

RESOLUTION NO. 3-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gueshlem ON THE
22nd DAY OF January, 2001.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT OF WAY AND EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO VECTREN ENERGY DELIVERY OF OHIO, INC. FOR ANY AND ALL PURPOSES FOR WHICH NATURAL, ARTIFICIAL AND/OR LIQUEFIED PETROLEUM GAS, AND/OR OTHER LIQUEFIED OR GASEOUS SUBSTANCE IS NOW OR MAY HEREAFTER BE USED AT THE CENTERVILLE POLICE DEPARTMENT FACILITY.

WHEREAS, it is necessary for the City of Centerville to grant unto Vectren Energy Delivery of Ohio, Inc. 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 property owned by the City of Centerville to service the Centerville Police Department Facility; and

WHEREAS, to accomplish this Vectren Energy Delivery of Ohio, Inc. is requesting a 10 foot wide right of way and easement on property situated in the City of Centerville, Montgomery County, State of Ohio and owned by the City of Centerville, said property being a parcel of land located on the north side of West Spring Valley Road and on the west side of Virginia Avenue, identified as 155 West Spring Valley Road, the Centerville Police Department Facility, Parcel I.D. 068-1-35-7, recorded on Microfiche No. 96-828 CO6 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 easement to Vectren Energy Delivery of Ohio, Inc. to provide service to the Centerville Police Department Facility, in accordance with said option for right of way and easement, a copy of which is attached hereto and made a part hereof, marked Exhibit "A".

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

PASSED this 22nd day of January, 2001.

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

ATTEST:

Maile J. Saughel
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 3-01, passed by the Council of the City of Centerville, Ohio, on the 22nd day of January, 2001.

Maile J. Saughel
Clerk of Council

Approved as to form, consistency
with 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 THESE PRESENTS

THAT City of Centerville, Ohio

Grantor(s) for valuable consideration provided by Vectren Energy Delivery of Ohio Inc., an Ohio corporation, 175 W. Wenger Road, Englewood, Ohio 45322 and Indiana Gas Company Inc., an Indiana and Ohio corporation, 1630 North Meridan Street, Indianapolis, Indiana 46202 (hereinafter collectively called "Grantees"), do(es) hereby grant, unto the Grantees, and their successors and assigns forever, as tenants in common with the following respective percentage interests: fifty-three percent (53%) to Vectren Energy Delivery of Ohio, Inc. and forty-seven (47%) to Indiana Gas Company Inc., 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 Centerville, Montgomery County, State of Ohio.

And being a tract of land containing 0.283 acres, more or less, situated in part of Section 30, Town 3, Range 5 M.R.S. Military Survey and being a part of the premises conveyed in an Executor's deed(s) recorded on Microfiche No. 96-828 CO6 of the Deed Records of Montgomery County, Ohio

Parcel No. 068-1-35-7

Said right of way and easement shall be 10 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:

CITY OF CENTERVILLE, OHIO

(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 CITY OF CENTERVILLE, OHIO, 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. In testimony whereof, I have hereunto subscribed my name at _____, this ____ day of _____, 2001.

Notary Public

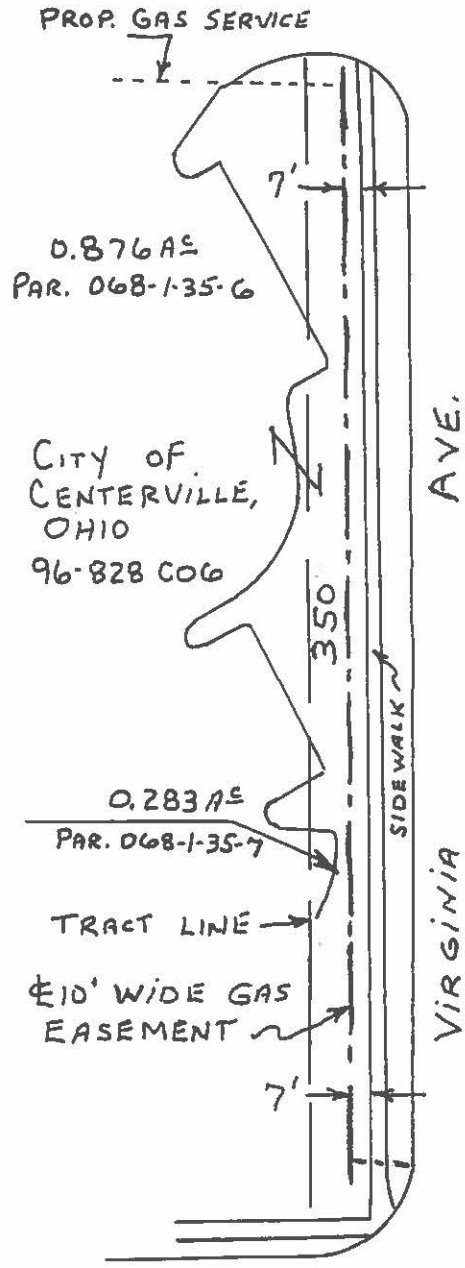
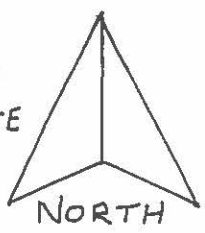
This Instrument Prepared By
Real Estate Services Department
Vectren Energy Delivery of Ohio Inc.
Project Number: 70025 VEDO18

VECTREN

SURVEYED BY	OWNER	PROJ. NO.
DATE SURVEYED	CITY OF CENTERVILLE, OHIO	70025
DRAWN BY	LOCATION	SHEET
CHECKED	AS SHOWN	OF
APPROVED	CORP. <input checked="" type="checkbox"/> TWP. <input type="checkbox"/> CENTERVILLE ACRES	GAS <input checked="" type="checkbox"/> ELECTRIC <input type="checkbox"/>
APPROVED	COUNTY MONTGOMERY SEC. 30T. 3 R. 5MRS. W. S.	DATE 1-8-01
		REV.
		SCALE 1"=60'

EXHIBIT A

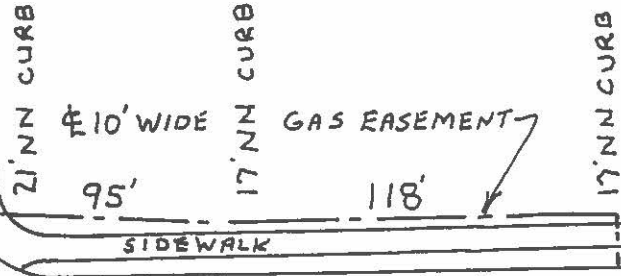
THIS IS NOT A SURVEY.
 LOCATIONS SHOWN ARE APPROXIMATE
 THE ACTUAL LOCATION OF THE GAS
 LINE IS THE TRUE CENTERLINE
 OF THE EASEMENT



(REPLAT) WASHINGTON - CENTERVILLE
 LIBRARY PLAT BK 155 PG. 10
 LOT 1 4.302 AC

WASHINGTON - CENTERVILLE
 PUBLIC LIBRARY
 93-271 A02, 90-460 C10,
 90-440 B12 & 90-401 C12

PAR. 068-1-39-1 PAR. 068-1-39-4
 " 068-1-39-2
 " 068-1-39-3



SPRING

VALLEY

PIKE