

RESOLUTION NO. 26-08
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A PERMANENT EASEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR THE CONSTRUCTION OF OFFSITE SANITARY SEWER AND WATER MAIN IMPROVEMENT LOCATED AT YANKEE TRACE.

WHEREAS, a parcel of land owned by the City of Centerville requires the construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon; and

WHEREAS, the City of Centerville agrees to grant an easement to the Board of County Commissioners of Montgomery County, Ohio to construct an offsite sanitary sewer and perform water main improvement; and

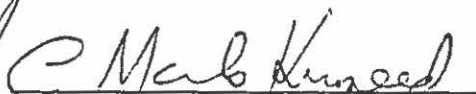
WHEREAS, the City Council of the City of Centerville approves and authorizes such an easement be granted.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is authorized and directed to enter into an Easement Agreement with the Board of County Commissioners of Montgomery County, Ohio for the grant of construct, maintain, tap into and repair a sanitary sewer and/or water line in accordance with the terms of said agreement, copy of which is attached hereto as Exhibit "A" and incorporated herein.

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

PASSED this 21st day of July, 2008.



Mayor, City of Centerville, Ohio

ATTEST:

Debra A. James
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 26-08, passed by the Council of the City of Centerville, Ohio, on the 21st day of July, 2008.

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

DISTRICT: GREATER MORAINE - BEAVERCREEK SEWER DISTRICT
SEWER IMPROVEMENT AREA # _____
_____ SUBDISTRICT
EASEMENT DEED

KNOW ALL MEN BY THESE PRESENT:

That _____

in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them paid by the Board of County Commissioners of Montgomery County, Ohio, receipt of which is acknowledged, does hereby grant and release to said Board of County Commissioners of Montgomery County, Ohio, and their successors in office, forever, the right, privilege and easement to construct, maintain, tap into and repair a sanitary sewer and/or water line through the following described real estate:

Situated in Sections 34 & 35, Town 3, Range 5, M.Rs., City of Centerville, Montgomery County, Ohio and being an Offsite Water & Sanitary Sewer Easement further described as follows:

Begin at a point found by measuring from the northwest corner of Lot 36 of proposed Highlands at Yankee Trace, Section Two; thence, with said Lot 36, North 40°43'01" East, 117.26 feet, said point being the true point of beginning;

- thence from the true point of beginning thus found, departing said Lot 36, with a curve to the right, having a radius of 1028.00, an arc length of 173.61 feet, (Chord = North 42°51'48" West, 173.41 feet);
- thence with a curve to the left, having a radius of 222.00, an arc length of 102.85 feet, (Chord = North 51°17'49" West, 101.93 feet);
- thence with a curve to the right, having a radius of 228.00 feet, arc length of 87.17 feet, (Chord = North 53°36'58" West, 86.64 feet);
- thence with a curve to the left, having a radius of 972.00 feet, an arc length of 112.30 feet, (Chord = North 45°58'23" West, 112.24 feet);
- thence North 49°16'59" West, 39.24 feet;
- thence with a curve to the right, having a radius of 55.00 feet, an arc length of 85.72 feet,
- thence (Chord = North 04°37'55" West, 77.31 feet);
- thence South 89°32'47" West, 35.95 feet to an existing sanitary sewer easement;

thence with said existing easement, North 00°27'13" West, 34.00 feet to the City of Centerville Corporation line, and the southerly line of Paragon Place, as recorded in Plat Book 198, Pages 25-25A of the Montgomery County Recorder's Office;

thence departing said existing easement, with said corporation line, and said Paragon Place, North 89°32'47" East, 378.92 feet;

thence departing said corporation line and said Paragon Place, South 42°51'57" East, 55.20 feet to the westerly line of Rose Estates, Section 14, as recorded in Plat Book 107, Page 47;

thence with said Rose Estates, South 02°08'03" West, 28.28 feet;

thence departing said Rose Estates, North 42°51'57" West, 66.39 feet;

thence South 89°32'47" West, 260.07 feet;

thence South 40°43'01" West, 4.29 feet;

thence with a curve to the right, having a radius of 55.00 feet, an arc length of 74.03 feet, (Chord = South 19°33'19" East, 68.57 feet);

thence with a curve to the left, having a radius of 32.00 feet, an arc length of 6.54 feet, (Chord = South 13°09'10" West, 6.53 feet);

thence South 35°47'14" East, 28.47 feet;

thence South 47°02'14" East, 152.80 feet;

thence with a curve to the left, having a radius of 278.00 feet, an arc length of 117.07 feet, (Chord = South 50°05'20" East, 116.21 feet);

thence with a curve to the left, having a radius of 972.00 feet, an arc length of 193.63 feet, (Chord = South 43°43'54" East, 193.31 feet), to the westerly line of Lot 37 of said Highlands at Yankee Trace;

thence with said Highlands at Yankee Trace, South 03°29'27" West, 10.00 feet to the northerly right of way of said Legendary Way;

thence with said right of way, with a curve to the right, having a radius of 980.00 feet, an arc length of 37.07 feet, (Chord = North 48°42'27" West, 37.07 feet), to the northerly terminus of said right of way;

thence departing said right of way, with said terminus, South 40°43'01" West, 48.02 feet to the true point of beginning.

The above description was prepared from an exhibit prepared by Bayer Becker, Jeffrey O. Lambert, Registered Surveyor #7568 in the State of Ohio, May 23, 2008.

Said property now is owned by _____

By deed reference: _____

Said grantees are to have the right and privilege of entering upon the above described premises through themselves, employees and contractors to construct, maintain, tap into and repair the sanitary sewer and/or water line along the line above set forth.

As further consideration for this easement, grantees agree to restore the said premises to its original condition, as near as possible, after construction, repair or replacement of said sanitary sewer and/or water line, unless otherwise agreed to by separate agreement.

The Grantor___ shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns; provided, however, that no buildings or other structures shall be erected within the limits of said right of way and easement by the Grantor___ or any other party claiming title or possession under said Grantor___.

IN WITNESS WHEREOF, the said_____

hereunto subscribed _____ name on this _____ day of _____, 20_____.

Executed in the presence of us:
(two witnesses required)

Witness:
1) _____
(print:) _____

Owner:

(print:) _____
Title: _____

2) _____
(print:) _____

(print:) _____
Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared _____

the grantor__ in the foregoing easement deed, and acknowledged the execution thereof to be _____ free and voluntary act for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this _____ day of _____, 20_____.

Notary Public in and for the State of Ohio
My Commission expires _____

This instrument approved as to form by:
Mathias H. Heck, Jr., Prosecuting Attorney

by _____

This standard form prepared by: Montgomery County Sanitary Engineering Department

PARAGON PLACE
P.B. 198 Pgs. 25-25A



1 inch = 100 ft.

Sect. 35 T-3 R-5 M.Rs.
Sect. 34 T-3 R-5 M.Rs.

CITY OF CENTERVILLE OHIO
M.F.# 01-0863-E05
15.474 ACRES
15.426 ACRES IN THE CITY OF CENTERVILLE.
0.048 ACRES IN WASHINGTON TOWNSHIP
10.575 ACRES IN SECTION 35
4.899 ACRES IN SECTION 34

CITY OF CENTERVILLE OHIO
M.F.# 01-0863-E05
3.988 Acres
2.735 ACRES IN SECTION 35
1.253 ACRES IN SECTION 34

ROSE ESTATES
SECTION 14
P.B. 107 PG. 47

THE HIGHLANDS
AT YANKEE TRACE
SECTION TWO

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L-1	N 49°16'59" W	39.24'
L-2	S 89°32'47" W	35.95'
L-3	N 00°27'13" W	34.00'
L-4	S 42°51'57" E	55.20'
L-5	S 02°08'03" W	28.28'
L-6	N 42°51'57" W	66.39'
L-7	S 40°43'01" W	4.29'
L-8	S 35°47'14" E	28.47'
L-9	S 03°29'27" W	10.00'
L-10	S 40°43'01" W	48.02'

CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION	DELTA ANGLE
C-1	1028.00	173.61	173.41	N 42°51'48" W	09°40'35"
C-2	222.00	102.85	101.93	N 51°17'49" W	26°32'38"
C-3	228.00	87.17	86.64	N 53°36'58" W	21°54'20"
C-4	972.00	112.30	112.24	N 45°58'23" W	06°37'11"
C-5	55.00	85.72	77.31	N 04°37'55" W	89°18'09"
C-8	55.00	74.03	88.57	S 19°33'19" E	77°07'20"
C-7	32.00	8.54	8.53	S 13°09'10" W	11°42'21"
C-8	278.00	117.07	116.21	S 50°05'20" E	24°07'40"
C-9	972.00	193.63	193.31	S 43°43'54" E	11°24'49"
C-10	980.00	37.07	37.07	N 48°42'27" W	02°10'02"

LEGEND

- CORPORATION LINE
- WATER & SANITARY EASEMENT

Drawing: 08M004-000 EX 02
Scale: 1" = 100'
Drawn by: S.R.R.
Checked By: B.B.
Issue Date: 05-23-08

**THE HIGHLANDS
AT YANKEE TRACE
SECTION TWO**
SECTIONS 34 & 35, TOWN 3, RANGE 5 M.Rs.
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO
OFFSITE WATER & SANITARY EASEMENT



6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600