

RESOLUTION NO. 44-05
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan Lienesch ON THE 19th
DAY OF September, 2005.

A RESOLUTION ACCEPTING A PERMANENT
EASEMENT FROM HARLAN HAWKS
FOR THE INSTALLATION AND MAINTENANCE OF
STORM SEWERS AND STORM SEWER STRUCTURES.

WHEREAS, a parcel of land conveyed to Harlan Hawks is necessary for the construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon; and

WHEREAS, Harlan Hawks proposes to grant to the City of Centerville a permanent easement for a portion of land upon Part of Lot 24 of the Benjamin Robbins Plat, recorded in Plat Book 1, Page 11 of Plat records of Montgomery County, Ohio by Deed Microfiche No. 85-665B01, for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a permanent easement for a portion of the land conveyed to Harlan Hawks for the installation and maintenance of storm sewers and storm sewer structures, said land being a portion of Lot 24 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 of the records of Montgomery County, Ohio by Deed Microfiche No. 85-665B01, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

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

PASSED this 19th day of September, 2005.

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

ATTEST:

Debra James, Assistant
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 44-05, passed by the Council of the City of Centerville, Ohio, on the 19th day of September 2005.

Debra James, Assistant
Clerk of Council

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

Department of Law
Scott A. Liberman
Interim Municipal Attorney

EXHIBIT "A"

Situate in the City of Centerville, Montgomery County, Ohio and being a storm sewer easement 20 feet in width for the purpose of, installation, maintenance and replacement of said storm sewer upon part of Part Lot 24 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Harlan Hawks by Deed MF# 85-665B01 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the northwest corner of Lot 24 of said Benjamin Robbins Plat, said rebar set also being the northeast corner of Lot 25 of said Plat;

thence N 84°53'42" E with the north line of Part Lot 24 and also being the south line of a 0.67 acre tract conveyed to Michael W. & Cynthia Sue Majusick by I.R. # 03-004408 a distance of 51.48 feet to a 5/8" rebar set at the northwest corner of Part Lot 24 as conveyed to Beyerle Family Partners by Deed MF# 97-005D04;

thence S 01°04'21" W with the east line of said Hawks' Part Lot 24 and also being the west line of said Beyerle Family Partners' Part Lot 24 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Harlan Hawks' Part Lot 24 and being 20 feet south of and parallel to the north line of said Part Lot 24 a distance of 51.48 feet to a point in the east line of Lot 25 as conveyed to Mulay Holdings, LLC by LR. # 05-047903;

thence N 01°04'21" E with the east line of said Harlan Hawks' Part Lot 24 and the east line of said Lot 25 a distance 20.12 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 2004 and June 2005. Bearings are assumed for the purpose of angular measurement only.

EASEMENT FOR STORM SEWER

KNOW ALL MEN BY THESE PRESENTS: That Harlan Hawks hereby GRANTS to The City of Centerville, Ohio, an Ohio municipal corporation a PERMANENT EASEMENT for the permanent installation, location and maintenance of storm sewers and storm sewer structures thereon and thereunder and the right of ingress and egress to the following described area for the purpose of construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon, all of which shall be a burden upon the following described property which shall run with the land:

Situate in the City of Centerville, Montgomery County, Ohio and being a storm sewer easement 20 feet in width for the purpose of, installation, maintenance and replacement of said storm sewer upon part of Part Lot 24 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Harlan Hawks by Deed MF# 85-665B01 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the northwest corner of Lot 24 of said Benjamin Robbins Plat, said rebar set also being the northeast corner of Lot 25 of said Plat;

thence N 84°53'42" E with the north line of Part Lot 24 and also being the south line of a 0.67 acre tract conveyed to Michael W. & Cynthia Sue Majusick by I.R. # 03-004408 a distance of 51.48 feet to a 5/8" rebar set at the northwest corner of Part Lot 24 as conveyed to Beyerle Family Partners by Deed MF# 97-005D04;

thence S 01°04'21" W with the east line of said Hawks' Part Lot 24 and also being the west line of said Beyerle Family Partners' Part Lot 24 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Harlan Hawks' Part Lot 24 and being 20 feet south of and parallel to the north line of said Part Lot 24 a distance of 51.48 feet to a point in the east line of Lot 25 as conveyed to Mulay Holdings, LLC by LR. # 05-047903;

thence N 01°04'21" E with the east line of said Harlan Hawks' Part Lot 24 and the east line of said Lot 25 a distance 20.12 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 2004 and June 2005. Bearings are assumed for the purpose of angular measurement only.

Prepared by Thomas K. Marsh, P.S. #7735

Prior Instrument: Deed MF#85-665B01, Montgomery County Deed Records.

PROVIDED, HOWEVER, that the Grantee, its successors and assigns shall repair any damage to the above described property caused by virtue of its exercise of its rights granted hereunder.

EXECUTED this 24th day of August, 2005.

Harlan Hawks
HARLAN HAWKS

STATE OF OHIO)
)
COUNTY OF MONTGOMERY) SS:

The foregoing instrument was acknowledged before me this 24th day of August, 2005 by Harlan Hawks, the Grantor.

Marilyn J. McLaughlin
Notary Public

This instrument prepared by:
Scott A. Liberman
Altick & Corwin Co., L. P.A.
1700 One Dayton Centre
One South Main Street
Dayton, OH 45402
(937) 223-1201

MARILYN J. McLAUGHLIN, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 29, 2009