

RESOLUTION NO. 27-99  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C Marie Klugseed ON THE  
2nd DAY OF August, 1999.

A RESOLUTION AUTHORIZING THE CITY  
MANAGER TO GRANT A RIGHT OF WAY AND  
EASEMENT, ON BEHALF OF THE CITY OF  
CENTERVILLE, TO THE BOARD OF COUNTY  
COMMISSIONERS OF MONTGOMERY COUNTY,  
OHIO, FOR THE INSTALLATION OF A WATER  
MAIN FOR SERVICE TO YANKEE TRACE  
SECTION TWENTY.

WHEREAS, it is necessary for the City of Centerville to grant unto the Board of  
County Commissioners of Montgomery County, Ohio, a right of way and easement for  
the installation of a water main to provide service to Yankee Trace Section Twenty, and

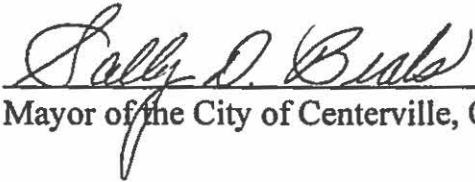
WHEREAS, to accomplish this the Board of County Commissioners of  
Montgomery County, Ohio, has requested an easement on property owned by the City of  
Centerville, situated in Section 5, T2, R5, MRs of the Deed Records of Montgomery  
County, Ohio.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY  
RESOLVES:

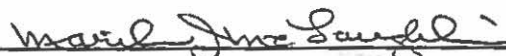
Section 1. That the City Manager be and is hereby authorized, on behalf of the  
City of Centerville, to grant unto the Board of County  
Commissioners of Montgomery County, Ohio, a right of way and  
Easement for the installation of a water main to provide service to  
Yankee Trace Section Twenty, a copy of which is attached hereto  
and made a part hereof, marked as Exhibit "A".

Section 2. That this Resolution shall become effective immediately upon  
passage.

PASSED this 2nd day of August, 1999.

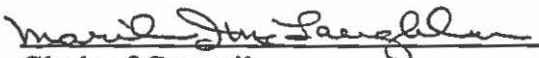
  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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 27-99, passed by the Council of the City of Centerville, Ohio, on the 2nd day of August, 1999.

  
\_\_\_\_\_  
Clerk of Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney

EXHIBIT "A"

DISTRICT: GREATER MORAINE - 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 the stated utility a sanitary sewer and/or water line through the following described real estate:

Situated in Section 5, Town 2, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a Waterline Easement further described as follows;

Begin at an existing 1" iron pipe at the southeasterly corner of Section 5; thence, with the easterly line of the City of Centerville as recorded in M.F. # 94-742-D06 of the Montgomery County Recorder's Office North 02°48'24" East, 441.59 feet to an existing iron pin, said pin being on the southerly line of Yankee Trace Section 20 land as recorded in M.F. # \_\_\_\_\_; thence with said line North 87°11'36" West, 37.73 feet to the true point of beginning;

- thence from the point of beginning thus found, and departing said southerly line South 02°48'24" West, 15.00 feet;
- thence North 87°11'36" West, 20.00 feet;
- thence North 02°48'24" East 15.00 feet;
- thence South 87°11'36" East, 20.00 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\_\_\_\_\_

\_\_\_\_\_

hereunto subscribed \_\_\_\_\_ name on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

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

Witness:  
1) \_\_\_\_\_  
(print:)

Owner:  
\_\_\_\_\_  
(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 \_\_\_\_\_

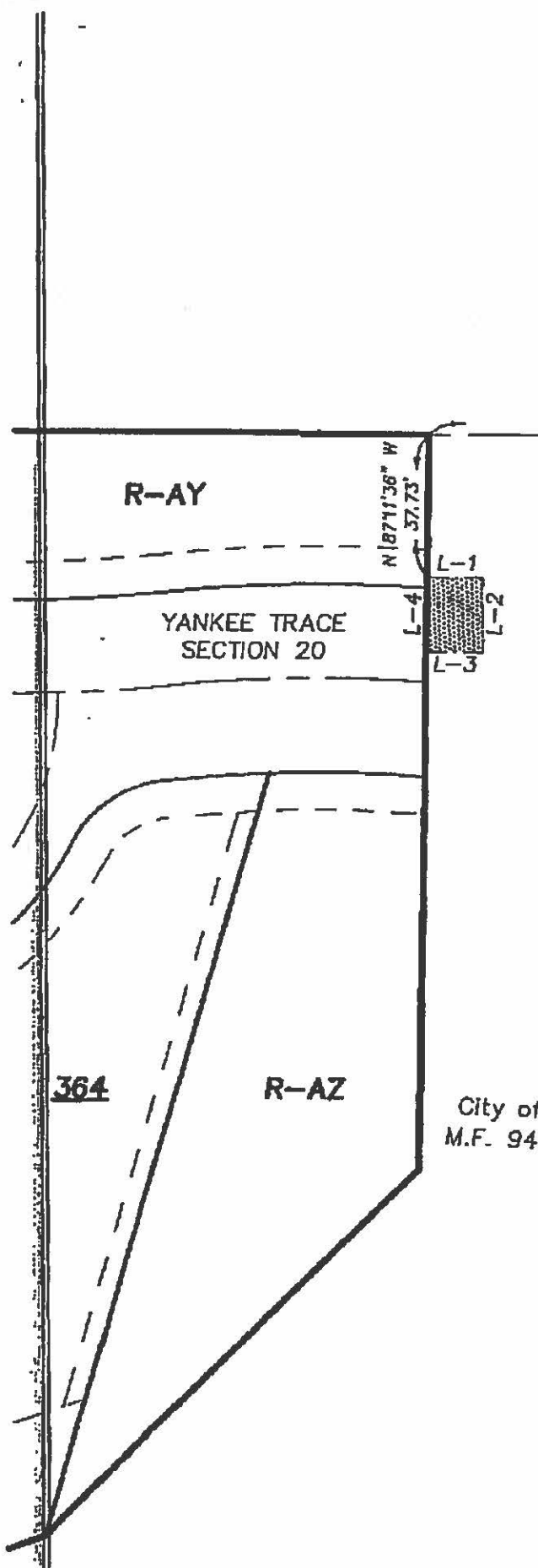
\_\_\_\_\_ the grantor\_ in the foregoing easement deed, and acknowledged the execution thereof to be \_\_\_\_\_ free and voluntary act for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

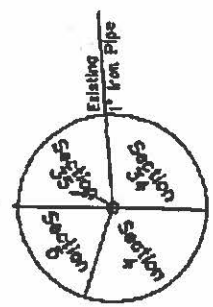
\_\_\_\_\_  
Notary Public in and for the State of Ohio  
My Commission expires \_\_\_\_\_

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

by \_\_\_\_\_



S 02°48'24" W  
441.59'



NUMBER	DIRECTION	DISTANCE
L-1	S 02°48'24" W	15.00'
L-2	N 87°11'36" W	20.00'
L-3	N 02°48'24" E	15.00'
L-4	S 87°11'36" E	20.00'

364

R-AZ

City of Centerville  
M.F. 94-0742-D06



EXHIBIT  
WATERLINE  
EASEMENT  
SECT 5, T2, R5 MRs  
1" = 40'  
7-9-99