

RESOLUTION NO. 41-98
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Susan Lewesch ON THE
19th DAY OF October, 1998.

A RESOLUTION ACCEPTING A PERMANENT
EASEMENT FROM JAMES P. AND MARY C. FADDEN
FOR THE INSTALLATION AND MAINTENANCE OF
STORM SEWERS AND STORM SEWER STRUCTURES.

WHEREAS, a parcel of land conveyed to James P. and Mary C. Fadden is necessary for the construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon; and

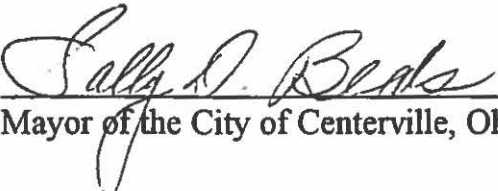
WHEREAS, James P. and Mary C. Fadden propose to grant to the City of Centerville a permanent easement for a portion of land upon Lot 145, Rose Estates Section Seven, recorded in Plat Book 99, page 10 of Plat records of Montgomery County, Ohio by Deed Microfiche No. 82-088A08, for said purpose.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. The City of Centerville hereby accepts a permanent easement for a portion of the land conveyed to James P. and Mary C. Fadden, for the installation and maintenance of storm sewers and storm sewer structures, said land being a portion of Lot 145, Rose Estates Section Seven, recorded in Plat Book 99, page 10 of Plat records of Montgomery County, Ohio by Deed Microfiche No. 82-088A08, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

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

PASSED this 19th day of October, 1998.



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 46-98, passed by the Council of the City of Centerville, Ohio, on the 19th day of October, 1998.

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 FOR STORM SEWER

KNOW ALL MEN BY THESE PRESENTS: That the James P. Fadden and Mary C. Fadden, husband and wife hereby GRANT to The City of Centerville, Ohio, an Ohio municipal corporation a PERMANENT EASEMENT for the permanent installation, location and maintenance of storm sewers and storm sewer structures thereon and thereunder and the right of ingress and egress to the following described area for the purpose of construction, reconstruction, maintenance and repair of the storm sewers and storm sewer structures thereon, all of which shall be a burden upon the following described property which shall run with the land:

Situate in the City of Centerville, County of Montgomery and State of Ohio, being an easement for the installation, maintenance and repair of a storm sewer upon Lot 145 as shown on Rose Estates Section Seven as recorded in Plat Book 99 page 10 of the Plat Records of Montgomery County, Ohio, and as conveyed to James P. and Mary C. Fadden by Deed Microfiche No. 82-088A08 of the Deed Records of Montgomery County, Ohio and being an easement more particularly described as follows:

Starting for reference at an iron pin found at the northwest corner of said Lot 145, and on the south line of Roselake Drive thence S 89° 24' 58" E with the south line of said Roselake Drive a distance of 10.0 feet to the east line of an existing easement and the True Point of Beginning for the herein described easement;
 thence from said True Point of Beginning S 89° 24' 58" E with the south line of said Roselake Drive a distance of 20.0 feet to a point;
 thence S 00° 35' 02" W a distance of 60.0 feet to a point;
 thence N 89° 24' 58" W a distance of 20.0 feet to a point on the east line of the aforementioned existing easement;
 thence N 00° 35' 02" E with said easement line a distance of 60.0 feet to the place of beginning.

This description prepared by McDougall Associates based on a survey made by same in March 1998. All iron pins set are 30" x 5/8" capped "McDougall Associates". Bearings based on Plat Book 99 page 10.

Prepared by Thomas McDougall P.S. #6588

Prior Instrument: Microfiche # 82-088A08 Montgomery County Deed Records.

PROVIDED, HOWEVER, THAT the Grantee, its successors and assigns shall repair any damage to the above described property caused by virtue of its exercise of its rights granted hereunder.

IN WITNESS WHEREOF, the Grantors have executed this Easement this 21st day of September, 1998.

Witness:

Peggy S. White

Linda J. Schrott

James P. Fadden
JAMES P. FADDEN

Mary C. Fadden
MARY C. FADDEN

GRANTORS

State of Ohio
County of Montgomery SS:

The foregoing instrument was acknowledged before me this 21st day of September, 1998 by JAMES C. FADDEN and MARY C. FADDEN, husband and wife, the Grantors.

Marilyn J. McLaughlin
Notary Public

This Instrument Prepared By:
Robert N. Farquhar
Attorney at Law
1700 One Dayton Centre
Dayton, Ohio 45402
(937) 223-1201

MARILYN J. McLAUGHLIN, Notary Public
In and for the State of Ohio
My Commission Expires September 29, 1999

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AC
ALTICK
FORWIN
CO., L.P.A.

700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

McDougall Associates, Inc.
Professional Land Surveyors
8529 Byers Road
Miamisburg, Ohio 45342
(937) 847-2660
FAX (937) 847-2670

**DESCRIPTION OF STORM SEWER EASEMENT
LOT 145 ROSE ESTATES SEC 7
CITY OF CENTERVILLE
AUGUST 12, 1998**

Situate in the City of Centerville, County of Montgomery and State of Ohio, being an easement for the installation, maintenance and repair of a storm sewer upon Lot 145 as shown on Rose Estates Section Seven as recorded in Plat Book 99 page 10 of the Plat Records of said County, and as conveyed to James P. and Mary C. Fadden by Deed Microfiche No. 82-088A08 of the Deed Records of Montgomery County, Ohio and being an easement more particularly described as follows:

Starting for reference at an iron pin found at the northwest corner of said Lot 145, and on the south line of Roselake Drive thence S 89°24'58"E with the south line of said Roselake Drive a distance of 10.0 feet to the east line of an existing easement and the True Point of Beginning for the herein described easement;

thence from said True Point of Beginning S 89°24'58" E with the south line of said Roselake Drive a distance of 20.0 feet to a point;

thence S 00°35'02"W a distance of 60.0 feet to a point;

thence N 89°24'58"W a distance of 20.0 feet to a point on the east line of the aforementioned existing easement;

thence N 00°35'02"E with said easement line a distance of 60.0 feet to the place of beginning.

This description prepared by McDougall Associates based on a survey made by same in March 1998. All iron pins set are 30" x 5/8" capped "McDougall Associates". Bearings based on prior Deed Book 2176, Page 622 (Parcel # 3) which is a metes & bound description of Lot # 3720.

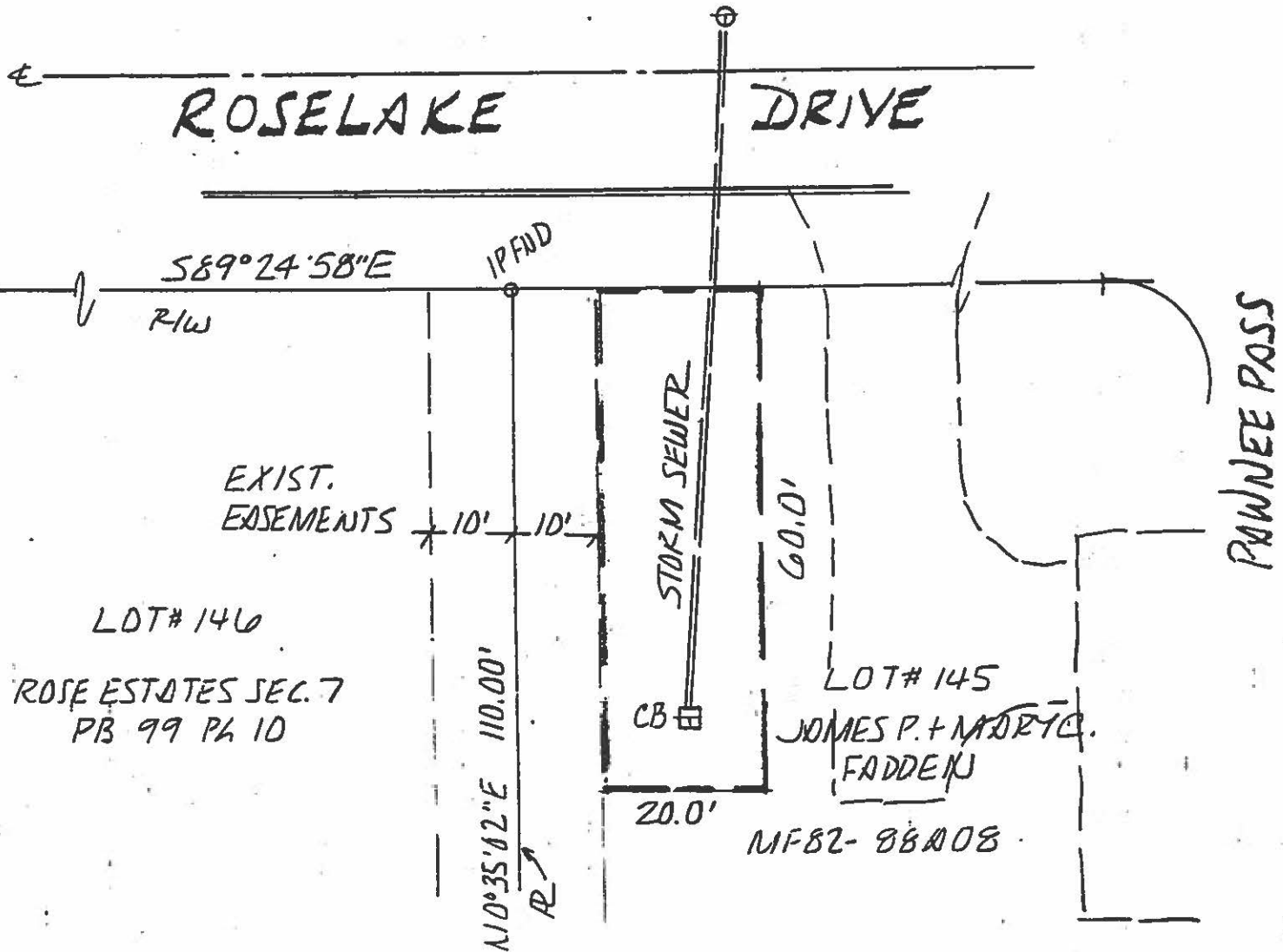
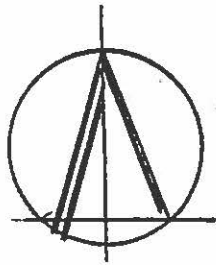


EXHIBIT TO EASEMENT

Lot 145 - ROSE ESTATES SEC. 7
 CITY of CENTERVILLE - MONTGOMERY CO. DIVID
 SCALE 1" = 20' JUN 1998

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