

RESOLUTION NO. 23-02  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James E. Singer ON THE  
20<sup>th</sup> DAY OF May, 2002.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT OF WAY AND EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO THE DAYTON POWER & LIGHT COMPANY TO EXTEND ELECTRIC SERVICE IN THE YANKEE TRACE DEVELOPMENT.

WHEREAS, it is necessary for the City of Centerville to grant unto The Dayton Power & Light Company rights of way and easements in order that electricity may be extended to property located on Paragon Road, north of Social Row Road in Yankee Trace, and

WHEREAS, to accomplish this the Dayton Power & Light Company is requesting rights of way and easements 20 and 50 feet in width on property situated in the City of Centerville, Montgomery County, State of Ohio, and owned by the City of Centerville, said property being situated in part of Section 35, Town 3, Range 5 MRS and being a part of the premises described in a Fiduciary Deed recorded on Microfiche Number 01-0375-E07 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 a grant of rights of way and easements to the Dayton Power & Light Company in order that electric service may be extended to a new development in Yankee Trace, in accordance with said option for rights of way and easements, which is attached hereto and made a part hereof, marked Exhibit "A", provided, however, that such rights of way and easements shall be modified so as to reflect they are subject to any comprehensive right of way Ordinance or regulations adopted by the City and to indicate that nothing in the grant of such rights of way or easements should be construed to waive any franchise rights of the City.

SECTION 2. That this Resolution shall become effective immediately upon passage.

PASSED this 20<sup>th</sup> day of May, 2002.

\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. Saughli  
Clerk of the Council of the  
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 23-02, passed by the Council of the City of Centerville, Ohio, on the 20th day of May, 2002.

Marilyn J. Saughli  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

EXHIBIT "A"      TRANSMISSION  
**THE DAYTON POWER AND LIGHT COMPANY  
GRANT FOR ELECTRIC RIGHT OF WAY AND EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS  
THAT CITY OF CENTERVILLE, OHIO, AN OHIO CORPORATION**

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Grantor(s) for valuable consideration provided by THE DAYTON POWER AND LIGHT COMPANY (hereinafter called ("Grantee"), do(es) hereby grant to The Grantee and its successors and assigns forever, a right of way and easement for any and all purposes for which electric energy is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace either overhead or underground electric facilities consisting of poles, lines, structures, wires, cables, conduits, manholes, anchors, grounding systems, communication circuits, fiber optic cables, equipment, and all other necessary and incidental appurtenances contained in, over, upon, under and through, subject to the conditions hereinafter on the following premises, viz:

Situated in The City of Centerville, Montgomery County, State of Ohio.

Being a tract of land containing 20.225 acres, more or less, situated in a part of Section 34, Town 3, Range 5M.R.S. and being a part of the premises conveyed in a Warranty Deed recorded on Microfiche No. 01-0663 C11 of the Deed Records of Montgomery County, Ohio Parcel I. D. No. O68-11-19-1, 6, & 11

Said right of way and easement shall be 20 & 50 feet in width and the centerline shall be approximately along the following course identified on Exhibit "A" attached hereto and made a part hereof.

The Grantee, its successors and assigns, its agents, contractors and employees will have the right of ingress and egress over the right of way and the adjoining premises of The Grantor for all purposes previously stated, together with the right to trim, cut, and remove or otherwise control trees, roots, undergrowth or overhanging branches or other obstructions both within and without the limits of the right of way and easement which according to The Grantee's standards and its opinion may interfere with the construction, maintenance, use or successful operation of the electric facilities.

No buildings or other structures shall be erected within the limits of the said right of way and easement by The Grantor(s). No excavating or filling shall be done or be permitted by The Grantor within the right of way and easement that would either (A) reduce or add to the distance between The Grantee's facilities and the land surface without The Grantee's prior written consent and which consent will not be unreasonably withheld, (B) impair The Grantee's ability to maintain the facilities or (C) create a hazard.

The Grantor(s) shall have the right to use the land within the easement area in any manner not inconsistent within this grant for right of way and easement.

The Grantee, its successors and assigns, shall reimburse The Grantor(s) for any damage or loss to growing crops and other property damages that may be caused by The Grantee, its agents, contractors or employees in construction, repair or removal of said electric facilities.

The Grantor(s) covenant with The Grantee, that they is/are the true and lawful owners of the property herein described and have full power and authority to grant this right of way and easement.

In the event that any road should be widened or relocated so that its right of way extends onto The Grantee's right of way and easement herein provided for, The Grantee may, but shall not be required to, relocate or reconstruct its facilities, so that The Grantee's right of way as relocated has a centerline of said right of way that shall not be more than ten (10) and twenty-five (25) feet off the road right of way as widened or relocated.

The grant of right of way and easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors, and assigns.

As used herein, words in plural number include words in the singular number.

IN WITNESS WHEREOF, the Grantor(s) have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed and acknowledged in the presence of:

GRANTORS:

CITY OF CENTERVILLE, OHIO, AN OHIO CORPORATION

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BY: \_\_\_\_\_

ITS: \_\_\_\_\_

AND: \_\_\_\_\_

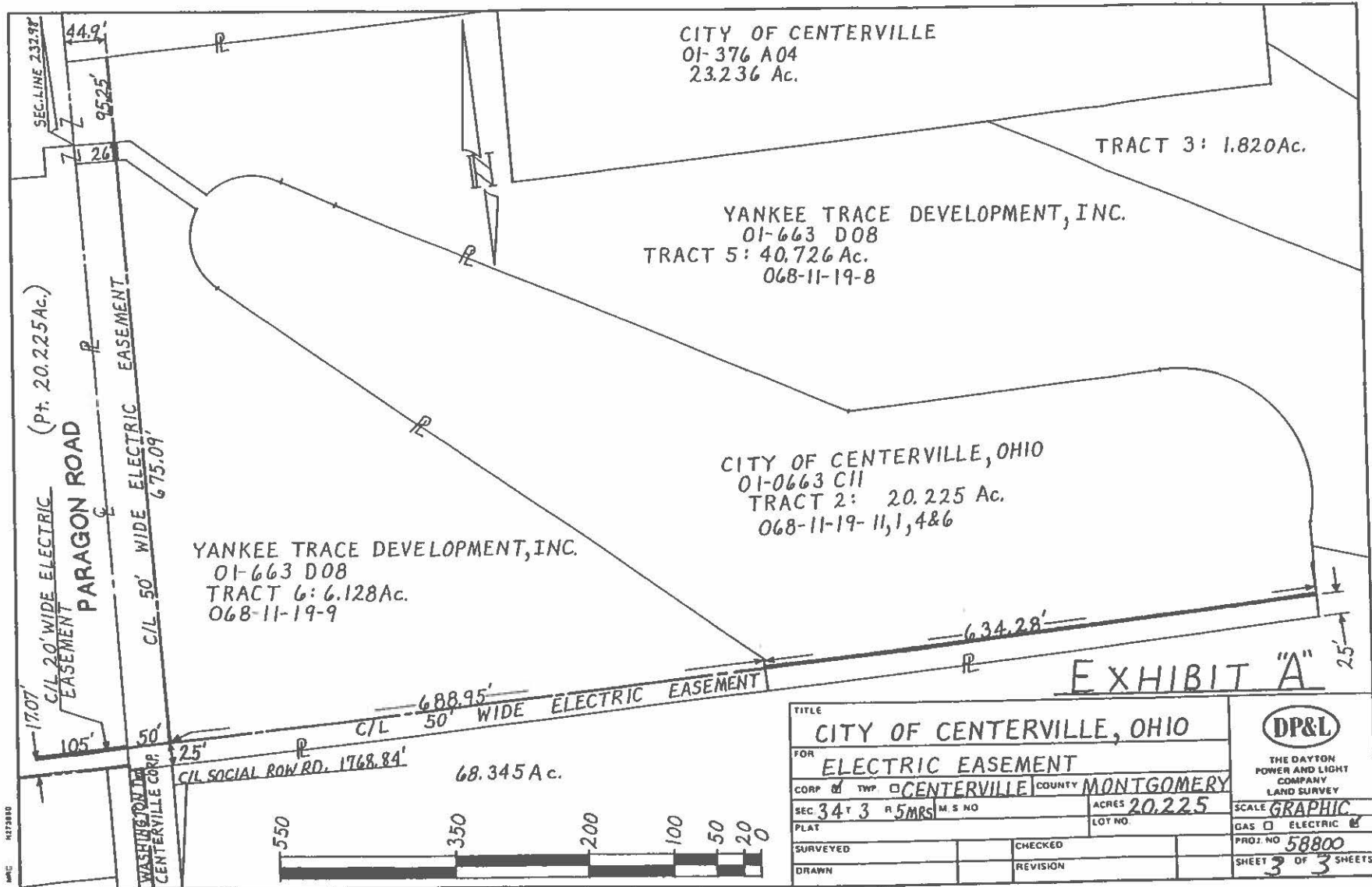
ITS: \_\_\_\_\_

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

Executed before me on the \_\_\_\_ day of \_\_\_\_\_, 2002 by \_\_\_\_\_ and \_\_\_\_\_ known to me to be the person(s) who, as \_\_\_\_\_ and \_\_\_\_\_, respectively, who, under penalty of perjury in violation Section 2921.11 of the Revised Code, represented to me to be said person(s) of CITY OF CENTERVILLE, OHIO, AN OHIO CORPORATION, the corporation which executed the foregoing instrument, signed the same and acknowledged to me that they do sign said instrument in the name and upon behalf of said corporation as such officer(s); that the same is their free act and deed as such officer(s) and the free and corporate act and deed of said corporation; and that they were duly authorized by the board of directors.

\_\_\_\_\_  
Notary Public

This Instrument Prepared By  
Real Estate Services Department  
The Dayton Power and Light Company  
Project Number:58800  
745cw



CITY OF CENTERVILLE  
 01-376 A04  
 23.236 Ac.

TRACT 3: 1.820Ac.

YANKEE TRACE DEVELOPMENT, INC.  
 01-663 D08  
 TRACT 5: 40.726 Ac.  
 068-11-19-B

CITY OF CENTERVILLE, OHIO  
 01-0663 C11  
 TRACT 2: 20.225 Ac.  
 068-11-19-11,1,4&6

YANKEE TRACE DEVELOPMENT, INC.  
 01-663 D08  
 TRACT 6: 6.128Ac.  
 068-11-19-9

C/L 20' WIDE ELECTRIC EASEMENT  
**PARAGON ROAD**  
 (Pt. 20.225Ac.)  
 C/L 50' WIDE ELECTRIC EASEMENT  
 675.09'

C/L 50' WIDE ELECTRIC EASEMENT  
 688.95'  
 C/L SOCIAL ROW RD. 1768.84'  
 68.345 A.c.

**EXHIBIT "A"**

TITLE <b>CITY OF CENTERVILLE, OHIO</b>		 THE DAYTON POWER AND LIGHT COMPANY LAND SURVEY
FOR <b>ELECTRIC EASEMENT</b>		
CORP. OF	TWP. <input type="checkbox"/> <b>CENTERVILLE</b>	COUNTY <b>MONTGOMERY</b>
SEC. <b>34</b>	T. <b>3</b>	R. <b>5</b> MRS. M.S. NO.
PLAT	ACRES <b>20.225</b>	LOT NO.
SURVEYED	CHECKED	PROJ. NO. <b>58800</b>
DRAWN	REVISION	SHEET <b>3</b> OF <b>3</b> SHEETS



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