

RESOLUTION NO. 45-05
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION ACCEPTING A PERMANENT
EASEMENT FROM BEYERLE FAMILY PARTNERS
FOR THE INSTALLATION AND MAINTENANCE OF
STORM SEWERS AND STORM SEWER STRUCTURES.

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

WHEREAS, Beyerle Family Partners 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. 97-005D04, 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 Beyerle Family Partners 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. 97-005D04, 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 45-05, 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 Beyerle Family Partners by Deed MF # 97-005D04 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the northeast corner of Lot 24 of said Benjamin Robbins Plat, said rebar set also being the northwest corner of Lot 23 of said Plat;

thence S 01°04'21" W with the east line of said Beyerle Family Partners' Part Lot 24 and also being the west line of said Lot 23 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Beyerle Family Partners' Part Lot 24 and being 20 feet south of and parallel to the north line of said Part Lot 24 a distance of 51.95 feet to a point in the east line of Part Lot 24 as conveyed to Harlan Hawks by Deed MF# 85-665B01;

thence N 01°04'21" E with the west line of said Beyerle Family Partners' Part Lot 24 and the east line of said Hawks' Part Lot 24 a distance 20.12 feet a 5/8" rebar set at the northwest corner of Beyerle Family Partners Part Lot 24;

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 51.95 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.

EXHIBIT "A"

Case
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EASEMENT FOR STORM SEWER

KNOW ALL MEN BY THESE PRESENTS: That BEYERLE FAMILY PARTNERS 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 Beyerle Family Partners by Deed MF # 97-005D04 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the northeast corner of Lot 24 of said Benjamin Robbins Plat, said rebar set also being the northwest corner of Lot 23 of said Plat;

thence S 01°04'21" W with the east line of said Beyerle Family Partners' Part Lot 24 and also being the west line of said Lot 23 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Beyerle Family Partners' Part Lot 24 and being 20 feet south of and parallel to the north line of said Part Lot 24 a distance of 51.95 feet to a point in the east line of Part Lot 24 as conveyed to Harlan Hawks by Deed MF# 85-665B01;

thence N 01°04'21" E with the west line of said Beyerle Family Partners' Part Lot 24 and the east line of said Hawks' Part Lot 24 a distance 20.12 feet a 5/8" rebar set at the northwest corner of Beyerle Family Partners Part Lot 24;

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 LR # 03-004408 a distance of 51.95 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: MF # 97-005D04, 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 19 day of August, 2005.

BEYERLE FAMILY PARTNERS

Joseph M Beyerle
By: Partner
Its: _____

STATE OF OHIO)
)
COUNTY OF MONTGOMERY) SS:

The foregoing instrument was acknowledged before me this 19 day of August, 2005 by Joseph M. Beyerle, the partner of Beyerle Family Partners, the Grantor.

Victoria L Ours
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

VICTORIA L OURS
Notary Public, State of Ohio
My Commission Expires 03-28-08