

RESOLUTION NO. 84-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan W. Lienesch ON THE
19th DAY OF November, 2001.

A RESOLUTION ACCEPTING AN EASEMENT
FOR A BUS STOP GAZEBO FROM MANORCARE
HEALTH SERVICES, INC.

WHEREAS, a parcel of land conveyed to Manorcare Health Services, Inc. is deemed necessary for the installation, operation, maintenance, replacement and removal of a bus stop gazebo and its appurtenances; and

WHEREAS, Manorcare Health Services, Inc. proposes to grant to the City of Centerville an easement on a 6.140 acre tract (Parcel II) of land recorded in the Deed Records of Montgomery County, Ohio, Microfiche Number 01-445C05.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts an easement on a tract of land conveyed to Manorcare Health Services Inc. for the installation, operation, maintenance, replacement and removal of a bus stop gazebo and its appurtenances, said real property consisting of 0.006 acres of a 6.140 acre tract recorded by Deed Microfiche Number 01-445C05 in the Deed Records of Montgomery County, Ohio, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

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

PASSED this 19th day of November, 2001.

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

ATTEST:

Marion J. ...
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 84-01, passed by the Council of the City of Centerville, Ohio, on the 19th day of November, 2001.

Marie J. Saeghl
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EASEMENT FOR GAZEBO

KNOW ALL MEN BY THESE PRESENTS: That Manorcare Health Services, Inc. (also known as Manorcare of Centerville, Inc. and Manorcare Health Services of Centerville, Inc.), the Grantor who is the owner of a 6.140 acre parcel of real property as described in a deed recorded in Microfiche Number 01-445C05 of the Deed Records of Montgomery County, Ohio hereby GRANTS to the City of Centerville, an Ohio municipal corporation, the Grantee, its successors and assigns the easement which is more particularly described in Exhibit A, attached hereto and incorporated herein.

Appurtenant to said easement is the perpetual, non-exclusive right of members of the public to use and occupy the real estate described in Exhibit A and the gazebo to be constructed thereon.

PROVIDED, HOWEVER, THAT the Grantee, its successors and assigns shall repair any damage to property described in Exhibit A caused by virtue of its or the public's exercise of their rights granted hereunder.

IN WITNESS WHEREOF, Manorcare Health Services, Inc., Grantor has executed this Easement this 22nd day of October, 2001.

Witness:

[Handwritten Signature]

Carol Tabbert

MANORCARE HEALTH SERVICES, INC.

By: [Handwritten Signature]
Its Vice President, Secretary and
General Counsel

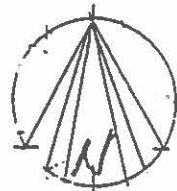
And: [Handwritten Signature]
Its Assistant Secretary

GRANTOR

State of Ohio
County of Lucas SS:

The foregoing instrument was acknowledged before me this 22nd day of October, 2001 by R. Jeffrey Bixler, Vice-President and David Nees, Assistant Secretary of Manorcare Health Services, Inc. a Delaware corporation on behalf of the corporation.

[Handwritten Signature]
Notary Public
CHERYL MENARD
Notary Public, Lucas County, Ohio
My Commission Expires July 24, 2003



NORWICH LANE
(60' R/W)

N 89° 10' 10" E

405.00'

6 R/W

SW COR. CEDAR COVE, SEC. TWO
PLAT BOOK 141, PAGE 11
(REFERENCE POINT)

40.00'

N 02° 46' 00" W 500' 46' 00" E

T.P.O.B.

N 89° 12' 00" E

12.00'

20.00'

12.00'

S 89° 14' 00" W

20.00'

500' 46' 00" E

MANORCADE HEALTH
SERVICES, INC.

MF# 01-445005

6.14 AC.

(PARCEL II)

12' x 20'

BUS STOP GAZEBO

EASEMENT

0.006 AC.

CLYO ROAD

(90' R/W)

P.B. 127, PG. 1

R/W



EXHIBIT TO EASEMENT

CITY OF CENTERVILLE
SECTION 20, TOWNSHIP, RANGE 6MRS.
CITY OF CENTERVILLE
MONTGOMERY COUNTY OHIO

McDOUGALL ASSOCIATES

8529 Byers Rd.
Miamisburg, OH 45342
(937) 847-2660

SCALE 1" = 20'

26 SEPT. 2001

Kirk P. Diehl, PS #7032

This Instrument Prepared By:
Robert N. Farquhar
Attorney at Law
1700 One Dayton Centre
Dayton, Ohio 45402

McDougall Associates, Inc.

Professional Land Surveyors

8529 Byers Road

Miamisburg, Ohio 45342

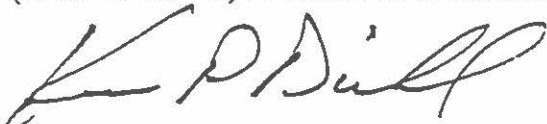
(937) 847-2660

FAX (937) 847-2670

**DESCRIPTION OF EASEMENT
PREPARED FOR THE CITY OF CENTERVILLE
SEPTEMBER 26, 2001**

Situate in Section 20, Town 2, Range 6 M.Rs., in the City of Centerville, Montgomery County, Ohio being an easement for the installation, operation, maintenance, replacement and removal of a bus stop gazebo and its appurtenances on the 6.140 acre tract (Parcel II) conveyed to Manorcare Health Services, Inc. by deed recorded in Microfiche Number 01-445C05 of the Deed Records of Montgomery County, Ohio, said easement being more particularly described as follows:

Starting for reference at the southwest corner of Cedar Cove, Section Two, recorded in Plat Book 141, Page 11 of the Plat Records of said County, said Plat Corner also being the intersection of the south right-of-way line of Norwich Lane (60' right-of-way) and the east right-of-way line of Clyo Road (90' right-of-way); thence from said Starting Point S 00°46'00" E with the east right-of-way line of Clyo Road a distance of 40.00 feet to the True Point of Beginning for the herein described easement; thence from said True Point of Beginning N 89°14'00" E a distance of 12.00 feet; thence S 00°46'00" E parallel with the east right-of-way line of Clyo Road a distance of 20.00 feet; thence S 89°14'00" W a distance of 12.00 feet to the east right-of-way line of Clyo Road; thence N 00°46'00" W a distance of 20.00 feet to the True Point of Beginning, containing 0.006 acres within the herein described easement. This description prepared by McDougall Associates, Inc. based on a survey made by same in September 2001. Bearings are based on the east right-of-way line of Clyo Road (N 00°46'00" W) as shown on Microfiche Number 01-445C05.



Kirk P. Diehl, P.S. #7032

