

RESOLUTION NO. 4401
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Mark Kuaseid ON THE
21st DAY OF May, 2001.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE, TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO TO INSTALL A SANITARY SEWER ACROSS PROPERTY OWNED BY THE CITY OF CENTERVILLE.

WHEREAS, it is necessary for the City of Centerville to grant unto the Board of County Commissioners of Montgomery County an easement to install a trunk line sanitary sewer to provide service to Paragon Road and to property owned by Yankee Trace Development, Inc., and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio is requesting an easement on property situated in the City of Centerville, Montgomery County, State of Ohio, said property being a part of land owned by the City of Centerville and recorded on Microfiche No. 90-0524-C12 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 the grant of an easement to the Board of County Commissioners of Montgomery County, Ohio, to install a trunk line sanitary sewer across property owned by the City of Centerville to provide service to Paragon Road and to property owned by Yankee Trace Development, Inc., said easement further described in Exhibit "A" a copy of which is hereby attached and made a part hereof.

Section 2. This Resolution shall become effective immediately upon passage.

PASSED this 21st day of May, 2001.

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

ATTEST:

Maui 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 44-01, passed by the Council of the City of Centerville, Ohio, on the 21st day of Nov, 2001.

Maui J. Saughel
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

DISTRICT: GREATER MORAINÉ - BEAVERCREEK SEWER DISTRICT
SEWER IMPROVEMENT AREA # _____

_____ SUBDISTRICT

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENT:

That _____

in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them paid by the Board of County Commissioners of Montgomery County, Ohio, receipt of which is acknowledged, does hereby grant and release to said Board of County Commissioners of Montgomery County, Ohio, and their successors in office, forever, the right, privilege and easement to construct, maintain, tap into and repair a sanitary sewer and/or water line through the following described real estate:

Situate in Sections 34 and 35, Town 3, Range 5, MRs, The City of Centerville, Montgomery County, Ohio and being a Sanitary Sewer Easement further described as follows;

Begin at the southeast corner of Lot 357 of Yankee Trace Section 20 as recorded in Plat Book 177, Page 9 of the Montgomery County Recorder's Office said corner also being a point on the northerly line of a 2.616 acre tract owned by Yankee Trace Development, Inc. as recorded in M.F. #00-0362-C01 and the southwest corner of a 6.045 acre tract owned by Randall & Dianna Honaker as recorded in M.F. #82-356-A06; thence with said Honaker land North 87°49'16" East, 767.55 feet to a point in the centerline of Paragon Road, said point also being the northeast corner of a 3.421 acre tract owned by David & Gayla Birch as recorded in M.F. #00- - ; thence with said centerline, South 03°07'17" West, 337.29 feet to a point in the centerline of Paragon Road said point being the southwest corner of a 12.104 acre tract owned by Turner Family Partnership LTD. as recorded in M.F. #92-0764-B03 also being the northwest corner of a 13.056 acre tract owned by The City of Centerville as recorded in M.F. #90-0524-C12 and a point on the City of Centerville corporation line, said point being the true point of beginning;

thence from the true point of beginning with said Turner land, City of Centerville land, and Corporation line North 89°32'47" East, 1000.05 feet;

thence departing said Turner land and said Corporation line, South 00°27'13" East, 34.00 feet;
thence South 89°32'47" West, 926.98 feet;
thence South 03°08'00" West, 368.74 feet to a point on the southerly line of said City of Centerville land and the northerly line of a 2.333 acre tract owned by Yankee Trace Development, Inc. as recorded in M.F. #00-065-E04;
thence with said City of Centerville land and Yankee Trace Development, Inc. land South 89°37'37" West, 40.08 feet;
thence departing said Yankee Trace Development, Inc. land, North 03°08'00" East, 369.34;
thence North 86°52'00" West, 51.55 feet to a point on the City of Centerville Corporation line;
thence along said Corporation line, North 03°07'17" East, 30.18 feet;
thence departing said Corporation line, North 89°32'47" East, 16.53 feet to the point of beginning.

Said property now is owned by _____

By deed reference: _____

Said grantees are to have the right and privilege of entering upon the above described premises through themselves, employees and contractors to construct, maintain, tap into and repair the sanitary sewer and/or water line along the line above set forth.

As further consideration for this easement, grantees agree to restore the said premises to its original condition, as near as possible, after construction, repair or replacement of said sanitary sewer and/or water line, unless otherwise agreed to by separate agreement.

The Grantor___ shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns; provided, however, that no buildings or other structures shall be erected within the limits of said right of way and easement by the Grantor___ or any other party claiming title or possession under said Grantor___.

IN WITNESS WHEREOF, the said_____

hereunto subscribed _____ name on this _____ day of _____, 20_____.

Executed in the presence of us:

(two witnesses required)

Witness:

Owner:

1) _____

(print:) _____

(print:) _____

Title: _____

2) _____

(print:) _____

(print:) _____

Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared _____

_____ the grantor__ in the foregoing easement deed, and acknowledged the execution thereof to be _____ free and voluntary act for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this _____ day of _____, 20_____.

Notary Public in and for the State of Ohio

My Commission expires _____

This instrument approved as to form by:

Mathias H. Heck, Jr., Prosecuting Attorney

by _____

This standard form prepared by: Montgomery County Sanitary Engineering Department



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

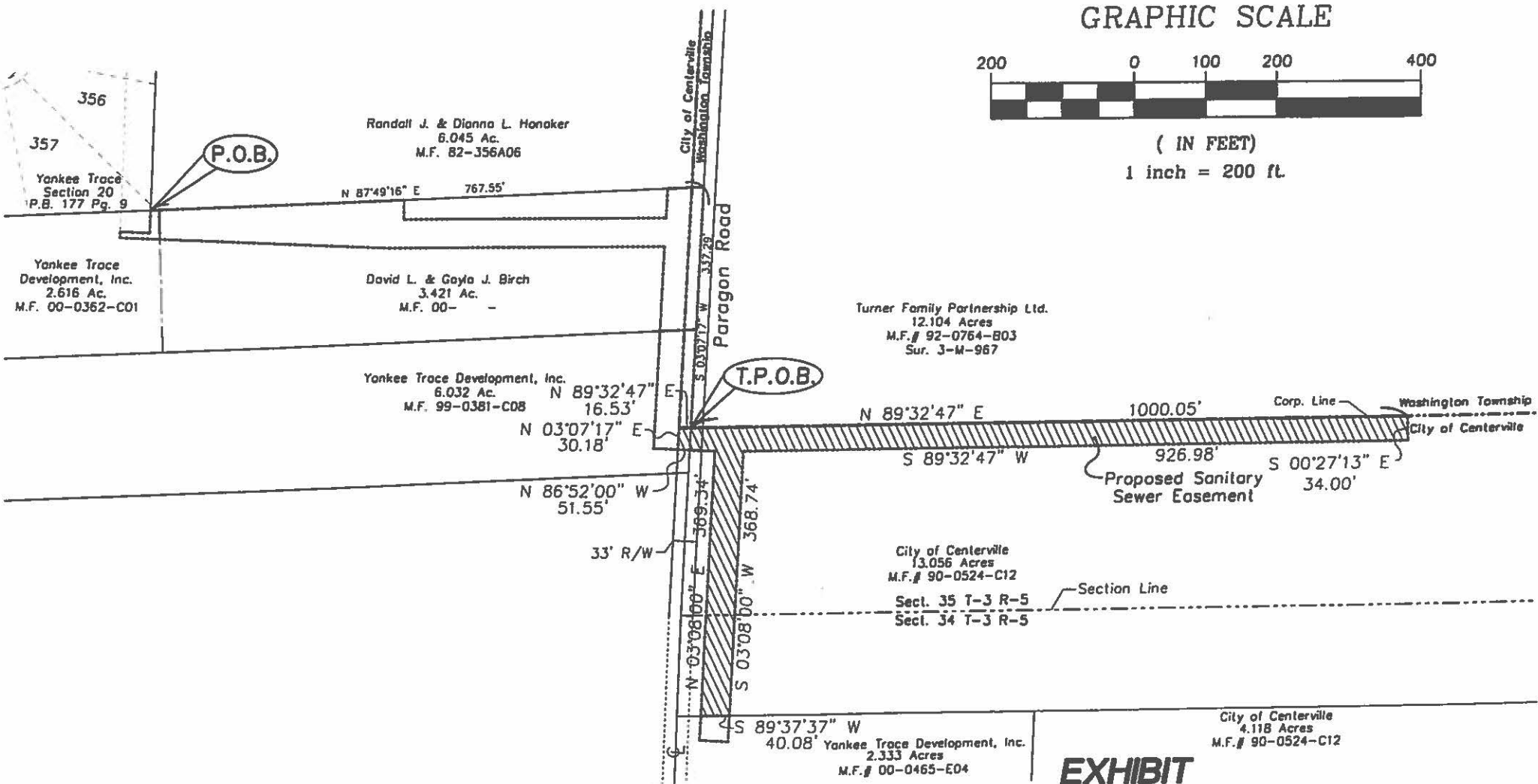


EXHIBIT
for
SANITARY SEWER EASEMENT
SECTIONS 34&35, TOWN 3, RANGE 5, MRs
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO

5/8/01