

RESOLUTION NO. 20-97
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J.V. STONE ON THE
17th DAY OF MARCH, 1997.

A RESOLUTION RATIFYING THE ACTION TAKEN BY
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 SANITARY SEWER TO
SERVE THE YANKEE TRACE RESIDENTIAL
DEVELOPMENT.

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 sanitary sewer to serve the Yankee Trace Residential Development.

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio, is requesting a 32 foot Sanitary Sewer Easement on property situated in Section 5, Town 2, Range 5, Mrs., being at the northeasterly corner of Lot 181 as recorded in Yankee Trace Subdivision, Section Eight with the Montgomery County Recorder.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the action taken by the City Manager is hereby ratified, which was necessary to execute a grant of right of way and easement to the Board of County Commissioners of Montgomery County, Ohio, in order to install a sanitary sewer for service to the Yankee Trace Residential Development, in accordance with said option for right of way and easement attached hereto and made a part hereof, marked Exhibit "A".

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

PASSED this 17th day of MARCH, 1997.

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

ATTEST:

Mauro J. McLaughlin
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 20-97, passed by the Council of the City of Centerville, Ohio, on the 17th day of MARCH, 1997.

Mauro J. McLaughlin
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

DISTRICT: GREATER MORAINÉ - BEAVERCREEK SEWER DISTRICT
SEWER IMPROVEMENT AREA # _____
_____ SUBDISTRICT

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENT:

That _____ the CITY OF CENTERVILLE _____

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 utilit__ 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 34 foot Sanitary Sewer Easement taken evenly off the following described centerline:

Begin in the northeasterly corner of Lot 181 as recorded in Yankee Trace Subdivision, Section Eight, Plat Book _____, Page _____, as recorded in Montgomery County Recorder's Office, thence along the southeasterly boundary line of said Lot 181 South 64°00'46" West, 31.79 feet to the point of beginning;

thence from the point of beginning thus found and departing said boundary line South 21°28'20" East, 357.16 feet to its terminus.

Said property now is owned by the CITY OF CENTERVILLE

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 City of Centerville acting by and through Gregory B. Horn, its City Manager who has

hereunto subscribed his name on this 5th day of March, 19 97.

Executed in the presence of us:

(two witnesses required)

Witness:

1) Peggy S. Whisman
(print:) PEGGY S. WHISMAN

Owner
[Signature]
(print:) GREGORY B. HORN
Title: CITY MANAGER

2) Linda L. Schrott
(print:) LINDA L. SCHROTT

(print:) _____
Title: _____

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared Gregory B. Horn, City Manager for the City of Centerville

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 5th day of March, 19 97.

[Signature]
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

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

by _____

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UTILITY EASEMENT

YANKEE TRACE SECTION EIGHT

181

P.O.B.

TIE
N.E. CORNER OF LOT 181
OF YANKEE TRACE
SECTION EIGHT

S 64°00'46" W
31.79'

CITY OF CENTERVILLE
M.F. 94-0742-006

S 21°28'20" E
357.16'

FAIRWAY #5

34.00' SANITARY SEWER EASEMENT

EXHIBIT
SANITARY SEWER
EASEMENT
 SECT 5, T2, R5, MRS,
 CITY OF CENTERVILLE,
 MONTGOMERY CO., OHIO
 1" = 40'