

RESOLUTION NO. 21-97
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER SUSAN LIENESCH 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, OHIO, FOR THE
INSTALLATION OF A WATER LINE 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 water line to serve the Yankee Trace Residential Development.

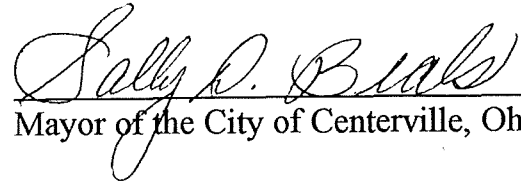
WHEREAS, to accomplish this the Board of County Commissioners of
Montgomery County, Ohio, is requesting a 20 foot Water Line Easement on property
situated in Section 5, Town 2, Range 5, Mrs., being at the northeasterly corner of Lot 180
as recorded in Yankee Trace Subdivision, Section Eight with the 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 water line 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".

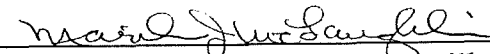
Section 2. That this Resolution shall become effective at the earliest date
allowed by law.

PASSED this 17th day of MARCH, 1997.



Mayor of the City of Centerville, Ohio

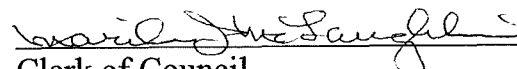
ATTEST:



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 21-97, passed by the Council of the City of Centerville, Ohio, on the 17th day of MARCH, 1997.



Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

DISTRICT: GREATER MORAIN - 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 20 foot Water Line Easement more particularly described as follows:

Begin at the northeasterly corner of Lot 180 as recorded in Yankee Trace Subdivision, Section Eight, Plat Book ____, Page ____, as recorded in Montgomery County Recorder's Office; thence along the easterly line of said Lot 180 South 00°18'28" West, 75.11 feet to the point of beginning;

- thence from the point of beginning thus found and departing said boundary line North 77°29'04" East, 28.24 feet;
- thence South 12°30'56" East, 20.00 feet;
- thence South 77°29'04" West, 32.79 feet to said easterly line;
- thence South 00°18'28" West, 20.51 feet to the point of beginning.

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 J. Schrott
(print:) LINDA J. 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 afixed my notarial seal on this 5th day of March, 19 97.

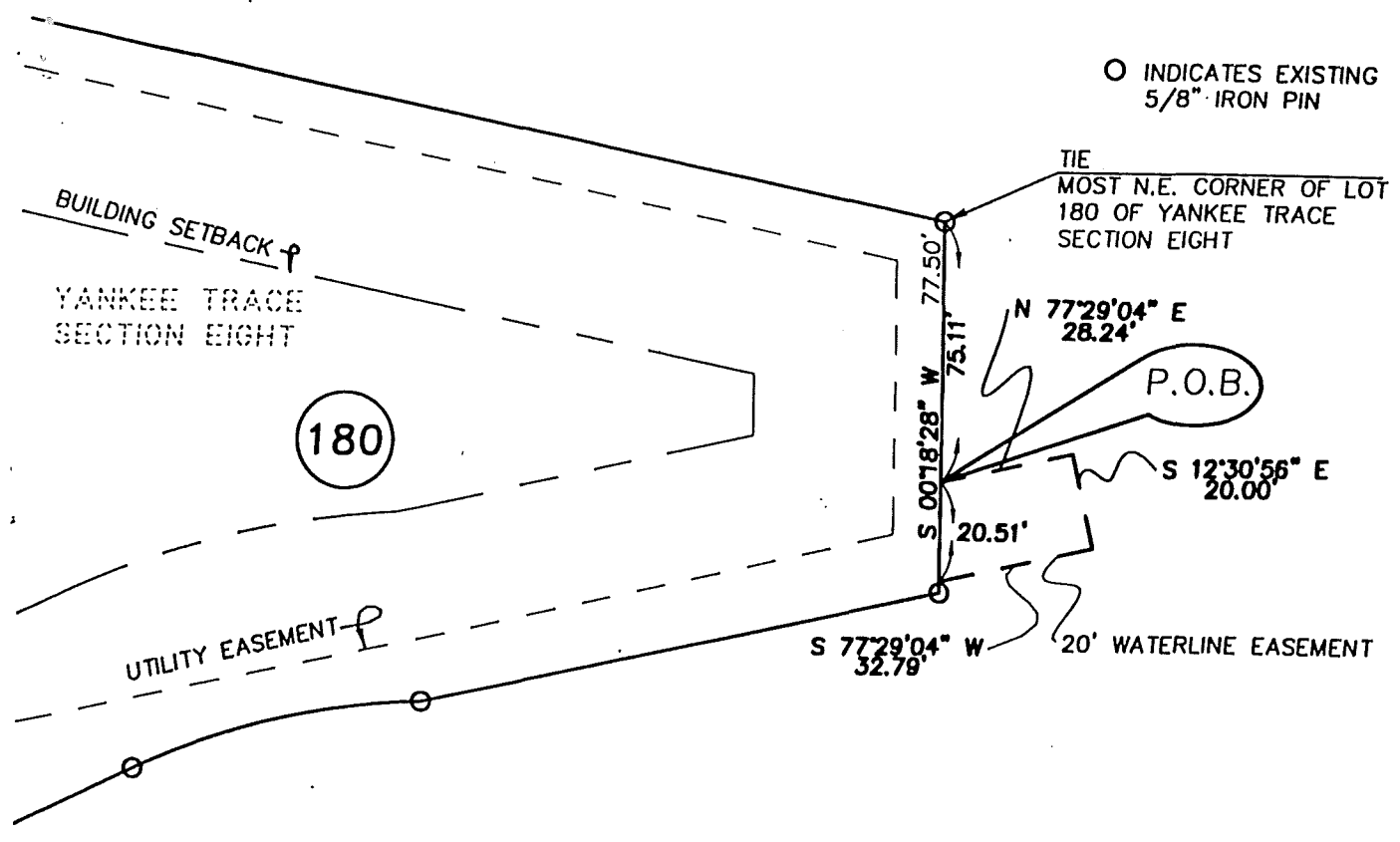
[Signature]
Notary Public in and for the State of Ohio
My Commission expires _____

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 _____

○ INDICATES EXISTING
5/8" IRON PIN



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

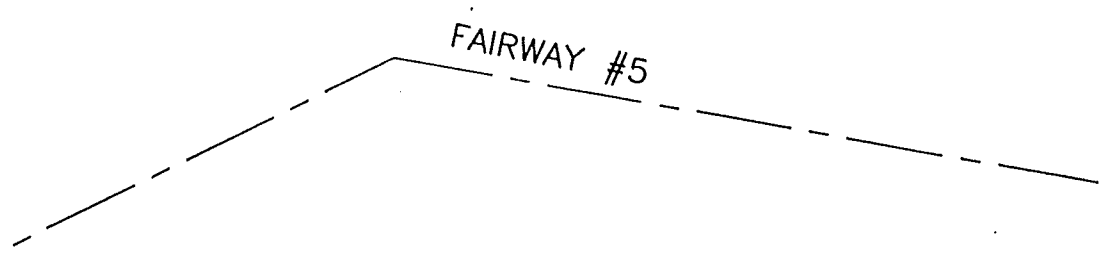


EXHIBIT
WATERLINE EASEMENT
SECT 5, T2, R5, MRS,
CITY OF CENTERVILLE,
MONTGOMERY CO., OHIO
1" = 40'

