

RESOLUTION NO. 37-02
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James E. Singer ON THE
19th DAY OF August, 2002.

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO GRANT A RIGHT OF WAY AND EASEMENTS, ON
BEHALF OF THE CITY OF CENTERVILLE, TO VECTREN
ENERGY DELIVERY OF OHIO INC. FOR THEIR
MAINTENANCE OF EXISTING GAS PIPELINES.

WHEREAS, it is necessary for the City of Centerville to grant unto Vectren
Energy Delivery of Ohio Inc. a right of way and easements for their maintenance of existing gas
pipelines, and

WHEREAS, to accomplish this Vectren Energy Delivery of Ohio Inc. is requesting
a right of way and easements 20, 50 and 60 feet in width across a tract of land containing 26.3215
acres, more or less, owned by the City of Centerville, situated in part of Northwest Quarter,
Section 4, Town 2, Range 5 MRS, and situated in part of Southwest Quarter, Section 5, Town 2
Range 5 MRS, and being the same premises conveyed in a limited warranty deed recorded on
Microfiche No. 01-0408 D10 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 right of way and easements to Vectren Energy Delivery of Ohio
Inc., in accordance with said option for right of way and easements, which is attached hereto and
made a part hereof, marked Exhibit "A", provided, however, that such right 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 right 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 19th day of August, 2002.

Sally D. Bink

Mayor of the City of Centerville, Ohio

ATTEST:

Maui J. Saughel

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 37-02, passed by the Council of the City of Centerville, Ohio, on the 19th day of August, 2002.

Maui J. Saughel

Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

**VECTREN ENERGY DELIVERY OF OHIO INC.
GRANT FOR PIPELINE RIGHT OF WAY AND EASEMENT**

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS

THAT THE CITY OF CENTERVILLE, A BODY POLITIC

Grantor(s) for valuable consideration provided by Vectren Energy Delivery of Ohio Inc., an Ohio corporation, 40 N. Main Street, Suite 2680, Dayton, Ohio 45423 (hereinafter collectively called "Grantee"), do(es) hereby grant, unto the Grantee, and its successors and assigns forever, a right of way and easement for any and all purposes for which natural, artificial and/or liquefied petroleum gas, and/or any other liquefied or gaseous substance is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace either underground or above, all appurtenant valves, drips, regulators, pits, 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 City of Centerville, Washington Township, Montgomery County, State of Ohio

And being a tract of land containing 26.3215 acres, more or less, situated in part of Northwest Quarter, Section 4, Town 2, Range 5 MRS, and situated in part of Southwest Quarter, Section 5, Town 2, Range 5 MRS and being the same premises conveyed in a limited warranty deed recorded on Microfiche No. 01-0408 D10 of the Deed Records of Montgomery County, Ohio.

Parcel I.D. No. 067-36-5-81

Said right of way and easements shall be 20, 50 and 60 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 gas pipeline 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 gas pipeline 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 five (5) 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.

WITNESSES

GRANTORS:

THE CITY OF CENTERVILLE, A BODY
POLITIC

(Witness Signature)

(Print Name)

(Witness Signature)

(Print Name)

(Witness Signature)

(Print Name)

(Witness Signature)

(Print Name)

(Witness Signature)

(Print Name)

BY:

ITS:

AND

ITS:

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

Before me, a Notary Public in and for said State personally appeared _____
and _____ known to me to be the
person(s) who, as _____ and _____,
respectively, of THE CITY OF CENTERVILLE, A BODY POLITIC, 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. In testimony whereof, I have hereunto
subscribed my name at _____, this _____ day of _____, 2002.

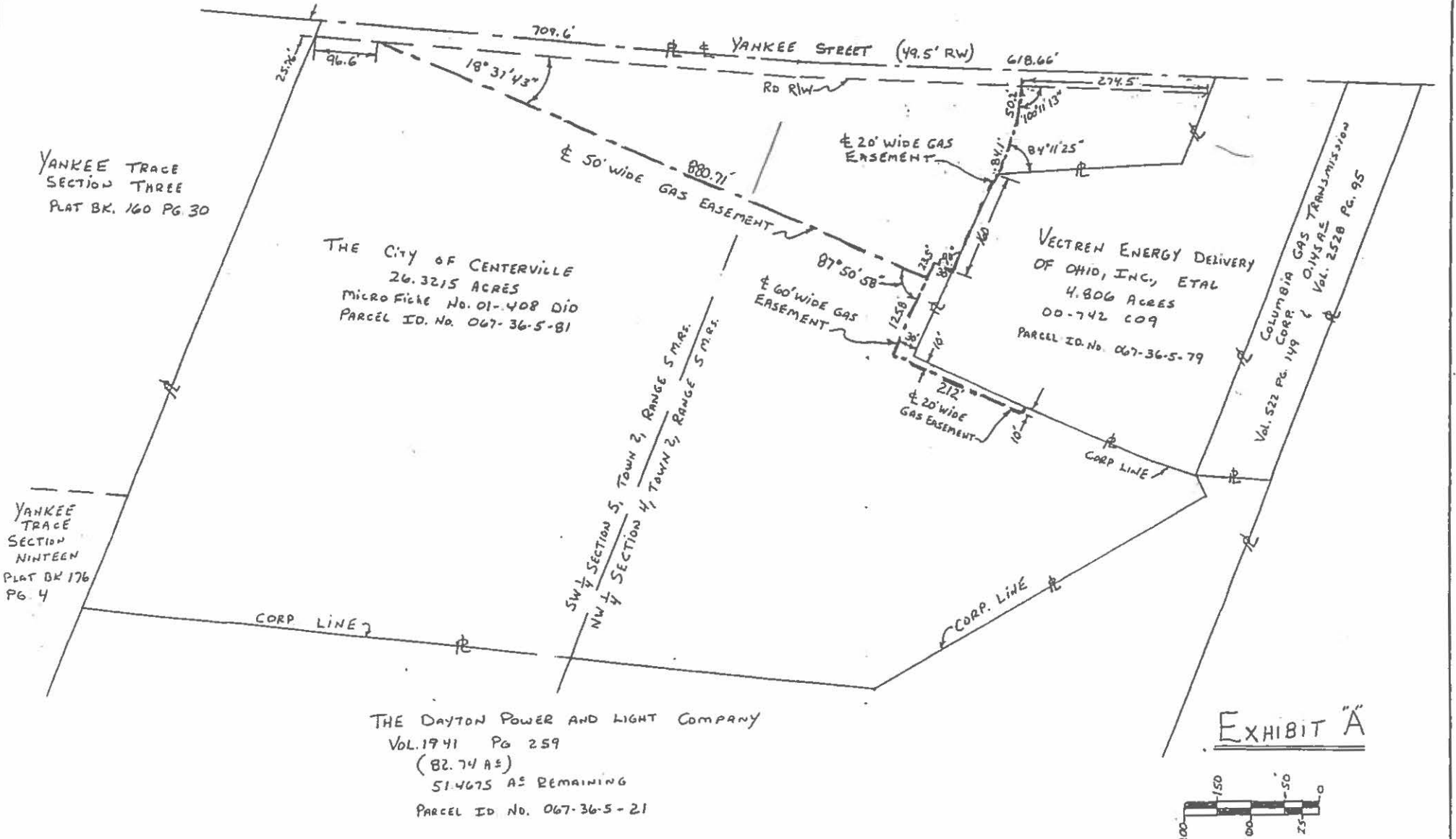
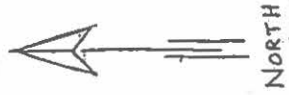
Notary Public

This Instrument Prepared By
Real Estate Services Department
Vectren Energy Delivery of Ohio Inc.
Project Number: MISC2002
VEDO225



Energy Delivery of Ohio

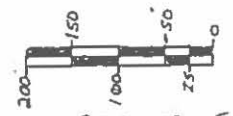
W/D NUMBER Misc. 2002 ATLAS PAGE 152 & 153 ENGINEER CLAWSON DATE 6-21-02
TITLE GAS EASEMENTS CITY CENTERVILLE COUNTY MONTGOMERY
SCALE SHT. 1 OF 1 SHTS.
CUSTOMER THE CITY OF CENTERVILLE
JOINT TRIMON ELEC. CATV. PHONE OTHER
MAINS TESTED @ PSIG. FOR MRS. DATE TESTED:
TEST METHOD: KUBLJAN / RECORDING CHART ATTACHED Y / N PERMIT REQD. YES / NO CITY - STATE - OTHER
COMPANY FOREMAN SERVICES TESTED @ PSIG. R/W REQD. YES / NO R/W RELEASE DATE



YANKEE TRACE SECTION THREE PLAT BK. 160 PG. 30

YANKEE TRACE SECTION NINETEEN PLAT BK 176 PG. 4

EXHIBIT "A"



GRAPHIC SCALE

CITY OF CENTERVILLE, WASHINGTON TWP, SECTIONS 4 & 5, TOWN 2, RANGE 5 M.R., STATE OF OHIO