

RESOLUTION NO. 11-03
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul M. Shisham ON THE
17th DAY OF March, 2003.

A RESOLUTION ACCEPTING AN EASEMENT
FROM GREG LEE REALTY, INC. OF MONTGOMERY
COUNTY, OHIO, FOR THE CONSTRUCTION, MAIN-
TENANCE, AND ACCESS TO A TRAFFIC CONTROL
DEVICE ON SAID PROPERTY.

WHEREAS, It is necessary for Greg Lee Realty, Inc. to grant an easement to the
City of Centerville in order that the Grantee can construct, maintain, and access a traffic
control device on land owned by the Grantor, and

WHEREAS, Greg Lee Realty, Inc. of Montgomery County, Ohio, proposes to
grant to the City of Centerville an easement on land described in Exhibit "A" attached
hereto, for said purpose.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. The City of Centerville hereby accepts an easement granted by Greg
Lee Realty, Inc. of Montgomery County, Ohio, on a parcel of land described in Exhibit
"A" attached hereto and incorporated herein, to provide for the construction,
maintenance and access to a traffic control device on said property situated on the west
side of North Main Street (State Route 48) across from Bradstreet Road in the City of
Centerville.

Section 2. This Resolution shall become effective at the earliest date allowed
by law.

PASSED this 17th day of March, 2003.

Lady D. Beak
Mayor of the City of Centerville, Ohio

ATTEST:

Mario Jim Saugher
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 11-03, passed by the Council of the City of Centerville, Ohio, on the 17th day of March, 2003.

Mario Jim Saugher
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EASEMENT FOR TRAFFIC SIGNAL CONTROL DEVICE

KNOW ALL MEN BY THESE PRESENTS: That Greg Lee Realty, Inc. an Ohio corporation, the Grantor who is the owner of a 1.00 acre parcel of real property as described in a deed recorded in Microfiche Number 96-707C 09 of the Deed Records of Montgomery County, Ohio hereby **GRANTS** to the City of Centerville, an Ohio municipal corporation, the Grantee, its successors and assigns the easement which is more particularly described in Exhibit A, attached hereto and incorporated herein.

Appurtenant to said easement is the perpetual, non-exclusive right of Grantee to construct, maintain and access a traffic control device on the property described in Exhibit A.

PROVIDED, HOWEVER, THAT the Grantee, its successors and assigns shall repair any damage to property described in Exhibit A caused by virtue of its exercise of its rights granted hereunder.

IN WITNESS WHEREOF, Greg Lee Realty, Inc. acting by and through its duly authorized President, Grantor has executed this Easement this ___ day of February, 2003.

Witness:

GREG LEE REALTY, INC.

Melissa D. West
Jennifer Brown

By: *Dennis M. Hanaghan, Jr.*
Its President
GRANTOR

State of Ohio
County of Montgomery SS:

The foregoing instrument was acknowledged before me this 11th day of March, 2003 by Dennis M. Hanaghan, President of Greg Lee Realty, Inc., an Ohio corporation on behalf of the corporation.

Melissa D. West
Notary Public

MELISSA D. WEST, Notary Public
In and for the State of Ohio
My Commission Expires 10/3/2006

This Instrument Prepared By:
Robert N. Farquhar
Attorney at Law
1700 One Dayton Centre
Dayton, Ohio 45402

EXHIBIT A

Situate in Section 21, Town 2, Range 6 M.Rs., City of Centerville, Montgomery County, Ohio and being a Traffic Control Easement for the purpose of ingress/egress, maintenance and replacement of traffic control devices, hardware and pavement sensors across part of an 1.00 acre tract as conveyed to Greg Lee Realty, Inc. by Deed MF # 96-707C09 of the deed records of Montgomery County, Ohio and the centerline of which is more particularly described as follows:

Starting for reference at a highway monument found in the centerline of Main Street (S. R. 48), said monument being at centerline station 195+00 as shown on MOT-48 3.38-6.52 highway plan and also recorded the Centerline/Right-of-way Plat recorded in plat book 63, page 2 & 3;

thence N 01°00'00" W with the said centerline of Main Street (S. R. 48) a distance of 131.17 feet to the northeast corner of said 1.00 acre tract;

thence S 85°30'00" W with the south line of said 1.00 acre tract for a distance of 35.07 feet to a 5/8" iron pin set in the west right-of-way of said Main Street (35.00 left of centerline station 196+29.03);

thence N 01°00'00" W with the with the west line of Main Street (S. R. 48) a distance of 4.95 feet to the True Point of Beginning for the herein described traffic control easement;

thence through said 1.00 acre tract for the following five (5) courses:

1). thence S 85°30'00" W for a distance of 25.05 feet;

2). thence N 01°00'00" W for a distance of 23.04 feet;

3). thence N 85°28'41" E for a distance of 21.04 feet;

4). thence N 01°00'00" W for a distance of 20.24 feet;

5). thence N 89°00'00" E for a distance of 4.00 feet to a point in the west line of said Main Street (S.R. 48);

thence S 01°00'00" E with the west line of said Main Street (S.R. 48) a distance of 43.04 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 2003.

Bearings are based on Deed MF# 96-707C09 (centerline N 01°30'00" W) as recorded in the deed records of Montgomery County, Ohio.

S & E Investments
MFH 01-642D02

Property Line

35.0'

MON. BOX

Bearings based on Deed MFH 96-569B06
as conveyed to Terrence P. Torbeck as recorded
in the Montgomery County Recorder's Office.
(Centerline - N 01°30'00" W)



(1.0 AC) - 0.914 Ac
GREG LEE REALTY, INC.
MF# 96-707609

N 89°00'00"E
4.00'

mag nail set

N 01°00'00"W
20.24'

Traffic-Elec Box

mag nail set N 85°28'41"E

Existing
Asphalt Drive

81.04'

43.04'

25.00'

11.00, 00.10 N

25.00'

25.00'

S 85°30'00"W

N 01°00'00"W

4.95'

Property Line

Asphalt Parking

R.C.K. Investments Co.
MFH 80-276A01

Right-of-Way

State of Ohio
D.B. 1994, Pg. 161

MAIN STREET (S.R. 48)

CENTERLINE

CURB

Cent. Apron

T.P.O.B.

35.07'

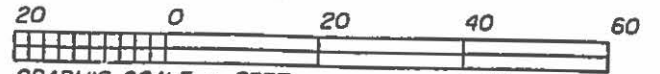
S 85°30'00"W

N 01°00'00"W
13.17'

MON. BOX
STA 195+00

Reference of Centerline
O.D.O.T. HIGHWAY PLAN
(MOT-48 3.38-6.52)
P.B. 63, PG. 2 & 3

Exhibit B
Traffic Control Easement
City of Centerville
Section 21, Town 2, Range 6 M.Rs.
Montgomery County, Ohio



GRAPHIC SCALE - FEET
1" INCH = 20' FEET
JANUARY 2003

McDOUGALL, MARSH & CHICO
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MIAMSBURG, OHIO 45342
(614) 647-9800
mcmello@voh.ir.com



Thomas K. Marsh
THOMAS K. MARSH, P.S. # 7735