

RESOLUTION NO. 6-01  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas C. Cline ON THE 22<sup>nd</sup>  
DAY OF JANUARY, 2001

A RESOLUTION OF INTENT TO APPROPRIATE  
CERTAIN INTERESTS IN REAL PROPERTY AND  
EASEMENTS FOR THE MOT-725-20.10 EAST  
ALEXANDERSVILLE-BELBROOK ROAD  
RECONSTRUCTION AND WIDENING PROJECT  
FROM W. DANIEL AND DEBORAH A. LOWRY,  
PARCEL NOS. 15-WD AND 15-T.

WHEREAS, the City of Centerville is engaged in the acquisition of right of way and temporary construction easements for the MOT-725-20.10 East Alexandersville-Bellbrook Road Reconstruction and Widening Project within the corporate limits of Centerville, and

WHEREAS, the acquisition of that parcel of real estate is immediately necessary for the roadway construction in connection with said project, and

WHEREAS, the Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project so that there will be no delay for the immediate preservation of the public peace, health, safety and welfare.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. This Council hereby declares the necessity and intention to appropriate certain real property in accordance with Chapter 163 of the Ohio Revised Code.

SECTION 2. It is necessary and intention to appropriate certain roadway right of way and easements in the real estate described herein: as more fully described in Exhibits "A" and "B" attached and incorporated herein.

SECTION 3. That the City Manager or his designate is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, persons in possession of, or having an interest of record in the above described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designate and to make return of said service of notice in the manner provided by law.

PASSED this 22<sup>nd</sup> day of January, 2001 .

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

ATTEST:

Maril J. McLaughlin  
Clerk of 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 6-01, passed by the Council of the City of Centerville, Ohio, on the 22<sup>nd</sup> day of January, 2001.

Maril J. McLaughlin  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_

hereinafter referred to as the grantor (as used herein, Grantor includes the plural and words in the masculine

includes the feminine) in consideration of the sum of \_\_\_\_\_

Dollars (\$ \_\_\_\_\_) to him paid by the City of Centerville \_\_\_\_\_, the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the said

Grantee, its successors and assigns forever, the following described real estate:

Situated in the City of Centerville \_\_\_\_\_, County of Montgomery \_\_\_\_\_, State of Ohio, and

in Section 19 \_\_\_\_\_, Town 2 \_\_\_\_\_, Range 6 M.R.S., Washington Township \_\_\_\_\_, and bounded and described as follows:

PARCEL NO. 15.WD \_\_\_\_\_

Being a part of a 2.430 acre parcel acquired by Winston D. Lowry and Deborah A. Lowry as recorded in M. F. #93-050 D02 and being more particularly described as follows:

Commencing at a 5/8" iron pin in a monument box at the northeast corner of the northeast quarter of Section 19, in the centerline intersection of Alex-Bell Road (S.R. 725) and Bigger Road at P.I. Station 1117+38.25;

Thence, with the centerline of Alex-Bell Road (S.R. 725), North 86° 22' 38" West, 829.80 feet to a mag nail at P.I. Station 1109+08.45;

Thence, with the said centerline, South 75° 58' 17" West, 131.84 feet to a mag nail set at P.I. Station 1107+76.61;

Thence, with the said centerline, North 88° 56' 15" West, 253.16 feet to a mag nail set at P.I. Station 1105+23.45;

Thence, with the said centerline, North 87° 56' 15" West, 83.72 feet to a railroad spike found in the northeast corner of the Grantor's tract at Station 1104+39.73, said point being the True Place of Beginning of the land herein described;

Thence, with the Grantor's east line and the west line of a parcel acquired by W. Lowry, M.F. 96-310 A03, South 01° 12' 32" West, 60.00 feet to an iron pin set in the new right-of-way line, 60.00 feet right of Station 1104+40.62;

Thence, with the new right-of-way line, North 87° 56' 15" West, 266.68 feet to a 5/8" iron pin found in the Grantor's west line and the east line of a parcel acquired by South Dayton Presbyterian Church in America M.F. 94-713 C12, 60.00 feet right of Station 1101+73.94;

Thence, with the Grantor's west line and the east line of said Church, North 05° 15' 56" East, 60.09 feet to a mag nail set at the Grantor's northwest corner in the centerline of Alex-Bell Road, Station 1101+77.30;

Thence, with the centerline of said road, South 87° 56' 15" East, 262.43 feet to the True Place of Beginning.

All iron pins set are capped 5/8"x30" with "WORL & ASSOC." stamped on cap.

It is understood the above contains a total of 0.364 of an acre, more or less, including the present road which occupies 0.199 of an acre, more or less.

Of the above described area, 0.364 of an acre is to be deleted from Auditor's Tax Duplicate Number 068.006.07.0012.

The description for parcel number 15.WD above was calculated and derived from a centerline survey of Alex-Bell Rd. (S.R. 725) made by Wort and Associates, Inc. for the City of Centerville, under the direction and supervision of Mark B. Studebaker, Registered Surveyor Number 7074. Stations referenced above have been established on the existing centerline of right-of-way of Alex-Bell Road, (State Route 725), the centerline Plat of MOT-725-20.10 is recorded in Plat Book 179 Page 26 of the Montgomery County Plat Records. Bearings used within are based on the centerline of Bigger Road and the east line of Section 20, being North 04° 47' 15" East as shown on Plat Book 159, Page 32A.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

TEMPORARY RIGHT OF WAY AGREEMENT

PARCEL NO. 15-T

       S.R. NO. 725, SECTION 20.10, Montgomery COUNTY, OHIO

ARTICLES OF AGREEMENT

These articles of agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, two thousand and \_\_\_\_\_ by \_\_\_\_\_

and the \_\_\_\_\_, State of Ohio, Witnesseth:

That \_\_\_\_\_ for and in consideration of the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

to \_\_\_\_\_ paid by the City of Centerville the receipt of which is hereby acknowledged, do \_\_\_\_\_ hereby authorize the \_\_\_\_\_ State of Ohio or \_\_\_\_\_ duly authorized agents or contractors to enter upon and use \_\_\_\_\_ land hereinafter described as Parcel No. 15-T, during the period beginning with the breaking of ground for the construction of the above highway improvement, and terminating when the completed work has been fully accepted by the Director of Transportation, for the purpose of performing the work necessary to regrading and seeding in accordance with plans and specifications prepared by the Ohio Department of Transportation.

PARCEL NO. 15-T

Being a parcel of land situated in the City of Centerville, Montgomery County, Ohio and located in Section 19, Town 2, Range 6 M.R.S., Washington Township and being located within the following described points in the boundary thereof:

Commencing at a point in the Grantor's west line, 60.00 feet right of the centerline of Alex-Bell Road (S.R. 725) Station 1101+73.94, said point also being in the proposed south right-of-way line of Alex-Bell Road;

Thence, with the proposed right-of-way line, South 87° 56' 15" East, 36.06 feet to a point 60.00 feet right of Station 1102+10.00;

Thence, with the temporary easement line, South 02° 03' 45" West, 15.00 feet to a point 75.00 feet right of Station 1102+10.00;

Thence, with the temporary easement line, North 87° 56' 15" West, 36.90 feet to a point in the Grantor's west line, 75.00 feet right of Station 1101+73.10;

Thence, with the Grantor's west line, North 05° 15' 56" East, 15.02 feet to the Place of Beginning.

The description for parcel number 15-T above was calculated and derived from a centerline survey made by Worl & Associates, Inc., Mark B. Studebaker, Registered Surveyor Number 7074.

Grantor claims title by instrument dated January 26, 1993 recorded in Deed 93-050 D02, of the records of Montgomery County.

It is understood the area of land above described contains 0.013 acres, more or less.