

RESOLUTION NO. 47-05
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION ACCEPTING A PERMANENT
EASEMENT FROM JOHN O'BRYAN
FOR THE INSTALLATION AND MAINTENANCE OF
STORM SEWERS AND STORM SEWER STRUCTURES.

WHEREAS, a parcel of land conveyed to John O'Bryan is necessary for the construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon; and

WHEREAS, John O'Bryan proposes to grant to the City of Centerville a permanent easement for a portion of land upon part of a 0.54 acre parcel situate in Section 25, Town 2, Range 6 M.Rs., the City of Centerville, Montgomery County, Ohio, by Deed Microfiche No. 92-249E11, 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 John O'Bryan for the installation and maintenance of storm sewers and storm sewer structures, said land being a portion of land upon part of a 0.54 acre parcel situate in Section 25, Town 2, Range 6 M.Rs., the City of Centerville, Montgomery County, Ohio, by Deed Microfiche No. 92-249E11, 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 Krueger
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 47-05, 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 Section 25, Town 2, Range 6 M.Rs., the City of Centerville, Montgomery County, Ohio and being a storm sewer easement 25 feet in width for the purpose of, installation, maintenance and replacement of said storm sewer upon part of a 0.54 acre parcel conveyed to John O'Bryan by Deed MF# 92-249E11 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the southeast corner of said 0.54 acre parcel and also being the southwest corner of a 0.67 acre tract conveyed to Michael W. and Cynthia Sue Majusick by LR. # 03-004408 and being in the north line of Lot 25 of the Benjamin Robbins Plat recorded in Plat Book 1, Page 11;

thence S 84°53'42" W with the south line of said 0.54 acre parcel and the north line of said Lot 25 a distance of 25.00 feet to a point;

thence N 06°09'30" W through said 0.54 acre parcel 25 feet west of and parallel to the east line of said 0.54 acre parcel a distance of 139.86 feet to a point in the south line of Ridgeway Drive;

thence with the south line of Ridgeway Drive on a curve to the left having a radius of 3844.83 feet, an arc distance of 25.00 feet and a central angle of 0°22'21" the chord of which bears N 84°55'47" E a distance of 25.00 feet to a 5/8" rebar set at the northeast corner of said 0.54 acre parcel and also being the northwest corner of said 0.67 acre tract;

thence S 06°09'30" E with the east line of said 0.54 acre parcel and the west line of said 0.67 acre tract a distance of 139.85 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"

EWS

EASEMENT FOR STORM SEWER

KNOW ALL MEN BY THESE PRESENTS: That JOHN O'BRYAN 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 Section 25, Town 2, Range 6 M.Rs., the City of Centerville, Montgomery County, Ohio and being a storm sewer easement 25 feet in width for the purpose of, installation, maintenance and replacement of said storm sewer upon part of a 0.54 acre parcel conveyed to John O'Bryan by Deed MF# 92-249E11 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at an 5/8" rebar set at the southeast corner of said 0.54 acre parcel and also being the southwest corner of a 0.67 acre tract conveyed to Michael W. and Cynthia Sue Majusick by LR. # 03-004408 and being in the north line of Lot 25 of the Benjamin Robbins Plat recorded in Plat Book 1, Page 11;

thence S 84°53'42" W with the south line of said 0.54 acre parcel and the north line of said Lot 25 a distance of 25.00 feet to a point;

thence N 06°09'30" W through said 0.54 acre parcel 25 feet west of and parallel to the east line of said 0.54 acre parcel a distance of 139.86 feet to a point in the south line of Ridgeway Drive;

thence with the south line of Ridgeway Drive on a curve to the left having a radius of 3844.83 feet, an arc distance of 25.00 feet and a central angle of 0°22'21" the chord of which bears N 84°55'47" E a distance of 25.00 feet to a 5/8" rebar set at the northeast corner of said 0.54 acre parcel and also being the northwest corner of said 0.67 acre tract;

thence S 06°09'30" E with the east line of said 0.54 acre parcel and the west line of said 0.67 acre tract a distance of 139.85 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: Microfiche #92-249E11, 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 18th day of August, 2005.



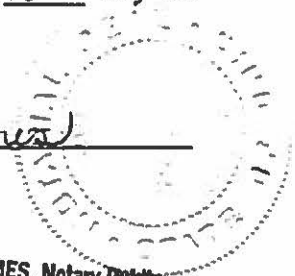
JOHN O'BRYAN

STATE OF OHIO)
)
COUNTY OF MONTGOMERY) SS:

The foregoing instrument was acknowledged before me this 18th day of August, 2005 by John O'Bryan, the Grantor.



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

DEBRA A. JAMES, Notary Public
In and for the State of Ohio
My Commission Expires April 13, 2010