

RESOLUTION NO. 39-05
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Tim Singer ON THE
15th DAY OF August, 2005.

A RESOLUTION ACCEPTING AN EASEMENT
FROM RONNIE R. AND MARJORIE A. HOUCK,
OF MONTGOMERY COUNTY, OHIO, IN ORDER
TO ACCESS A PUBLIC PARKING AREA.

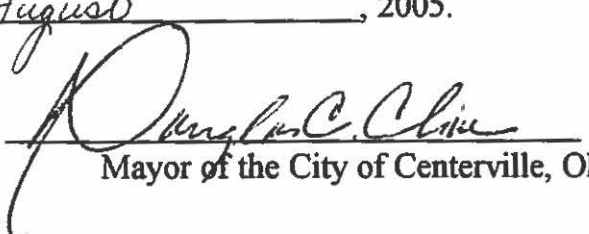
WHEREAS, It is necessary for Ronnie R. and Marjorie A. Houck to grant an
easement to the City of Centerville for the public to park vehicles of every kind, to pass
on foot or by vehicles of every description over the property of the grantor.

WHEREAS, Ronnie R. and Marjorie A. Houck, of Montgomery County, Ohio,
proposes to grant to the City of Centerville an easement on land described in Exhibit "A"
attached hereto and incorporated herein to install, maintain and replace utilities and a
driveway parking area on said property.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

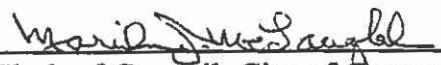
Section 1. The City of Centerville hereby accepts an easement granted by
Ronnie R. and Marjorie A. Houck, of Montgomery County, Ohio, on a parcel of land
described in Exhibit "A" attached hereto and incorporated herein, to install, maintain and
replace utilities and a driveway parking area on said property.

PASSED this 15th day of August, 2005.



Mayor of the City of Centerville, Ohio


ATTEST:



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 39-05, passed by the Council of the City of Centerville, Ohio, on the 15th day of August, 2005.


Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

PARKING, INGRESS/EGRESS & UTILITY EASEMENT

RONNIE R. HOUCK and MARJORIE A. HOUCK, husband and wife, Grantors, of Montgomery County, Ohio for valuable consideration paid and the agreements set forth below, GRANTS to the CITY OF CENTERVILLE, OHIO, an Ohio municipal corporation, as trustee for the public, whose address is 100 West Spring Valley Road, Centerville, Ohio 45458, a non-exclusive perpetual easement for the public to park vehicles of every kind, to pass on foot or by vehicles of every description over the property of the Grantors as described in Exhibit "A" attached hereto and incorporated herein (the Property), and to install, maintain and replace utilities and a driveway/parking area on said Property.

Grantee shall construct and maintain the way that is the subject of this easement.

Grantors shall have the right to use the way for purposes not inconsistent with Grantee's full enjoyment of the easements granted.

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

> Prior Instrument Reference: Microfiche #00-207A10 of the Deed Records of Montgomery County, Ohio.

Handwritten: 1/13/05*

In Witness Whereof, the Grantors have executed this PARKING, INGRESS/EGRESS & UTILITY EASEMENT this 13th day of APRIL 2005.

Handwritten signature of Ronnie R. Houck

RONNIE R. HOUCK

Handwritten signature of Marjorie A. Houck

MARJORIE A. HOUCK

STATE OF OHIO
MONTGOMERY COUNTY SS:

The foregoing instrument was acknowledged before me this 13th day of APRIL, 2005, by RONNIE R. HOUCK and MARJORIE A. HOUCK, husband and wife, the Grantors.

Handwritten signature of April S. Burchett

NOTARY PUBLIC

APRIL S. BURCHETT
NOTARY PUBLIC, STATE OF OHIO
COMMISSION EXPIRES 07-15-05

This Instrument Prepared By:
Scott A. Liberman, Esq.
Altick & Corwin Co., L.P.A.
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402

* with Addendum

Houck Remodeling

April 13, 2005

ADDENDUM to EASEMENT

1. Removal of mulberry tree at west side of building by city contractors included.
2. Construct a paved entrance off of west public parking area to meet existing paved parking area at 39 W Franklin St. Area to be 20' wide.
3. Permanent encroachment onto property for the purpose of making the entrance/exit wider for public parking on west property line is granted.
4. Ballard protection for the AC compressor are to be installed by city contractor.



McDougall, Marsh & Chico

Surveyors & Civil Engineers

8529 Byers Road, Miamisburg, OH 45342

Tel: 937-847-2660 Fax: 937-847-2670

INGRESS/EGRESS & UTILITY EASEMENT – I

Situate in the City of Centerville, Montgomery County, Ohio and being an ingress/egress and utility easement for the purpose of vehicular and pedestrian traffic, installation, maintenance and replacement of said utilities upon Part Lot 22 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Ronnie R. & Marjorie A. Houck by MF# 00-207A10 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

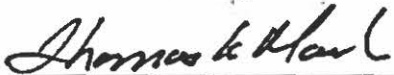
Beginning at a 5/8" rebar set at the northwest corner of said Lot 22 and also being the northwest corner of said Houck Parcel and the True Point of Beginning for the herein described ingress/egress and utility easement;

thence N 84°53'42" E with the north line of said Part Lot 22 a distance of 51.97 feet to a 5/8" rebar set at the northeast corner of said Houck Parcel;

thence S 01°04'21" W with the east line of said Houck Parcel a distance of 108.05 feet to a mag nail set;

thence S 85°05'20" W through said Houck Parcel a distance of 51.95 feet to a mag nail set in the west line of said Lot 22 and also being the west line of said Houck Parcel;

thence N 01°04'21" E with the west line of said Lot 22 and also being the west line of said Houck Parcel a distance of 107.87 feet to the True Point of Beginning, subject to all legal conditions, easements and rights-of-way of record. This description prepared by McDougall, Marsh, & Chico, based on a survey made by same in January 2003 and October 2004. Bearings are based on the centerline of right-of-way (N 01° 04'21" E) as shown on recorded Survey 2003-0211 of the Montgomery County Engineer's Office.



Thomas K. Marsh, P.S. #7735

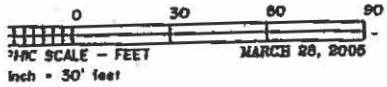


MONUMENT LEGEND

- indicates iron pin found
- indicates iron pipe found
- ✕ indicates r.r. spike / nail found
- indicates highway monument box found with 1" Bar
- ⊙ indicates "x" mark found
- X indicates cross notch found
- ▲ indicates mag nail set
- indicates 5/8" rebar set "MoMC-7735" Cap.

Plat of Survey / Division
PART LOT 23
 Benjamin Robbins Plat - P.B. 1, Pg. 11
 SECTION 25, TOWN 2, RANGE 6 M.R.s.
 City of Centerville
 Montgomery County, Ohio
 Tract A - 0.1802 Acres / Tract B - 0.0876 Acres

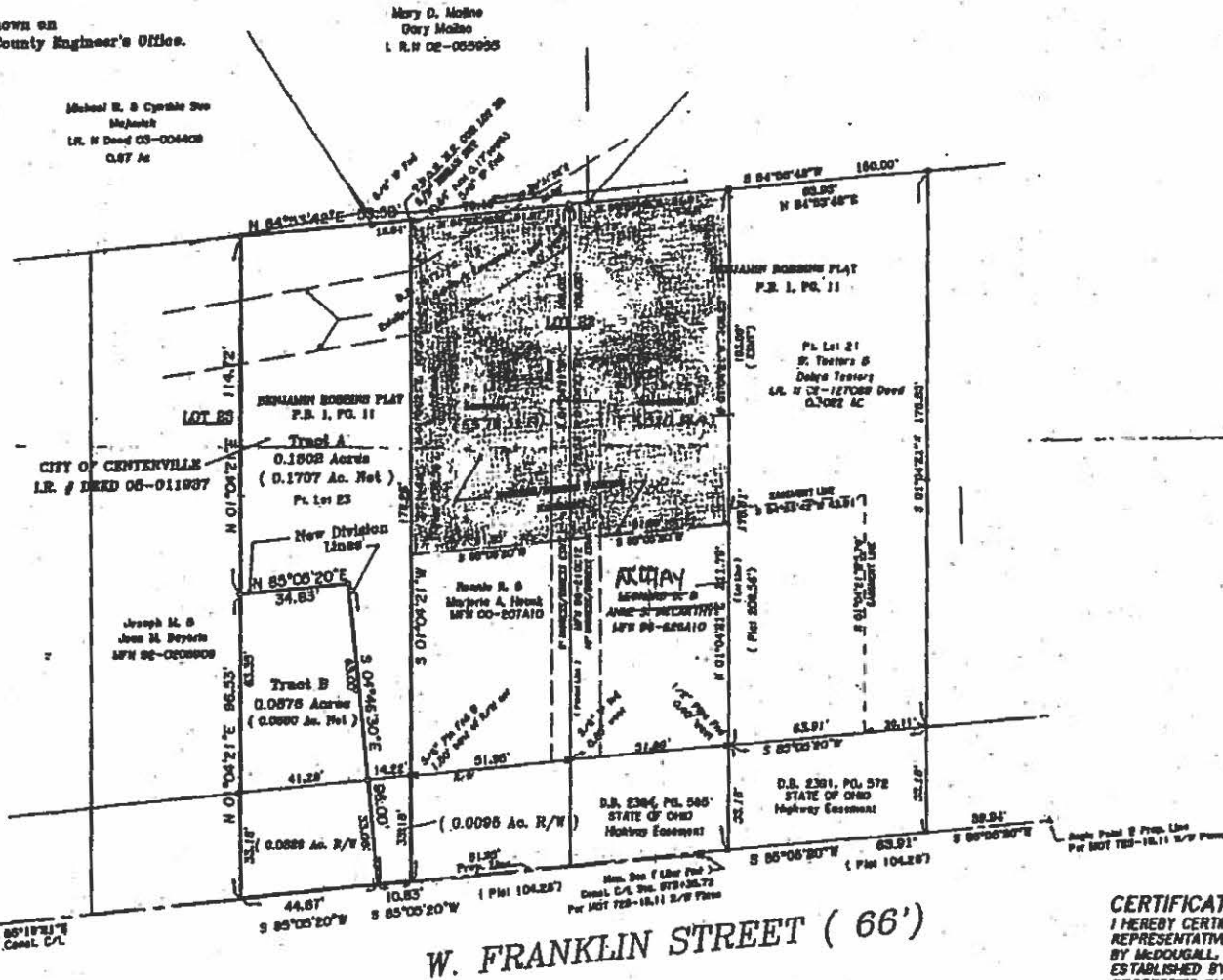
bearings based on the centerline of Main Street (S.R. 48) as shown on
 survey Record 2003-0211 (N 01°04'21" E) of the Montgomery County Engineer's Office.



McDougall, Marsh & Chico
 Surveyors and Civil Engineers
 129 Byers Road Tel: 937-847-2660
 Xenia, Ohio 45342 Fax: 937-847-2670

KEY NOTES:

- 1. DEED, SURVEY AND PLAN RECORDS SHOWN ON THIS SURVEY WERE USED IN THE PERFORMANCE OF THIS SURVEY.
- 2. USES OF OCCUPATION (WHERE EXISTING) IN GENERAL ARE SHOWN WITH PROPERTY LINES.
- 3. MONUMENTATION FOUND IN GOOD CONDITION UNLESS NOTED OTHERWISE.
- 4. ALL PINS SET ARE 30" x 5/8" REBAR WITH PLASTIC CAPS STAMPED "M&M 7735".
- 5. THIS SURVEY WAS PREPARED IN THE ABSENCE OF A COMPLETE UP TO DATE TITLE REPORT.



- REFERENCES:**
- 1. BENJAMIN ROBBINS PLAT - P.B. 1, PG. 11; RIDGEWAY DRIVE - P.B. "U-87";
 - 2. HIGHWAY PLAN MOT 786-10.11 R/W PLANS
 - 3. TRUSTEES OF WASHINGTON TOWNSHIP - D.B. 296, PG. 210, MF# 71-222503;
 - 4. CITY OF CENTERVILLE - L.R. DEED # 06-011837; RONNIE R. & MARJORIE A. ROUCK - 00-807AD; LEONARD D. & ANNE S. MCCARTHY - MF# 96-888A10;
 - 5. HIGHWAY EASEMENTS - D.B. 2304, PG. 586; D.B. 2391, PG. 578; D.B. 2381, PG. 578;
 - 6. SURVEY RECORDS - SUR 2003-0211; SUR 2004-0202;

W. FRANKLIN STREET (66')

CERTIFICATION:
 I HEREBY CERTIFY THAT THE DRAWING HEREIN IS REPRESENTATIVE OF A TRUE AND ACCURATE SURVEY MADE BY McDougall, Marsh & Chico, THAT THE PREMISES WERE ESTABLISHED BY ACTUAL FIELD MEASUREMENTS, THAT ALL PROPERTIES SURVEYED AND DESCRIBED ARE CONTIGUOUS ALONG THEIR ENTIRE BOUNDARIES AND ARE ENCLOSED WITHIN THE PERIMETERS THEREOF.



McDOUGALL, MARSH & CHICO
Thomas K. Marsh
 Thomas K. Marsh, P.E. # 7735