

RESOLUTION NO. 46-05
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION ACCEPTING A PERMANENT
EASEMENT FROM JOSEPH M. BEYERLE AND JOAN M. BEYERLE
FOR THE INSTALLATION AND MAINTENANCE OF
STORM SEWERS AND STORM SEWER STRUCTURES.

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

WHEREAS, Joseph M. Beyerle and Joan M. Beyerle propose to grant to the City of Centerville a permanent easement for a portion of land upon Part of Lot 23 of the Benjamin Robbins Plat, recorded in Plat Book 1, Page 11 of Plat records of Montgomery County, Ohio by Deed Microfiche No. 92-206D08, 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 Joseph M. Beyerle and Joan M. Beyerle for the installation and maintenance of storm sewers and storm sewer structures, said land being a portion of Lot 23 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 of the records of Montgomery County, Ohio by Deed Microfiche No. 92-206D08, 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 Kugler
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 46-05, 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, repair and/or replacement of said storm sewer upon part of Part Lot 23 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Joseph M. and Joan M. Beyerle by Deed MF# 92-206D08 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 23 of said Benjamin Robbins Plat, said rebar set also being the northeast corner of Lot 24 of said Plat;

thence N 84°53'42" E with the north line of Part Lot 23 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 48.18 feet to a 5/8" rebar set at the northwest corner of Part Lot 23 as conveyed to the City of Centerville by I.R. # 05-011937;

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

thence S 84°53'42" W through said Beyerle's Part Lot 23 and being 20 feet south of and parallel to the north line of said Part Lot 23 a distance of 48.18 feet to a point in the west line of Lot 23 and also being the east line of said Lot 24 as conveyed to Beyerle Family Partners by Deed MF# 97-005D04 and also known as Part Lot 24;

thence N 01°04'21" E with the west line of said Lot 23 and the east line of said Lot 24 a distance of 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.

Case
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EASEMENT FOR STORM SEWER

KNOW ALL MEN BY THESE PRESENTS: That JOSEPH M. BEYERLE and JOAN M. BEYERLE hereby GRANT 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, repair and/or replacement of said storm sewer upon part of Part Lot 23 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Joseph M. and Joan M. Beyerle by Deed MF# 92-206D08 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 23 of said Benjamin Robbins Flat, said rebar set also being the northeast corner of Lot 24 of said Flat;

thence N 84°53'42" E with the north line of Part Lot 23 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 48.18 feet to a 5/8" rebar set at the northwest corner of Part Lot 23 as conveyed to the City of Centerville by I.R. # 05-011937;

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

thence S 84°53'42" W through said Beyerle's Part Lot 23 and being 20 feet south of and parallel to the north line of said Part Lot 23 a distance of 48.18 feet to a point in the west line of Lot 23 and also being the east line of said Lot 24 as conveyed to Beyerle Family Partners by Deed MF# 97-005D04 and also known as Part Lot 24;

thence N 01°04'21" E with the west line of said Lot 23 and the east line of said Lot 24 a distance of 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 #92-206D08, Montgomery County Deed Records.

\$44.00 08/22/05 14:14:51
EASE-05-08E772 0004
Montgomery County
Judy Dodge Recorder

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.

Joseph M. Beyerle
JOSEPH M. BEYERLE

Joan M. Beyerle
JOAN M. BEYERLE

STATE OF OHIO)
COUNTY OF MONTGOMERY)

SS:

The foregoing instrument was acknowledged before me this 19 day of August, 2005 by Joseph M. Beyerle and Joan M. Beyerle, the Grantors.

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