

RESOLUTION NO. 25-08
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beals ON THE 21st
DAY OF July, 2008.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT TO SETTLE PENDING LITIGATION WITH
JOHN AND ROBERTA GRAMANN

WHEREAS, John and Roberta Gramann are owners of real property located at the
corner of Franklin and Main streets; and

WHEREAS, the City of Centerville filed a petition to appropriate an
ingress/egress access easement over the Property; and

WHEREAS, the City also asserted that it had a previous prescriptive easement
over the Property; and

WHEREAS, said easement to be appropriated is for the purpose of making a road
improvement which shall be open to the public without charge and for road
purposes; and

WHEREAS, disputes arose between John and Roberta Gramann and the City
related to the appropriation and/or the prescriptive easement; and

WHEREAS, two different lawsuits are pending with the Gramanns regarding the
Property; and

WHEREAS, the parties have mediated the disputes and settled all matters relating
to the appropriation; and

WHEREAS, this Council is of the opinion that the proposed settlement is in the
best interests of the citizens of this City.

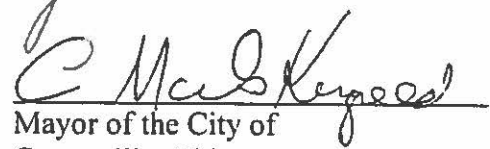
NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. That the City Manager is authorized to enter into a settlement
agreement with John and Roberta Gramann and their attorneys on behalf of the
City provided that said agreement contains the following terms and conditions
and is approved as to form by the Municipal Attorney:

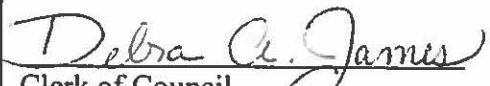
1. That the sum of \$55,000.00 be paid to John and Roberta Gramann (Gramann) by the City at the time of the execution of the Release and Settlement Agreement for the taking of the Property. The initial deposit of \$10,136.25 has already been paid and as such there remains due and owing the sum of \$44,863.75 to Gramann.
2. The entire amount shall be allocated to the value of the Property taken and no allocation is to interest.
3. That the City shall have an easement over the Property.
4. That all pending law suits and appeals be dismissed or concluded.
5. That all parties be responsible for the payment of their respective court costs, attorneys' fees and related expenses.

Section 2. That the City Manager take all additional and necessary steps to complete the settlement.

PASSED THIS 21st day of July, 2008.


Mayor of the City of
Centerville, Ohio

ATTEST:


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. 25-08, passed by the Council of the City of Centerville, Ohio on the 21st day of July, 2008.


Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney