

RESOLUTION NO. 06-03  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas C. Cline ON THE  
17<sup>th</sup> DAY OF February, 2003.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, FOR SANITARY SEWER CONSTRUCTION AND THE EXTENSION OF A WATER LINE THROUGH PROPERTY OWNED BY THE CITY OF CENTERVILLE.

WHEREAS, it is necessary for the City of Centerville, Ohio, to grant unto the Board of County Commissioners of Montgomery County, Ohio, an easement for sanitary sewer construction east of Paragon Road and to provide water main service to Section One (1) of The Links at Yankee Trace, and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio is requesting an easement on property situated in the City of Centerville, Montgomery County, State of Ohio, said property being a part of land owned by the City of Centerville and recorded on Microfiche No.01-0663-C11 of the Deed Records of Montgomery County, Ohio.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to do all things necessary to execute the grant of an easement to the Board of County Commissioners of Montgomery County, Ohio, for sanitary sewer construction east of Paragon Road and to provide water main service to Section One (1) of The Links at Yankee Trace, through property owned by the City of Centerville, said easement further described in Exhibit "A", a copy of which is hereby attached and made a part hereof.

Section 2. This Resolution shall become effective immediately upon passage.

PASSED this 17<sup>th</sup> day of February, 2003.

Sally D. Beale  
Mayor of the City of Centerville, Ohio

ATTEST:

Maile M. Sauer  
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 06-03, passed by the Council of the City of Centerville, Ohio, on the 17<sup>th</sup> day of February, 2003.

Maile M. Sauer  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

DISTRICT: GREATER MORaine - BEAVERCREEK SEWER DISTRICT  
SEWER IMPROVEMENT AREA # \_\_\_\_\_  
\_\_\_\_\_ SUBDISTRICT  
EASEMENT DEED

KNOW ALL MEN BY THESE PRESENT:

That \_\_\_\_\_

\_\_\_\_\_

in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them paid by the Board of County Commissioners of Montgomery County, Ohio, receipt of which is acknowledged, does hereby grant and release to said Board of County Commissioners of Montgomery County, Ohio, and their successors in office, forever, the right, privilege and easement to construct, maintain, tap into and repair a sanitary sewer and/or water line through the following described real estate:

Situate in Section 5, Town 2, Range 5, M.Rs., The City of Centerville, Montgomery County, Ohio and being a Water and Sanitary Sewer Easement further described as follows:

Beginning at an existing P.K. nail on the northeast corner of lot 6 of Paragon Acres Subdivision, as recorded in Plat Book KK, Page 50 of the Montgomery County Recorder's Office, said corner also being on the centerline of Paragon Road; thence, departing said Paragon Acres Subdivision and with said Paragon Road, the following two courses: North 02°23'07" East, 514.41 feet, to a found spike; thence, North 02°23'53" East, 185.71 feet, to an existing PK Nail on a southerly line of The City of Centerville as recorded in M.F. # 01-0663-C11; thence, departing said Paragon Road and with said City of Centerville Land, South 87°36'07" East, passing an existing 5/8" iron pin at 35.00 feet, for a total distance of 48.57 feet, to a point on the northerly line of an original 6.128 acres, as conveyed to Yankee Trace Development, Inc., as recorded in M.F.# 01-0663-D08, and the true point of beginning;

thence from the true point of beginning, thus found, departing said City of Centerville, and said 6.128 acres, North 02°31'02" East, 20.00 feet to a point on the southerly line of an original 40.726 acre tract as conveyed to Yankee Trace Development, Inc., as recorded in M.F. # 01-0663-D08;

thence with said 40.726 acres, the following two courses: South 87°36'07" East, 16.39 feet to an existing 5/8" iron pin;  
thence South 47°40'40" East, 35.62 feet;  
thence departing said 40.726 acres, South 47°23'53" West, 13.82 feet;  
thence South 02°31'02" West, 8.11 feet to a point on a southerly line of said City of Centerville Land;  
thence with said City of Centerville Land the following two courses: North 47°40'40" West, 32.33 feet to an existing 5/8" iron pin;  
thence North 87°36'07" West, 9.16 feet to the true point of beginning.

Said property now is owned by \_\_\_\_\_

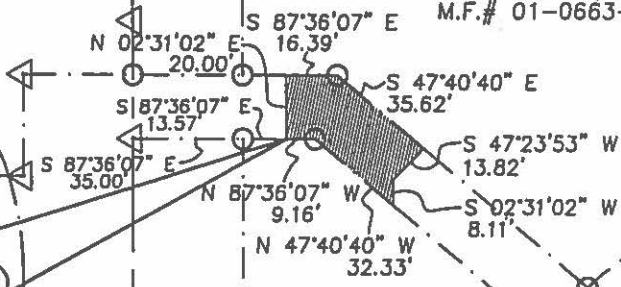
By deed reference: \_\_\_\_\_

Said grantees are to have the right and privilege of entering upon the above described premises through themselves, employees and contractors to construct, maintain, tap into and repair the sanitary sewer and/or water line along the line above set forth.

As further consideration for this easement, grantees agree to restore the said premises to its original condition, as near as possible, after construction, repair or replacement of said sanitary sewer and/or water line, unless otherwise agreed to by separate agreement.

Yankee Trace Development, Inc.  
 40.726 Ac. (Orig.)  
 M.F.# 01-0663-D08

VINTAGE GREEN  
 WAY






T.P.O.B.

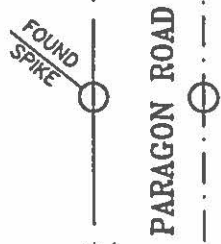
City of Centerville  
 20.225 Ac.  
 M.F.# 01-0663-C11

City of Centerville  
 20.225 Ac.  
 M.F.# 01-0663-C11

**LEGEND**

-  Ex. 5/8" Iron Pin
-  Ex. PK Nail
-  Water and Sanitary Sewer Easement

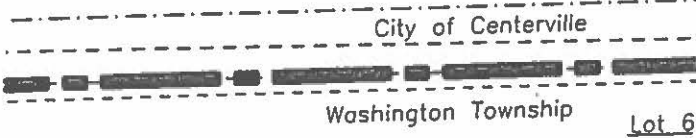
Yankee Trace Development, Inc.  
 6.128 Acres (Orig.)  
 M.F.# 01-0663-D08



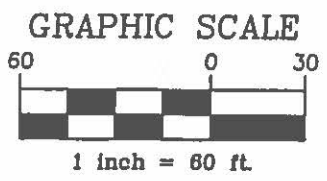
Ex. 60'  
 R/W



P.O.B.



Paragon Acres  
 Subdivision  
 Plat Book KK, Page 50



**EXHIBIT FOR  
 SANITARY SEWER AND  
 WATER EASEMENT**  
 SECTION 5, TOWN 2, RANGE 5 M.Rs.  
 CITY OF CENTERVILLE  
 MONTGOMERY COUNTY, OHIO

The Grantor\_\_ shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns; provided, however, that no buildings or other structures shall be erected within the limits of said right of way and easement by the Grantor\_\_ or any other party claiming title or possession under said Grantor\_\_.

IN WITNESS WHEREOF, the said\_\_\_\_\_

\_\_\_\_\_

hereunto subscribed \_\_\_\_\_ name on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Executed in the presence of us:  
(two witnesses required)

Witness:  
1) \_\_\_\_\_  
(print:) \_\_\_\_\_

Owner:  
\_\_\_\_\_  
(print:) \_\_\_\_\_  
Title: \_\_\_\_\_

2) \_\_\_\_\_  
(print:) \_\_\_\_\_

\_\_\_\_\_  
(print:) \_\_\_\_\_  
Title: \_\_\_\_\_

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared \_\_\_\_\_

\_\_\_\_\_

the grantor\_\_ in the foregoing easement deed, and acknowledged the execution thereof to be \_\_\_\_\_ free and voluntary act for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Ohio  
My Commission expires \_\_\_\_\_

This instrument approved as to form by:  
Mathias H. Heck, Jr., Prosecuting Attorney

by \_\_\_\_\_