

RESOLUTION NO. 81-01  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Kingseed ON THE  
15<sup>th</sup> DAY OF October, 2001. J

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 PROVIDE FOR THE RELOCATION OF A TRANSMISSION LINE WHICH PROVIDES SERVICE TO YANKEE TRACE

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 relocation of a transmission line which provides service to Yankee Trace, and

WHEREAS, to accomplish this The Dayton Power & Light Company is requesting a right of way and easement 50 feet in width and the centerline shall be approximately along a course identified on a map attached hereto and made a part hereof, along the east side of Paragon Road, being a tract of land containing 19.519 acres, more or less, situated in part of Sections 34 and 35, Town 3, Range 5 MRS and being the same premises conveyed in a Warranty Deed recorded on Microfiche No. 90-0524-C12 of the Deed Records of Montgomery County, Ohio. P.I.N. 068-11-16-10.

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 relocation of a transmission line which provides service to Yankee Trace, in accordance with said request for right of way and easement which is attached hereto and made a part hereof, marked as Exhibit "A".

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

PASSED this 15<sup>th</sup> day of October, 2001.

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

ATTEST:

Marie J. Laughlin  
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 81-01, passed by the Council of the City of Centerville, Ohio, on the 15<sup>th</sup> day of October, 2001.

Marie J. Laughlin  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

TRANSMISSION R/W

**THE DAYTON POWER AND LIGHT COMPANY**  
**GRANT FOR ELECTRIC RIGHT OF WAY AND EASEMENT**    EXHIBIT "A"

**KNOW ALL MEN BY THESE PRESENTS**  
**THAT**    THE CITY OF CENTERVILLE, AN OHIO MUNICIPAL CORPORATION

Grantor(s) for valuable consideration provided by THE DAYTON POWER AND LIGHT COMPANY (hereinafter called ("Grantee"), do(es) hereby grant to The Grantee and its successors and assigns forever, a right of way and easement for any and all purposes for which electric energy is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace either overhead or underground electric facilities consisting of poles, 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 Washington Township, Montgomery County, State of Ohio.

And being a tract of land containing 19.519 acres, more or less, situated in part of Sections 34 and 35, Town 3, Range 5 MRS and being the same premises conveyed in a Warranty Deed recorded on Microfiche No. 90-0524-C12 of the Deed Records of Montgomery County, Ohio.  
P.I.N. 068-11-16-10

Said right of way and easement shall be 50 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 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 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 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 twenty-five (25) 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.

IN WITNESS WHEREOF, the Grantor(s) have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed and acknowledged in the presence of:

WITNESSES

GRANTORS:

THE CITY OF CENTERVILLE, AN OHIO MUNICIPAL CORPORATION

\_\_\_\_\_  
(WITNESS SIGNATURE)

BY: \_\_\_\_\_

\_\_\_\_\_  
(PRINT NAME)

ITS: \_\_\_\_\_

\_\_\_\_\_  
(WITNESS SIGNATURE)

AND: \_\_\_\_\_

\_\_\_\_\_  
(PRINT NAME)

ITS: \_\_\_\_\_

\_\_\_\_\_  
(WITNESS SIGNATURE)

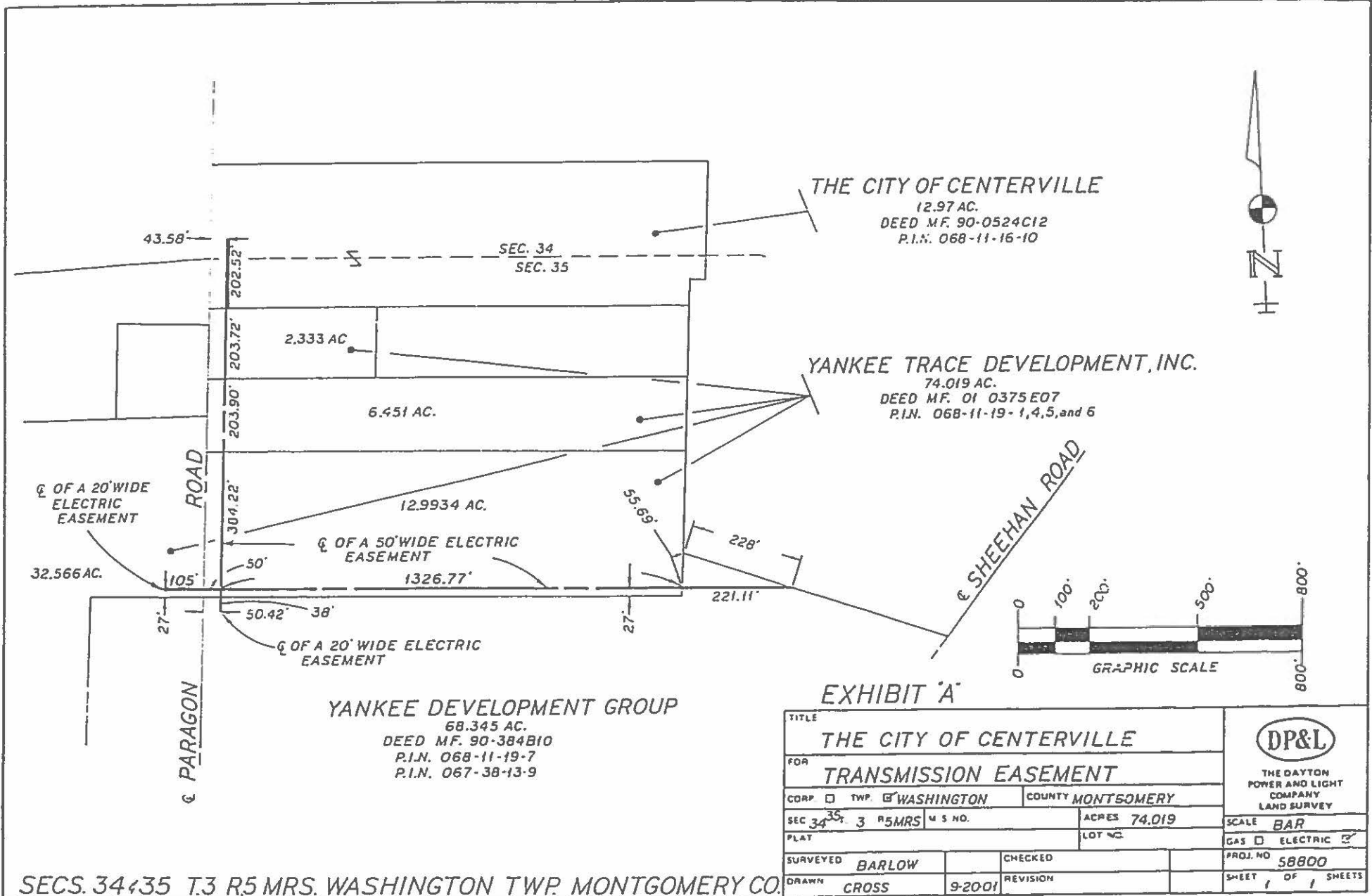
\_\_\_\_\_  
(PRINT NAME)

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 THE CITY OF CENTERVILLE, AN OHIO MUNICIPAL CORPORATION, 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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

This Instrument Prepared By  
Real Estate Services Department  
The Dayton Power and Light Company  
Project Number 58800  
642ba



THE CITY OF CENTERVILLE  
 12.97 AC.  
 DEED MF. 90-0524C12  
 P.I.N. 068-11-16-10

YANKEE TRACE DEVELOPMENT, INC.  
 74.019 AC.  
 DEED MF. 01 0375E07  
 P.I.N. 068-11-19-1,4,5,and 6

YANKEE DEVELOPMENT GROUP  
 68.345 AC.  
 DEED MF. 90-384B10  
 P.I.N. 068-11-19-7  
 P.I.N. 067-38-13-9

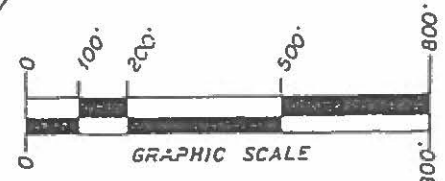


EXHIBIT 'A'

TITLE		THE CITY OF CENTERVILLE		<p>THE DAYTON POWER AND LIGHT COMPANY LAND SURVEY</p>	
FOR		TRANSMISSION EASEMENT			
CORP	<input type="checkbox"/>	TWP	<input checked="" type="checkbox"/> WASHINGTON	COUNTY	MONTGOMERY
SEC	34	R	5	MRS	W
PLAT	35	ACRES	74.019	SCALE	BAR
SURVEYED	BARLOW	CHECKED		GAS	<input type="checkbox"/>
DRAWN	CROSS	REVISION	9-2001	ELECTRIC	<input checked="" type="checkbox"/>
				PROJ. NO	58800
				SHEET	1 OF 1 SHEETS

SECS. 34 & 35 T.3 R.5 MRS. WASHINGTON TWP. MONTGOMERY CO.

LINC 4172018