

RESOLUTION NO. 11-05  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James E. Singer ON THE  
21st DAY OF March, 2005.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT OF WAY AND EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO VECTREN ENERGY DELIVERY OF OHIO INC. FOR A PROPOSED GAS MAIN TO SERVE PARAGON PLACE, SECTION ONE.

WHEREAS, it is necessary for the City of Centerville to grant unto Vectren Energy Delivery of Ohio Inc. a right of way and easement across property owned by the City of Centerville for a proposed gas main to serve Paragon Place, Section One, and

WHEREAS, to accomplish this Vectren Energy Delivery of Ohio Inc. is requesting a right of way and easement fifteen (15) feet in width and shall be approximately along the course identified on Exhibit "A" attached hereto and made a part hereof, being a tract of land containing 15.474 acres, more or less, situated in part of Section 34 and 35, Town 3, Range 5 M.R.S. and being a part of the premises described in a Quit Claim deed recorded on Microfiche Deed 01-0663 E05 of the Deed Records of Montgomery County, Ohio.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized to do all things necessary to execute a grant of right of way and easement to Vectren Energy Delivery of Ohio Inc., in accordance with said option for right of way and easement, which is attached hereto and made a part hereof, marked Exhibit "A", provided, however, that such right of way and easement shall be modified so as to reflect they are subject to any comprehensive right of way Ordinance or regulations adopted by the City and to indicate that nothing in the grant of such right of way or easement should be construed to waive any franchise rights of the City.

PASSED this 21st day of March, 2005.

*C. Mark King*  
Mayor of the City of Centerville, Ohio

ATTEST:

*Marie J. Scaiff*  
Clerk of the Council of the  
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 11-05, passed by the Council of the City of Centerville, Ohio, on the 21st day of March, 2005.

*Marie J. Scaiff*  
Clerk of Council

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

EXHIBIT "A" 499

**VECTREN ENERGY DELIVERY OF OHIO INC.  
GRANT FOR PIPELINE RIGHT OF WAY AND EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS**

**THAT THE CITY OF CENTERVILLE, OHIO**

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Grantor(s) for valuable consideration provided by Vectren Energy Delivery of Ohio Inc., an Ohio corporation, 40 N. Main Street, Suite 2010, Dayton, Ohio 45423 and Indiana Gas Company, Inc., an Ohio and Indiana Corporation (hereinafter collectively called "Grantee"), do(es) hereby grant, unto the Grantee, and its successors and assigns forever, a right of way and easement for any and all purposes for which natural, artificial and/or liquefied petroleum gas, and/or any other liquefied or gaseous substance is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace either underground or above, all appurtenant valves, anodes, pipeline(s), drips, regulators, pits, and all other necessary and incidental appurtenances contained in, over, upon, under and through, subject to the conditions hereinafter on the following premises, viz:

Situated in City of Centerville, Montgomery County, State of Ohio

And being a tract of land containing 15.474 acres, more or less, situated in part of Section 34 and 35, Town 3, Range 5 M.R.S. and being a part of the premises described in a Quit Claim deed recorded on Microfiche Deed 01-0663 E05 of the Deed Records of Montgomery County, Ohio.

Parcel No. 068-11-16-75

Said right of way and easement shall be 15 feet in width and shall be approximately along the following course identified on Exhibit "A" attached hereto and made a part hereof.

The Grantee, its successors and assigns, its agents, contractors and employees will have the right of ingress and egress over the right of way and the adjoining premises of The Grantor for all purposes previously stated, together with the right to trim, cut, and remove or otherwise control trees, roots, undergrowth or overhanging branches or other obstructions both within and without the limits of the right of way and easement which according to The Grantee's standards and its opinion may interfere with the construction, maintenance, use or successful operation of the gas pipeline facilities.

No buildings or other structures shall be erected within the limits of the said right of way and easement by The Grantor(s). No excavating or filling shall be done or be permitted by The Grantor within the right of way and easement that would either (A) reduce or add to the distance between The Grantee's facilities and the land surface without The Grantee's prior written consent and which consent will not be unreasonably withheld, (B) impair The Grantee's ability to maintain the facilities or (C) create a hazard.

The Grantor(s) shall have the right to use the land within the easement area in any manner not inconsistent within this grant for right of way and easement.

The Grantee, its successors and assigns, shall reimburse The Grantor(s) for any damage or loss to growing crops and other property damages that may be caused by The Grantee, its agents, contractors or employees in construction, repair or removal of said gas pipeline facilities.

The Grantor(s) covenant with The Grantee, that they is/are the true and lawful owners of the property herein described and have full power and authority to grant this right of way and easement.

In the event that any road should be widened or relocated so that its right of way extends onto The Grantee's right of way and easement herein provided for, The Grantee may, but shall not be required to, relocate or reconstruct its facilities, so that The Grantee's right of way as relocated has a centerline of said right of way that shall not be more than five (5) feet off the road right of way as widened or relocated.

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

As used herein, words in plural number include words in the singular number.

WITNESSES

GRANTORS

THE CITY OF CENTERVILLE, OHIO

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Witness Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
BY:

\_\_\_\_\_  
ITS:

\_\_\_\_\_  
AND

\_\_\_\_\_  
ITS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

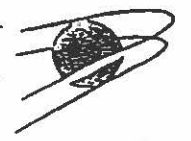
STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

Before me, a Notary Public in and for said State personally appeared \_\_\_\_\_  
and \_\_\_\_\_ known to me to be the  
person(s) who, as \_\_\_\_\_ and \_\_\_\_\_,  
respectively, of THE CITY OF CENTERVILLE, OHIO, the corporation which executed the  
foregoing instrument, signed the same and acknowledged to me that they do sign said  
instrument in the name and upon behalf of said corporation as such officer(s); that the same is  
their free act and deed as such officer(s) and the free and corporate act and deed of said  
corporation; and that they were duly authorized by the board of directors. In testimony whereof,  
I have hereunto subscribed my name at \_\_\_\_\_, this \_\_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

This Instrument Prepared By  
Tom McCormack  
Vectren Energy Delivery of Ohio Inc.  
Project Number 04046941066  
VEDO600

501



**VECTREN**  
Energy Delivery of Ohio

W.O. NUMBER <b>04046941066</b>	ATLAS PAGE	ENGINEER <b>O. CALDWELL</b>	DATE <b>1-03-05</b>
TITLE <b>GAS EASEMENT</b>		CITY <b>CENTERVILLE</b>	COUNTY <b>MONTGOMERY</b>
CUSTOMER <b>The City of Centerville, Ohio</b>		SCALE <b>1" = .60'</b>	SHT. ____ OF ____ SHTS.
MAINS TESTED @ ____ PSIG. FOR ____ HRS. DATE TESTED: ____		JOINT TRENCH: ELEC. ____ CATV ____ PHONE ____ OTHER ____	
TEST METHOD: - KUHLMAN / RECORDING CHART ATTACHED Y / N		PERMIT REQ'D: <b>(YES)</b> NO CITY - STATE - OTHER	
COMPANY: ____ FOREMAN: ____ SERVICES TESTED @ ____ PSIG.		RW REQ'D: YES / NO RW RELEASE DATE: ____	

SECTIONS 34 AND 35, TOWN 3, RANGE 5. MRS, CITY OF CENTERVILLE, WASHINGTON TOWNSHIP, STATE OF OHIO

**EXHIBIT A**

THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE ACTUAL LOCATION OF THE UTILITY LINE IS THE TRUE CENTERLINE OF THE EASEMENT.

