

RESOLUTION NO. 9-00
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Douglas Clive ON THE
21st DAY OF February, 2000.

A RESOLUTION ACCEPTING AN EASEMENT
FROM RETS TECH CENTER COMPANY, INC.
OF MONTGOMERY COUNTY, OHIO, FOR
PUBLIC ROADWAY RIGHT OF WAY, STORM
SEWER, CURB AND OTHER UTILITY PURPOSES.

WHEREAS, a parcel of land conveyed to RETS Tech Center Company, Inc. of Montgomery County, Ohio, is necessary to provide adequate public roadway right of way, storm sewer, curb and other utility purposes connected with the improvement of Alexandersville-Bellbrook Road, and

WHEREAS, RETS Tech Center Company, Inc. of Montgomery County, Ohio, proposes to grant with general warranty covenants to the City of Centerville an easement containing the land described in Exhibit "A" attached hereto, for said purpose.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. The City of Centerville hereby accepts an easement granted by RETS Tech Center Company, Inc. of Montgomery County, Ohio for a parcel of land described in Exhibit "A" attached hereto and incorporated herein, to provide adequate public roadway right of way, storm sewer, curb and other utility purposes connected with the improvement of Alexandersville-Bellbrook Road.

Section 2. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 21st day of February, 2000.

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

ATTEST:

Marilyn 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 9-00, passed by the Council of the City of Centerville, Ohio, on the 21st day of February, 2000.

Marilyn J. Saughel
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EASEMENT - RIGHT OF WAY

RETS Tech Center Co. Inc. of Montgomery County, Ohio for valuable consideration paid, grants with general warranty covenants to City of Centerville, Ohio, Grantee, whose tax mailing address is 100 W. Spring Valley Road; Centerville, Ohio 45458, an easement-right of way for public roadway, storm sewer, curb and other utility purposes upon the real estate described as follows:

Situated in the Southwest Quarter of section 20, Town 2, Range 6, MRS, City of Centerville, Montgomery County, Ohio and being more particularly described as follows:

Beginning at a point in the centerline of AlexandersvilleBellbrook Road, said point being the southwest corner of the said section 20 and the southwest corner of section 26, Town 2, Range 6, MRS; thence with the west line of said section 20 and the east line of said section 26, N 0°-46'35" W a distance of 83.77 feet to the true point of beginning; thence, with the previous course, N 0°-46'-35" W a distance of 1.62 feet to a point; thence with a curve to the left for an arc distance of 39.65 feet, said curve having a radius of 25.00 feet, a central angle of 90°-52'-24" and whose long chord bears S 46°-12'-47" E for a distance of 35.62 feet to a point in the northerly line of the proposed right-of-way of Alexandersville-Bellbrook Road; thence with said line N 88°-21'-01" E a distance of 921.33 feet to a point; thence S 1°-27'-50" W a distance of 60.08 feet to a point in the said section 20, S 88°-21'-01" W a distance of 892.92 feet to a point; thence N 1°-56'-20" W a distance of 33.00 feet to a point in the existing north right-of-way line of said Alexandersville-Bellbrook Road; thence with a curve to the right for an arc distance of 79.30 feet, said curve having a radius of 50.00 feet, a central angle of 90°-52'-24" and whose long chord bears N 46°-12'-47" W for a distance of 71.25 feet to the true point of beginning, containing 1.2624 acres, more or less, subject, however, to all legal highways, easements, and restrictions of record.

This easement-right of way is granted subject to the following terms and conditions:

1. Other Consistent Uses: Grantor reserves the right to use the Easement Area for any purpose not inconsistent with rights granted by this Easement.
2. Restoration of Property: If any damage to Grantor's property is caused by Grantee's exercise of its rights under this Easement, Grantee, at its expense, shall promptly restore any disturbed areas as nearly as possible to the condition existing prior to the occurrence of the damage.
3. Title: Grantor covenants with Grantee that Grantor is the owner of the Easement Area described above and has full power to convey the rights conveyed by this Easement. Grantor warrants and will defend the same against the claims of all persons, subject, however, to (a) all legal highways, (b) easements, covenants and restrictions of record, (c) real estate taxes and assessments not yet due and payable and (d) zoning, building and other applicable laws, codes and regulations.

Prior Instrument Reference:

Microfiche: #98-478 C05, Montgomery County, Ohio records.

RETS TECH CENTER CO., INC.

By Michael A. Fisher
OFFICER

Richard E. Elli

Colene E. Lemaster

STATE OF OHIO

COUNTY OF MONTGOMERY SS:

SWORN TO before me and subscribed in my presence by the said Retz Tech Center Co., Inc. through MICHAEL LeMASTER. President, this 31st day of December, 1999.

Colene E Lemaster

NOTARY PUBLIC

COLENE E LEMASTER
my commission expires 11/1/03

This instrument was prepared by ROBERT N. FARQUHAR, Attorney at Law.