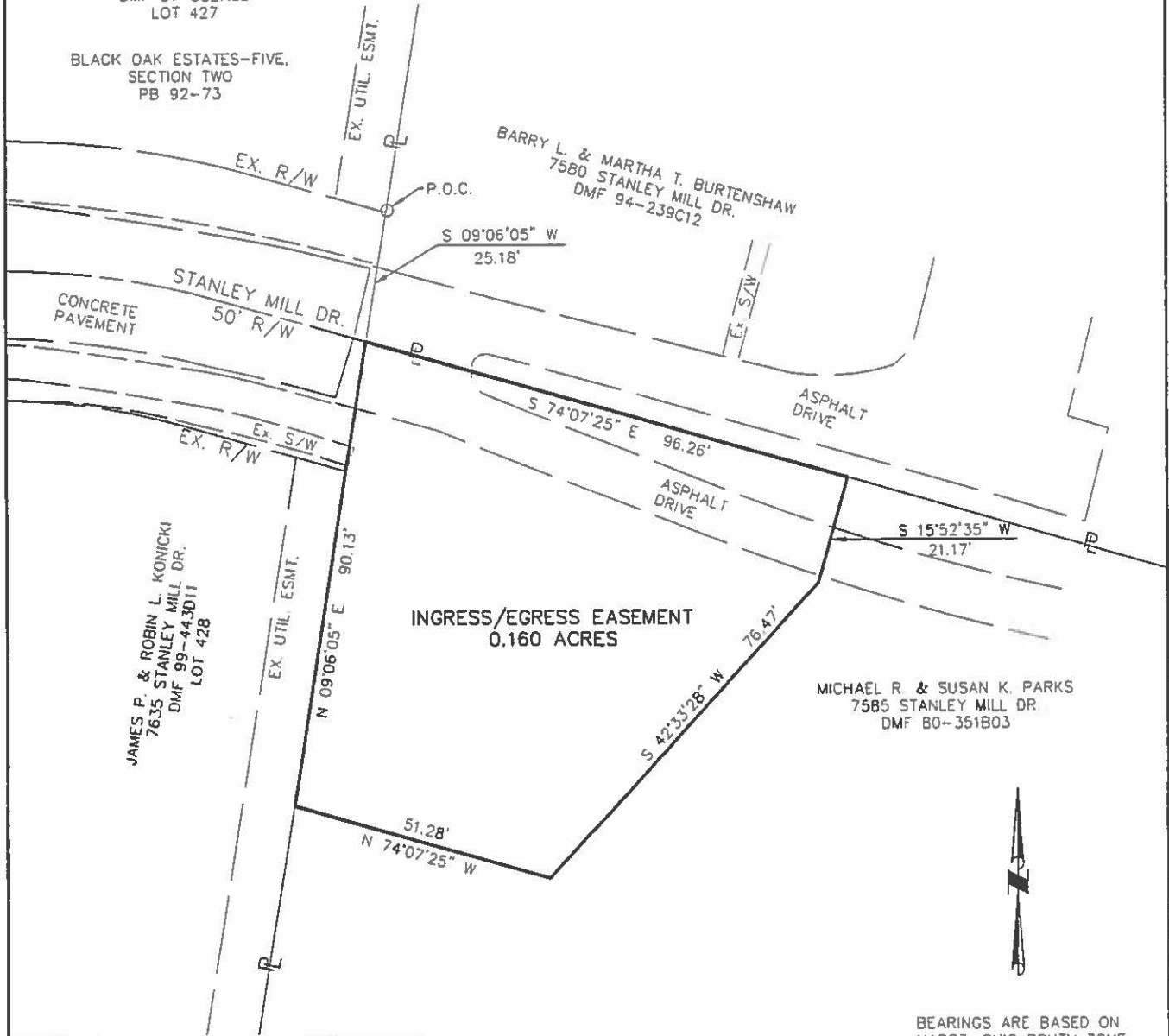
BARRY L. & MARTHA T. BURTENSHAW
7580 STANLEY MILL DR.
DMF 94-239C12

CONCRETE
PAVEMENT
STANLEY MILL DR.
50' R/W

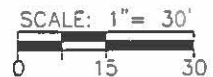
JAMES P. & ROBIN L. KONICKI
7635 STANLEY MILL DR.
DMF 99-443D11
LOT 428

MICHAEL R. & SUSAN K. PARKS
7585 STANLEY MILL DR.
DMF 80-351B03

INGRESS/EGRESS EASEMENT
0.160 ACRES



BEARINGS ARE BASED ON
NAD83, OHIO SOUTH ZONE,
ODOT VRS CORS NETWORK



CHOICE ONE
ENGINEERING

440 E. HOEWISHER ROAD
SIDNEY, OHIO 45365
(937) 497-0200
www.choiceoneengineering.com

203 W. LOVELAND AVENUE
LOVELAND, OHIO 45140
(513) 239-8554

LEGEND

○ IRON PIN FOUND