

RESOLUTION NO. 22-05
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks A. Compton ON THE
20th DAY OF June, 2005.

A RESOLUTION RATIFYING THE ACTION TAKEN BY THE CITY MANAGER TO GRANT AN EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, TO CONSTRUCT A SANITARY SEWER AND WATER LINE THROUGH PROPERTY OWNED BY THE CITY OF CENTERVILLE.

WHEREAS, it was necessary for the City of Centerville to grant unto the Board of County Commissioners of Montgomery County an easement for the construction of a sanitary sewer line and a water line to provide service to properties in the Yankee Trace Development, and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio, requested a 20 foot easement taken evenly off the following described centerline: beginning at the northeast corner of Section 4, Town 2 Range 5 M.Rs. and the northwest corner of Section 34; thence, with said Section line, South 02° 48'24" West, 461.71 feet to the southerly line of the Woodlands at Yankee Trace Subdivision, Section One; thence, with the said Woodlands at Yankee Trace Subdivision, Section One, North 75° 18'03" West, 403.38 feet, to the true point of beginning; thence, departing said Woodlands at Yankee Trace Subdivision Section One, South 87° 52'26" West, 10.18 Feet; thence, South 08° 33'37" West, 128.69 feet; thence, South 18° 36'13" West, 33.60 feet to its terminus at an existing water main easement.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the action taken by the City Manager be and is hereby ratified to do all things necessary in executing the grant of an easement to the Board of County Commissioners of Montgomery County, Ohio, to construct a sanitary sewer line and a water line through property owned by the City of Centerville to provide service to properties located in Yankee Trace, said easement further described in Exhibit "A", a copy of which is attached hereto and made a part hereof.

PASSED this 20th day of June, 2005.

C. Mark Keyes
Mayor of the City of Centerville, Ohio

ATTEST:

Maribeth Weisangel
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 22-05, passed by the Council of the City of Centerville, Ohio, on the 20th day of June, 2005.

Maribeth Weisangel
Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

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

KNOW ALL MEN BY THESE PRESENT:

That City of Centerville

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 Section 4, Town 2, Range 5 M.Rs., City of Centerville, Montgomery County, Ohio, and being a 20' Sanitary and Water Easement taken evenly off the following described centerline:

Begin at the northeast corner of Section 4, Town 2 Range 5 M.Rs. and the northwest corner of Section 34; thence, with said Section line, South 02°48'24" West, 461.71 feet to the southerly line of the Woodlands at Yankee Trace Subdivision, Section One; thence, with said Woodlands at Yankee Trace Subdivision, Section One, North 75°18'03" West, 403.38 feet, to the true point of beginning;

thence departing said Woodlands at Yankee Trace Subdivision Section One, South 87°52'26" West, 10.18 feet;
thence South 08°33'37" West, 128.69 feet;
thence South 18°36'13" West, 33.60 feet to its terminus at an existing water main easement.

Said property now is owned by City of Centerville

By deed reference: M.F. 94-0678-A10

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 City of Centerville

hereunto subscribed _____ name on this 7th day of June, 2005.

Executed in the presence of us:

(two witnesses required)

Witness:

1) Mark Schlagheck
(print:) Mark Schlagheck

2) Jennifer S. Wilder
(print:) Jennifer S. Wilder

Owner:

Gregory S. Horn
(print:) GREGORY S. HORN
Title: CITY MANAGER

(print:) _____
Title: _____

State of Ohio) SS:

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

Gregory S. Horn

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 7th day of June, 2005.

Carol A. Lingo

Notary Public in and for the State of Ohio

My Commission expires 7-7-08

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

by _____

This standard form prepared by: Montgomery County Sanitary Engineering Department

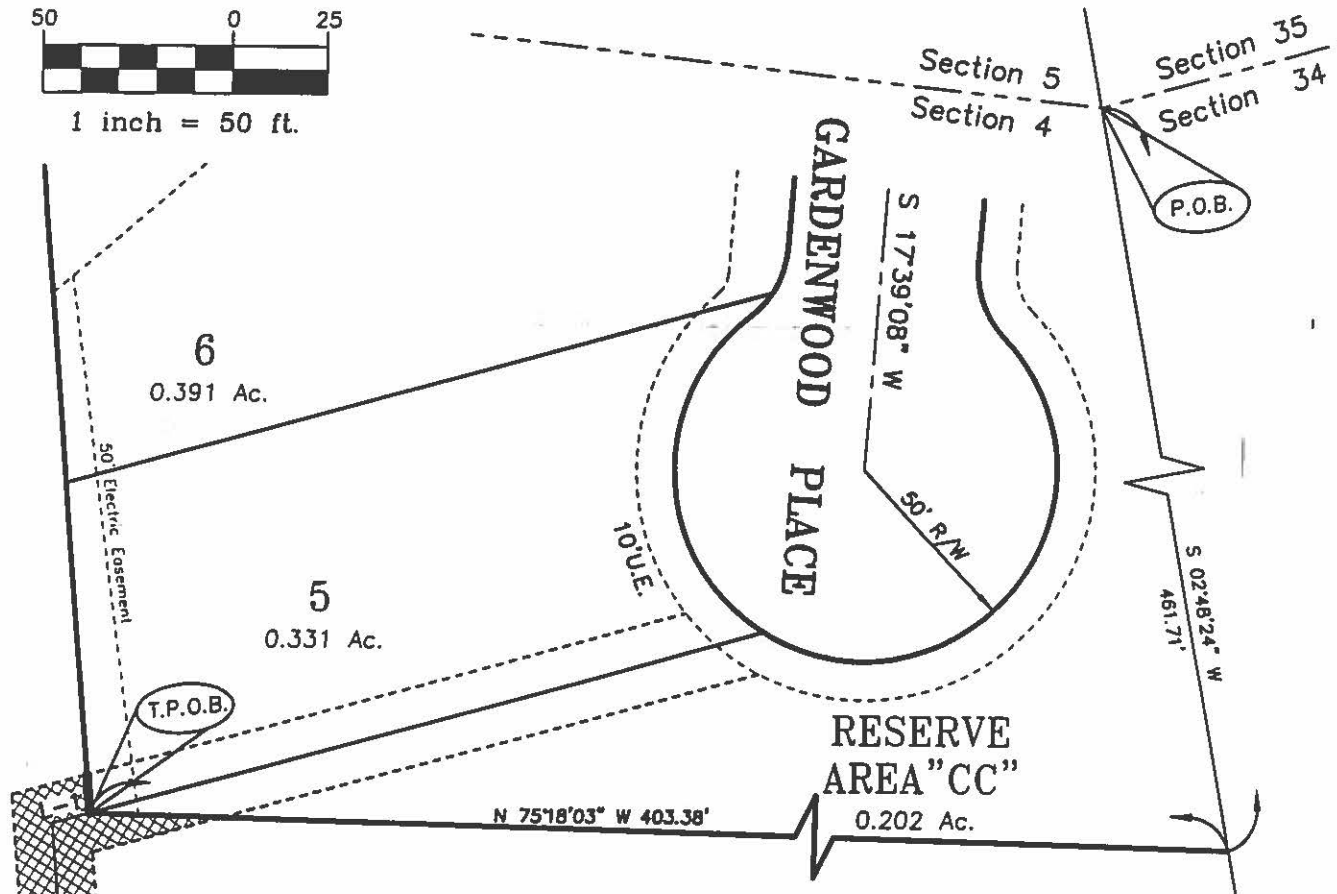


BASIS OF BEARINGS: Yankee Trace
 Section 26 P.B. 184, Pg| 4-4C
 N 53°33'49" E, 33.05'

GRAPHIC SCALE

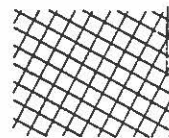


1 inch = 50 ft.



LINE TABLE

NUMBER	DIRECTION	DISTANCE
L-1	S 87°52'26" W	10.18'
L-2	S 08°33'37" W	128.69'
L-3	S 18°36'13" W	33.60'



Sanitary and Water Easement

City of Centerville
 Orig. 309.426 Ac.
 M.F. 94-0678-A10

EXHIBIT
20' SANITARY AND WATER EASEMENT
THE WOODLANDS
AT YANKEE TRACE
SECTION ONE
CITY OF CENTERVILLE
SECTIONS 4, TOWN 2, RANGE 5 M.R.s.
MONTGOMERY COUNTY, OHIO

Ex. 13' Gas Line Ease
 O.B. 2449 PG 97

Ex. 20' Water Line Ease
 M.F. 93-0688C07

Proposed San. & Water Easement

20'