

RESOLUTION NO. 14-01  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas Clue 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 THE  
DAYTON POWER & LIGHT COMPANY TO INSTALL  
UNDERGROUND ELECTRIC FACILITIES TO SERVICE  
THE CENTERVILLE POLICE DEPARTMENT FACILITY.

WHEREAS, it is necessary for the City of Centerville to grant unto The Dayton Power & Light Company a right of way and easement to provide for the installation of underground electric facilities to serve the Centerville Police Department Facility; and

WHEREAS, to accomplish this The Dayton Power & Light Company 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. 068-1-35-5, 6 & 7 and Parcel I.D. 068-12-13-1, 2 & 3.

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 The Dayton Power & Light Company to provide for the installation of underground electric to serve the Centerville Police Department Facility, in accordance with said option for right of way and easement and addendum, both of which are 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.

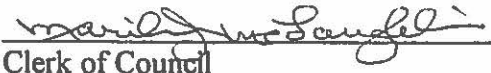
Sally D. Beals  
Mayor of the City of Centerville, Ohio

ATTEST:

Marion 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 14-01, passed by the Council of the City of Centerville, Ohio, on the 22nd day of January, 2001.

  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

**THE DAYTON POWER AND LIGHT COMPANY**  
**OPTION FOR UNDERGROUND ELECTRIC RIGHT OF WAY AND EASEMENT**

That the undersigned Grantor(s) (hereinafter called ("GRANTOR(S)") for valuable consideration provided by THE DAYTON POWER AND LIGHT COMPANY (hereinafter called ("GRANTEE")), will grant on or before January 31, 2004 to The Grantee and its successors and assigns forever, a right of way and easement for any and all purposes for which electric energy together with such above-ground electric feeder lines as may be required to serve such underground lines, is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace underground electric facilities consisting of 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 parcel of land located on the north side of West Spring Valley Pike and on the west side of Virginia Avenue.

Parcel I. D. O68-1-35-5, 6 & 7

Parcel I. D. O68-12-13-1, 2 & 3

Identified as 155 West Spring Valley Pike. (Centerville Police Department)

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 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 option 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 option for 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 option 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:

WITNESSES

GRANTOR(S)

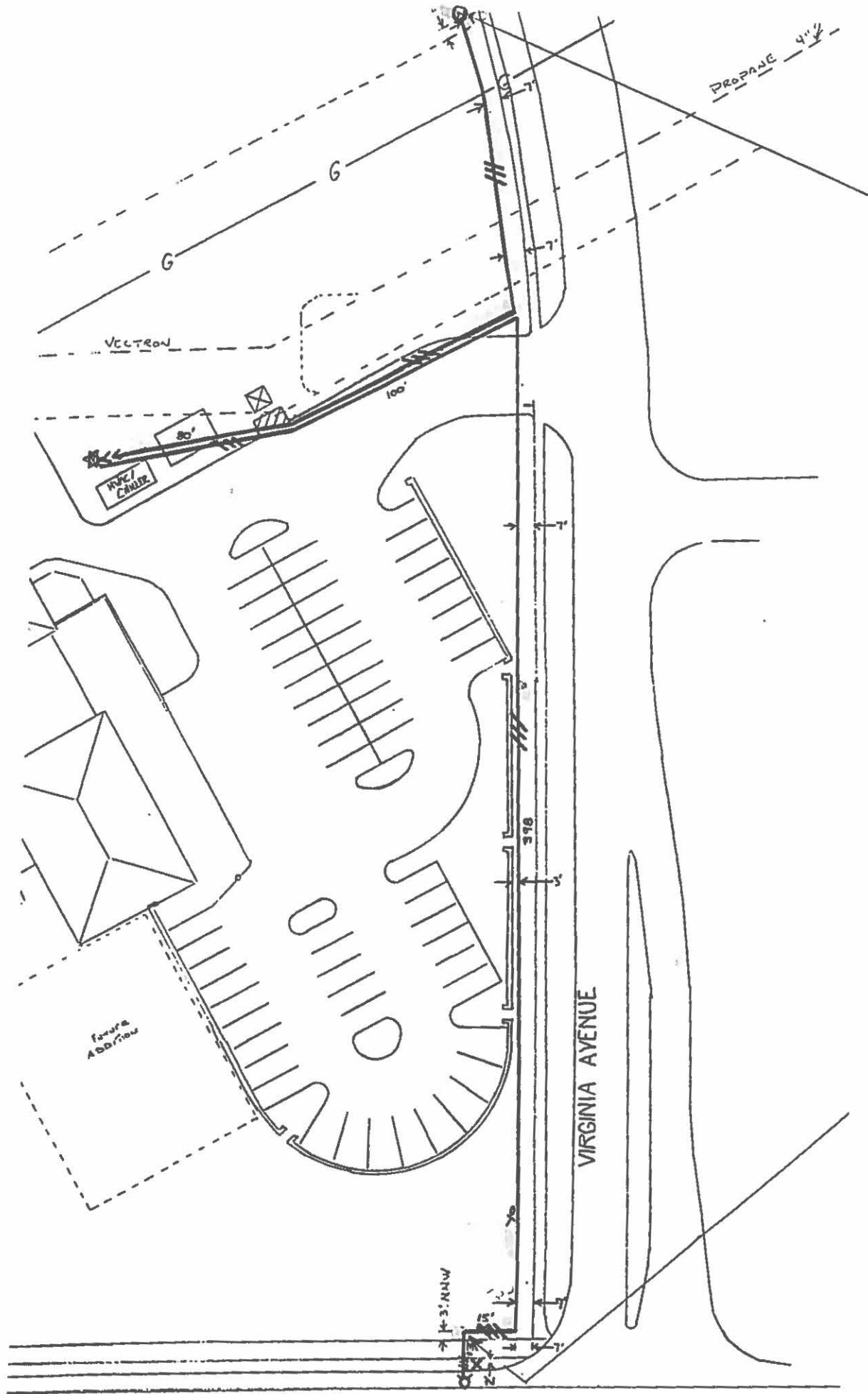
CITY OF CENTERVILLE

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**ITS:** \_\_\_\_\_  
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100 West Spring Valley Pike  
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Centerville, Ohio 45458-3760  
\_\_\_\_\_  
(937)433-7151  
\_\_\_\_\_  
Telephone

Date property was acquired: \_\_\_\_\_

This Instrument Prepared By  
Real Estate Services Department  
The Dayton Power and Light Company  
Project Number: 56701



ST SPRING VALLEY RD.

