

RESOLUTION NO. 61-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas C. Cline ON THE
16th DAY OF July, 2001.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT THREE EASEMENTS, ON BEHALF OF THE CITY OF CENTERVILLE, TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO TO CONSTRUCT SANITARY SEWERS AND WATER LINES THROUGH 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 three easements to construct sanitary sewers and water lines to provide service to properties in the Yankee Trace Development, and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio is requesting three easements 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. 94-0678-A10 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 three easements to the Board of County Commissioners of Montgomery County, Ohio, to construct sanitary sewers and water lines through property owned by the City of Centerville to provide service to properties located in Yankee Trace, said easements further described in Exhibits "A", "B" and "C" copies of which are hereby attached and made a part hereof.

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

PASSED this 16th day of July, 2001.

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

ATTEST:

Maureen J. McLaughlin
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 61-01, passed by the Council of the City of Centerville, Ohio, on the 16th day of July, 2001.

Maureen J. McLaughlin
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

DISTRICT: GREATER MORAIN E - 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 Section 4, Town 2, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a 32' Water and Sanitary Easement further described as follows:

Begin at the northeast corner of lot 231 of Yankee Trace Section 13, as recorded in Plat Book 170, Page 7 of the Montgomery County Recorder's Office, said corner also being the southeast corner of an original 89.667 acre tract owned by the City of Centerville as recorded in M.F. #94-0678-A10 and being on a section line; thence along the easterly line of said City of Centerville land and along said section line North 02°39'30" East, 5.64 feet to the true point of beginning.

- thence from the true point of beginning, departing said section line and said easterly line North 72°04'51" West 156.54 feet to a point on the future right of way of Yankee Trace Drive;
- thence along said right of way North 54°48'03" East, 16.51 feet;
- thence along said right of way on a curve to the right, having a radius of 475.00 feet, an arc length of 23.95 feet (chord = North 56°14'44" East, 23.95 feet);
- thence departing said right of way South 72°04'51" East, 123.04 feet to a point on said section line and easterly line;
- thence along said section line and easterly line South 02°39'30" West, 33.17 feet to the true 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 Gregory B. Horn

hereunto subscribed his name on this 2nd day of July, 2001.

Executed in the presence of us:
(two witnesses required)

Witness:

1) Marilyn J. McLaughlin
(print:) Marilyn J. McLaughlin

Owner: Gregory B. Horn
(print:) GREGORY B. HORN
Title: CITY MANAGER

2) Debra A. James
(print:) Debra A. James

(print:) _____
Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared Gregory B. Horn,
City Manager, City of Centerville

the grantor__ in the foregoing easement deed, and acknowledged the execution thereof to be his 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 2nd day of July, 2001.

Marilyn J. McLaughlin
Notary Public in and for the State of Ohio
My Commission expires _____

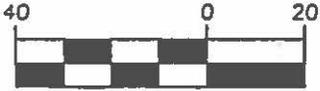
This instrument approved as to form by:
Mathias H. Heck, Jr., Prosecuting Attorney

MARILYN J. McLAUGHLIN, Notary Public
In and for the State of Ohio
My Commission Expires September 29, 2004

by _____



GRAPHIC SCALE



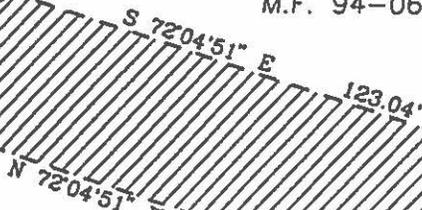
1 inch = 40 ft.

FUTURE
YANKEE TRACE
DRIVE

$\Delta = 02^{\circ}53'22''$
 $R = 475.00'$
 $L = 23.95'$
Ch = N $56^{\circ}14'44''$ E
23.95'

City of Centerville
Orig. 89.667 Ac.
M.F. 94-0678-A10

N $54^{\circ}48'03''$ E
18.51'



Proposed 32' Sanitary
and Water Easement

S $02^{\circ}39'30''$ W
33.17'
N $02^{\circ}39'30''$ E
5.64'

T.P.O.B.

P.O.B.

Lot 231
Yankee Trace
Section 13
P.B. 170 Pg. 7

Section 4
Section 34

Yankee Trace Development, Inc.
M.F.# 01- -
40.732 ACRES

GREENSKEEPER
WAY

Lot 232

EXHIBIT

for

**32' SANITARY AND
WATER EASEMENT**

SECTION 4, TOWN 2, RANGE 5, MRs
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO

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 Section 4, Town 2, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a 20' Water and Sanitary Easement further described as follows:

Begin at the northeast corner of lot 231 of Yankee Trace Section 13, as recorded in Plat Book 170, Page 7 of the Montgomery County Recorder's Office, said corner also being the southeast corner of an original 89.667 acre tract owned by the City of Centerville as recorded in M.F. #94-0678-A10 and being on a section line; thence along the easterly line of said City of Centerville land and along said section line North 02°33'49" East, 131.05 feet to a point on the future right of way of Yankee Trace Drive; thence departing said section line, and along said right of way on a curve to the left with a radius of 475.00 feet, an arc length of 14.93 feet; (chord= South 72°48'19" West, 14.93 feet); to the true point of beginning.

thence	from the true point of beginning departing said right of way South 22°26'00" East, 17.73 feet;
thence	South 67°34'00" West, 20.00 feet;
thence	North 22°26'00" West, 18.83 feet to a point on the future right of way of said Yankee Trace Drive;

thence

along said right of way on a curve to the right, having a radius of 475.00 feet, an arc length of 20.03 feet (chord = North 70°41'50" East, 20.03 feet); to the true 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 Gregory B. Horn

hereunto subscribed his name on this 2nd day of July, 2001.

Executed in the presence of us:
(two witnesses required)

Witness:

1) Marilyn J. McLaughlin
(print:) Marilyn J. McLaughlin

Owner:
Gregory B. Horn
(print:) GREGORY B. HORN
Title: CITY MANAGER

2) Debra A. James
(print:) Debra A. James

(print:) _____
Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared Gregory B. Horn, City Manager, City of Centerville

the grantor__ in the foregoing easement deed, and acknowledged the execution thereof to be his 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 2nd day of July, 2001.

Marilyn J. McLaughlin
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

MARILYN J. McLAUGHLIN, Notary Public
In and for the State of Ohio
My Commission Expires September 29, 2004

by _____



GRAPHIC SCALE



1 inch = 40 ft.

$\Delta = 01^{\circ}48'02''$
 $R = 475.00'$
 $L = 14.93'$
 $Ch = S 72^{\circ}48'19'' W$
 $14.93'$

$\Delta = 02^{\circ}24'59''$
 $R = 475.00'$
 $L = 20.03'$
 $Ch = N 70^{\circ}41'50'' E$
 $20.03'$

PROPOSED
RIGHT-OF-WAY
50.00'

T.P.O.B.

FUTURE
YANKEE TRACE
DRIVE

$N 22^{\circ}26'00'' W$
 $18.83'$

$S 67^{\circ}34'00''$
 $20.00'$

$S 22^{\circ}26'00'' E$
 $17.73'$

Proposed 20' Sanitary
and Water Easement

City of Centerville
Orig. 89.667 Ac.
M.F. 94-0678-A10

$N 02^{\circ}33'49'' E$
 $131.05'$

Lot 231
Yankee Trace
Section 13
P.B. 170 Pg. 7

P.O.B.

Section 4
Section 34

Yankee Trace Development, Inc.
M.F.# 01- -
40.732 ACRES

GREENSKEEPER
WAY

Lot 232

EXHIBIT
for

**20' SANITARY AND
WATER EASEMENT**

SECTION 4, TOWN 2, RANGE 5, MRs
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO

DISTRICT: GREATER MORAINNE - 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 Section 5, Town 2, Range 5, MRs, and Section 35, Town 3, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a Water and Sanitary Easement further described as follows;

Begin at the southwest corner of Section 35, said corner being a point on the southerly line of a 6.028 acre tract owned by City of Centerville as recorded in M.F. #94-0678-A10 of the Montgomery County Recorder's Office; thence along the southerly line of said Section 35 and the southerly line of said City of Centerville land North 87°49'16" East, 86.76 feet the true point of beginning.

- thence from the true point of beginning, departing said section and southerly line North 01°56'02" West, 8.56 feet,
- thence North 88°03'58" East, 7.08 feet;
- thence North 43°36'36" West, 43.61 feet;
- thence North 38°23'22" West, 142.19 feet;
- thence North 75°11'42" East, 29.75 feet;
- thence North 59°13'04" East, 10.12 feet to a point on the future right of way of Yankee Trace Drive;
- thence along said right of way on a curve to the left with a radius of 525.00 feet, an arc length of 148.00 feet, (chord= South 38°51'29" East, 147.51 feet);
- thence along said right of way South 46°56'02" East, 69.00 feet to a point on said section and southerly line;

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 Gregory B. Horn

hereunto subscribed his name on this 2nd day of July, 2001.

Executed in the presence of:
(two witnesses required)

Witness:

1) Marilyn J. McLaughlin
(print: Marilyn J. McLaughlin)

Owner:
Gregory B. Horn
(print: GREGORY B HORN)
Title: CITY MANAGER

2) Debra A. James
(print: Debra A. James)

(print: _____)
Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared Gregory B. Horn, City Manager, City of Centerville

the grantor___ in the foregoing easement deed, and acknowledged the execution thereof to be his 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 2nd day of July, 2001.

Marilyn J. McLaughlin
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

MARILYN J. McLAUGHLIN, Notary Public
In and for the State of Ohio
My Commission Expires September 29, 2004

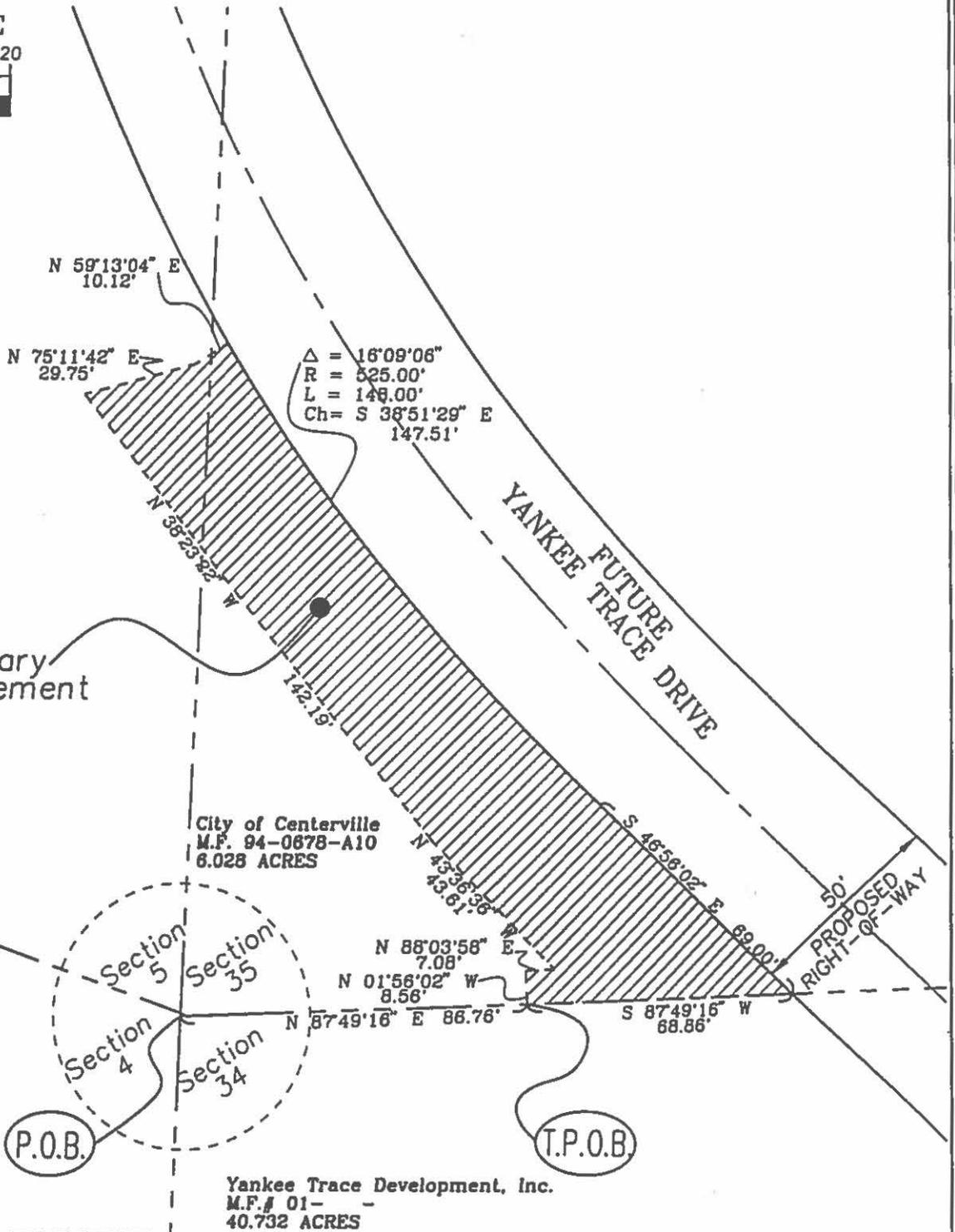
by _____



GRAPHIC SCALE



1 inch = 40 ft.



EXHIBIT

for

**SANITARY AND WATER
EASEMENT**

SECTION 5, TOWN 2, RANGE 5, MRs
SECTION 35, TOWN 3, RANGE 5, MRs
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO