

RESOLUTION NO. 56-05  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 17<sup>th</sup>  
DAY OF October, 2005.

A RESOLUTION ACCEPTING A PERMANENT  
EASEMENT FROM MULAY HOLDINGS, LLC  
FOR THE INSTALLATION AND MAINTENANCE OF  
STORM SEWERS AND STORM SEWER STRUCTURES.

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

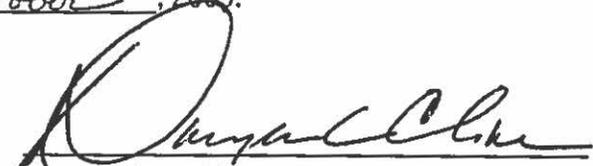
WHEREAS, Mulay Holdings, LLC proposes to grant to the City of Centerville a permanent easement for a portion of land upon Part of Lot 25 of the Benjamin Robbins Plat, recorded in Plat Book 1, Page 11 of Plat records of Montgomery County, Ohio by Deed I.R. # 05-047903, for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY  
RESOLVES:

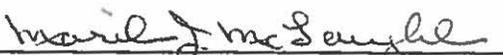
Section 1. The City of Centerville hereby accepts a permanent easement for a portion of the land conveyed to Mulay Holdings, LLC for the installation and maintenance of storm sewers and storm sewer structures, said land being a portion of Lot 25 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 of the records of Montgomery County, Ohio by Deed recorded I.R. # 05-047903, 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 17<sup>th</sup> day of October, 2005.

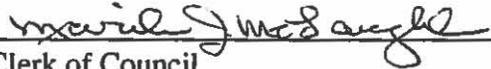
  
Deputy Mayor of the City of Centerville, Ohio

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 56-05, passed by the Council of the City of Centerville, Ohio, on the 17<sup>th</sup> day of October, 2005.

  
Clerk of Council

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

Department of Law  
Scott A. Liberman  
Interim Municipal Attorney

## EASEMENT FOR STORM SEWER

**KNOW ALL MEN BY THESE PRESENTS:** That MULAY HOLDINGS, LLC 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 Lot 25 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Mulay Holdings, LLC. by I.R. # 05-047903 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 25 of said Benjamin Robbins Plat, said rebar set also being the northwest corner of Lot 24 of said Plat;

thence S 01°04'21" W with the east line of said Lot 25 and also being the west line of said Lot 24 as conveyed to Harlan Hawks by Deed MF# 85-665B01 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Lot 25 and being 20 feet south of and parallel to the north line of said Lot 25 a distance of 102.93 feet to a point in the west line of Lot 25, also being in the east line of Lot 31 as conveyed to Charles C. Craft and Vannah E. Nantz-Craft by Deed MF# 93-062D04;

thence N 01°04'21" E with the west line of said Lot 25 and the east line of said Lot 31 a distance 20.12 feet to a 5/8" rebar set in the south line of a 0.54 acre tract conveyed to John O'Bryan by Deed MF# 92-249E11;

thence N 84°53'42" E with the north line of Lot 25, the south line of said 0.54 acre tract and also with the south line of a 0.67 acre tract conveyed to Michael W. & Cynthia Sue Majusick by I.R. # 03-004408 a distance of 102.93 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: I.R. #05-047903, Montgomery County Deed Records.





**McDougall, Marsh & Chico**  
Surveyors & Civil Engineers

8529 Byers Road, Miamisburg, OH 45342  
Tel: 937-847-2660 Fax: 937-847-2670

**STORM EASEMENT NO. 5**  
( LOT 25 )

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 Lot 25 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Mulay Holdings, LLC. by I.R. # 05-047903 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 25 of said Benjamin Robbins Plat, said rebar set also being the northwest corner of Lot 24 of said Plat;

thence S 01°04'21" W with the east line of said Lot 25 and also being the west line of said Lot 24 as conveyed to Harlan Hawks by Deed MF# 85-665B01 a distance of 20.12 feet to a point;

thence S 84°53'42" W through said Lot 25 and being 20 feet south of and parallel to the north line of said Lot 25 a distance of 102.93 feet to a point in the west line of Lot 25, also being in the east line of Lot 31 as conveyed to Charles C. Craft and Vannah E. Nantz-Craft by Deed MF# 93-062D04;

thence N 01°04'21" E with the west line of said Lot 25 and the east line of said Lot 31 a distance 20.12 feet to a 5/8" rebar set in the south line of a 0.54 acre tract conveyed to John O'Bryan by Deed MF# 92-249E11;

thence N 84°53'42" E with the north line of Lot 25, the south line of said 0.54 acre tract and also with the south line of a 0.67 acre tract conveyed to Michael W. & Cynthia Sue Majusick by I.R. # 03-004408 a distance of 102.93 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.



Thomas K. Marsh, P.S. #7735

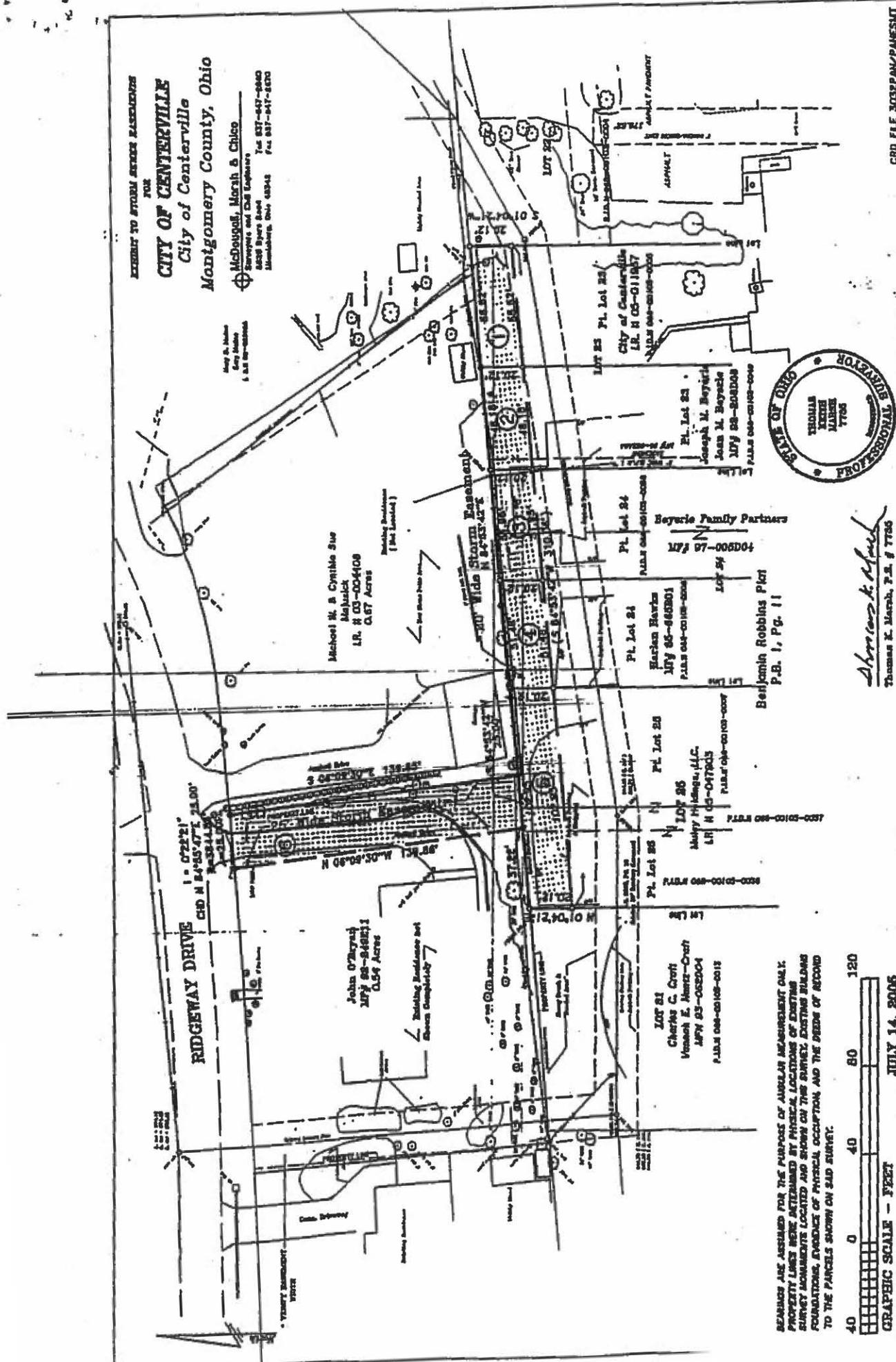


EXHIBIT TO STORM SEWER RECONSTRUCTION FOR

**CITY OF CENTERVILLE**  
 City of Centerville  
 Montgomery County, Ohio

McDougal, Marsh & Chico  
 Surveyors and Civil Engineers  
 2000 Byrne Road  
 Middletown, Ohio 45042  
 Tel 513-437-8840  
 Fax 513-437-8820

Map by John  
 City of Centerville  
 1:25,000



*Thomas E. Marsh*  
 Thomas E. Marsh, P.E. # 7766

SEARCHES ARE ASSUMED FOR THE PURPOSE OF ANGULAR MEASUREMENT ONLY.  
 PROPERTY LINES WERE DETERMINED BY PHYSICAL LOCATIONS OF EXISTING  
 SURVEY MONUMENTS LOCATED AND SHOWN ON THIS SURVEY. EXISTING BUILDING  
 FOUNDATIONS, EVIDENCE OF PHYSICAL OCCUPATION, AND THE RECORDS OF RECORD  
 TO THE PARCELS SHOWN ON SAID SURVEY.



JULY 14, 2006

CRD FILE 3032PAN/PANESMT