

**RESOLUTION NO. 5-09**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER Douglas Cline ON THE 16<sup>th</sup> DAY OF February, 2009.

A RESOLUTION ACCEPTING A STANDARD HIGHWAY EASEMENT FROM DILLE LABORATORIES CORPORATION FOR ROAD EXTENSION.

WHEREAS, a parcel of land owned by Dille Laboratories Corporation is necessary for the road improvements including construction, reconstruction, maintenance and repair of a portion of the Clio Road Extension thereon; and

WHEREAS, Dille Laboratories Corporation granted to the City of Centerville a permanent highway easement for a portion of land upon Greene County Auditor's Parcel No. L49-1-1-12, for said purpose; and

WHEREAS, while the City has determined that the permanent highway easement is necessary for future roadway improvements; said future improvements shall be made at a time determined solely by the City.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a permanent highway easement for a portion of the land conveyed by Dille Laboratories Corporation for the road improvements including construction, reconstruction, maintenance and repair of a portion of the Clio Road Extension, said land being a portion of upon Greene County Auditor's Parcel No. L49-1-1-12, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The City of Centerville shall have the sole decision as to when any future road improvements on the property set forth in Exhibit "A" are necessary.

Section 3. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 16<sup>th</sup> day of February, 2009.

G Mark Kueper  
Mayor of the City of Centerville, Ohio

ATTEST:  
Debra A. Janus  
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 5-09, passed by the Council of the City of Centerville, Ohio, on the 16<sup>th</sup> day of February, 2009.

Debra A. James  
Clerk of Council

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

Department of Law  
Scott A. Liberman  
Municipal Attorney

2007 JUL 19 AM 11:03

EXHIBIT "A"

STANDARD HIGHWAY EASEMENT

DILLE LABORATORIES CORPORATION

TO

CITY OF CENTERVILLE

MARY L. L. 44  
GREENE CO. RECORDER  
XENIA, OHIO

This indenture, made this 11<sup>th</sup> day of JUNE, 2006, by and between DILLE LABORATORIES CORPORATION party of the first part, hereinafter called the grantor, and the City of Centerville in Greene County, Ohio, party of the second part, hereinafter called the grantee, witnesseth:

That whereas, the grantor are the owners of certain lands adjacent to the CLYO Road in the City of Centerville, County of Greene, and State of Ohio, hereinafter described, and the said grantee has determined to make certain improvements on the aforesaid CLYO ROAD EXTENSION, in the nature of road extension, and whereas said project of improvement extends from the present limits of said road into the property of said grantor, and it being the mutual intention of said grantor and grantee that said grantor permit said grantee a right in the nature of an easement to realign the aforesaid road;

Now, therefore, the grantor, in consideration of the sum of One Dollar (\$ 1.00) paid by the grantee, the receipt of which is hereby acknowledged, and in consideration of the agreements of the grantee herein contained, to proceed forthwith in said road improvement, said grantor does hereby grant and release unto said grantee, the City of Centerville in Greene County, Ohio, its successors and assigns forever, a right-of-way on and over the certain lands of said grantor as follows:

See Attached Legal Description Parcel 3SH;  
Greene County Auditor's Parcel No. Auditor's Parcel No. ~~XXXXXXXXXXXX~~  
449-1-1-12

It is further mutually stipulated and agreed between said grantor and said grantee, City of Centerville, that the above described strip of land contains 3.087 acres for Parcel 3SH; more or less, being a part of a 71,805 acre tract transferred to DILLE LABORATORIES CORPORATION, and recorded in Volume 740, page 464 of the Official Records of Greene County. This instrument prepared by the staff of the Greene County Engineer.

And the said Dille Laboratories Corporation, does hereby release unto said grantee, its successors and assigns, all right and expectancy of dower in the easement hereinbefore granted.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

WITNESSES:

[Signature]  
[Signature]

Grantor: [Signature]  
Dille Laboratories Corporation  
PRESIDENT  
Title: ROGER PFISTER  
Print Name

MONTGOMERY  
THE STATE OF OHIO, ~~GREENE COUNTY~~, ss:

Be it remembered, that on this 11<sup>th</sup> day of June in the year of our Lord Two Thousand Six (2006), before me, the subscriber, a Notary Public in and for the State of Ohio, personally came Roger Pfister for DILLE LABORATORIES CORPORATION being the grantor in the above foregoing easement, and acknowledge the signing thereof to be his voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]  
Notary Public  
My Commission Expires

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JOHN M. CLOUD, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no Expiration Date.  
Section 147.03 D. R. C.

~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
1-19-07  
XXXXXXXXXXXX  
XXXXXXXXXXXX

STANDARD HIGHWAY EASEMENT  
CLYO ROAD EXTENSION  
Parcel 3SH  
Dille Laboratories Corporation

Situated in Section 9, Town 2, Range 6, Between the Miamis Survey, Sugarcreek Township and City of Centerville, Greene County, State of Ohio, and being part of a 71.805 acre parcel of land as conveyed to Dille Laboratories Corporation, by instrument as recorded in Volume 740, Page 464 of the official records of Greene County, and being more particularly bounded and described per a survey performed by LJB, Inc. in 2001 with an assumed bearing of the centerline of old Possum Run Road based on a railroad spike found at the southeast corner and a pipe found at the northeast corner of a 52.314 acre parcel on a bearing of North 03° 48' 29" East, as follows:

Beginning for reference at a 1" iron pin inside an existing monument box found at the half-section corner of said section at the intersection of Feedwire Road and Possum Run Road, said pin set shown on the Centerline Plat for MOT-675-6.43 & GRE-675-0.00;

Thence with the existing centerline of Possum Run Road and the northerly extension of the east line of said 71.805 acre parcel South 03° 48' 29" West, 1507.31 feet, passing a 5/8" iron pin found at 805.12 feet and an iron pipe found at 1125.23 feet, to the northeast corner of said 71.805 acre parcel and the southeast corner of Five Seasons as recorded in Plat Cabinet 30, Page 571B-573A of the Official Records of said county, said point being the TRUE POINT OF BEGINNING;

Parcel 3SH

Thence along the east line of said 71.805 acre parcel and the west line of a 52.314 acre tract of land as conveyed to Phillip M. Herres & Sharon L. Herres as described in Volume 551, Page 903 of the Official Records of said county and its southerly extension South 03° 48' 29" West, 487.99 feet, also passing a railroad spike found at 409.55 feet, to the intersection of the southeasterly right of way line of Clyo Road and being a point on the west line of Sugar Leaf Section Two as recorded in Plat Cabinet 33, Page 773A-774A of the Official Records of said county;

Thence along the said new southeasterly right of way line for the following four courses:

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1. North  $86^{\circ} 11' 31''$  West, 65.99 feet to a point;
2. Thence southwesterly along the arc of a curve to the right having a radius of 1109.00 feet, a chord bearing South  $34^{\circ} 45' 58''$  West, 186.54 feet for an arc distance of 186.76 feet to a point;
3. Thence South  $39^{\circ} 35' 27''$  West, 344.97 feet to a point;
4. Thence South  $04^{\circ} 15' 28''$  East, 72.18 feet to a point on the new north right of way line of Possum Run Connector;

Thence along the said new north right of way line for the following seven courses:

1. South  $50^{\circ} 24' 33''$  East, 130.91 feet to a point;
2. Thence North  $39^{\circ} 35' 27''$  East, 10.00 feet to a point;
3. Thence South  $52^{\circ} 31' 49''$  East, 36.49 feet to a point;
4. Thence South  $35^{\circ} 20' 55''$  West, 10.00 feet to a point;
5. Thence southeasterly along the arc of a curve to the left having a radius of 503.00 feet, a chord bearing South  $64^{\circ} 41' 21''$  East, 175.34 feet for an arc distance of 176.24 feet to a point;
6. Thence North  $36^{\circ} 45' 27''$  East, 61.07 feet to a point;
7. Thence South  $87^{\circ} 11' 57''$  East, 20.00 feet to a point on the east line of said 71.805 acre parcel and on the west line of said Sugar Leaf Section One;

Thence along the east line of said 71.805 acre parcel and the west line of said Sugar Leaf Section One South  $03^{\circ} 48' 28''$  West, 81.13 feet to the southeast corner of said 71.805 acre parcel, on the south line of Section 9, and on the north line of a 92.188 acre tract of land as conveyed to Wendell E. Spears as recorded in Volume 323, Page 217 of the Official Records of said county;

Thence along the south line of Section 9, the south line of said 71.805 acre parcel, and the north line of said 92.188 acre tract North  $89^{\circ} 41' 36''$  West, 113.22 feet to a point of intersection of the new south right of way line of Possum Run Connector;

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Thence with the said new south right of way line for the following two courses:

1. Westerly along the arc of a curve to the right having a radius of 553.00 feet, a chord bearing North 59° 54' 13" West, 182.44 feet for an arc distance of 183.27 feet to a point;
2. Thence North 50° 24' 33" West, 130.91 feet to a point of intersection of the new southeasterly right of way line of Clio Road;

Thence with the said new southeasterly right of way line for the following two courses:

1. South 80° 22' 46" West, 76.54 feet to a point;
2. Thence South 39° 35' 27" West, 207.14 feet to a point on the south line of Section 9, the south line of said 71.805 acre parcel, and the north line of said 92.188 acre tract;

Thence along the south line of Section 9, the south line of said 71.805 acre parcel, and the north line of said 92.188 acre tract North 89° 41' 36" West, 103.36 feet to a point on the new west right of way line Clio Road;

Thence with the said new west right of way line for the following two courses:

1. North 39° 35' 27" East, 777.55 feet to a point;
2. Thence northeasterly along the arc of a curve to the left having a radius of 1029.00 feet, a chord bearing North 21° 43' 06" East, 631.59 feet for an arc distance of 641.95 feet to a point on the north line of said 71.805 acre parcel and the south line of said Five Seasons;

Thence along the north line of said 71.805 acre parcel and the south line of said Five Seasons South 86° 32' 31" East, 32.62 feet to the TRUE POINT OF BEGINNING, containing 3.087 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel 3SH above was calculated and derived from a survey made under the supervision of John J. Beals, Registered Surveyor Number 5312.

The above described area contains 3.087 acres, more or less, of which the present road occupies 0.261 acres, more or less. 0.261 acres is contained within the Greene County Auditor's Parcel Identification Number L32000100020000300 and 2.826 acres is contained within the Greene County Auditor's Parcel Identification Number L4900010001001200.

Description Check  
 Greene County Engineer's Tax Map Dept.  
 Legally Sufficient As Described  
 Legally Sufficient With Corrections Noted  
 Legally Insufficient, New Survey Required  
 By: CE Date: 7/9/07  
 Par ID: Dist 149 BK 1 PG 1 PAR 12

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