

RESOLUTION NO. 61-97  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JAMES SINGER ON THE  
15th DAY OF SEPTEMBER, 1997.

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 SANITARY SEWER TO SERVE THE YANKEE TRACE RESIDENTIAL DEVELOPMENT AND ADJACENT PROPERTY.

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 and adjacent property, and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio, is requesting a Sanitary Sewer Easement across property situated in Section 4, Town 2, Range 5, Mrs., City of Centerville, recorded in M.F. 94-0678-B03 in the deed records of Montgomery County, Ohio.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized and directed to grant a 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 and adjacent property, 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 15<sup>th</sup> day of SEPTEMBER, 1997.

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

ATTEST:

Maile 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 61-97, passed by the Council of the City of Centerville, Ohio, on the 15<sup>th</sup> day of SEPTEMBER, 1997.

Maile 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 \_\_\_\_\_

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 4, Town 2, Range 5, MRs, City of Centerville, Montgomery County, Ohio and being a Sanitary Sewer Easement further described as follows:

Begin at an existing 1" iron pipe at the most northeasterly corner of Section 4, thence departing said corner South 02°48'24" West, 647.05 feet to an existing 5/8" iron pin; thence South 02°33'49" West, 692.08 feet to an existing 5/8" iron pin; thence South 02°33'49" West, 319.67 feet to an existing 1" iron pin; thence South 02°18'24" West, 80.23 feet to an existing 5/8" iron pin; thence South 02°18'24" West, 223.14 feet to the true point of beginning;

thence	from the point of beginning thus found South 02°18'24" West, 24.00 feet;
thence	North 87°44'08" West, 82.58 feet;
thence	North 61°45'59" West, 203.97 feet;
thence	North 50°03'43" West, 66.56 feet;
thence	South 54°53'21" East, 99.57 feet;
thence	North 32°05'51" East, 20.47 feet;
thence	South 61°45'59" East, 159.27 feet;
thence	South 87°44'08" East, 81.63 feet to the 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:

Owner:

1) \_\_\_\_\_

\_\_\_\_\_

(print:) \_\_\_\_\_

(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 \_\_\_\_\_

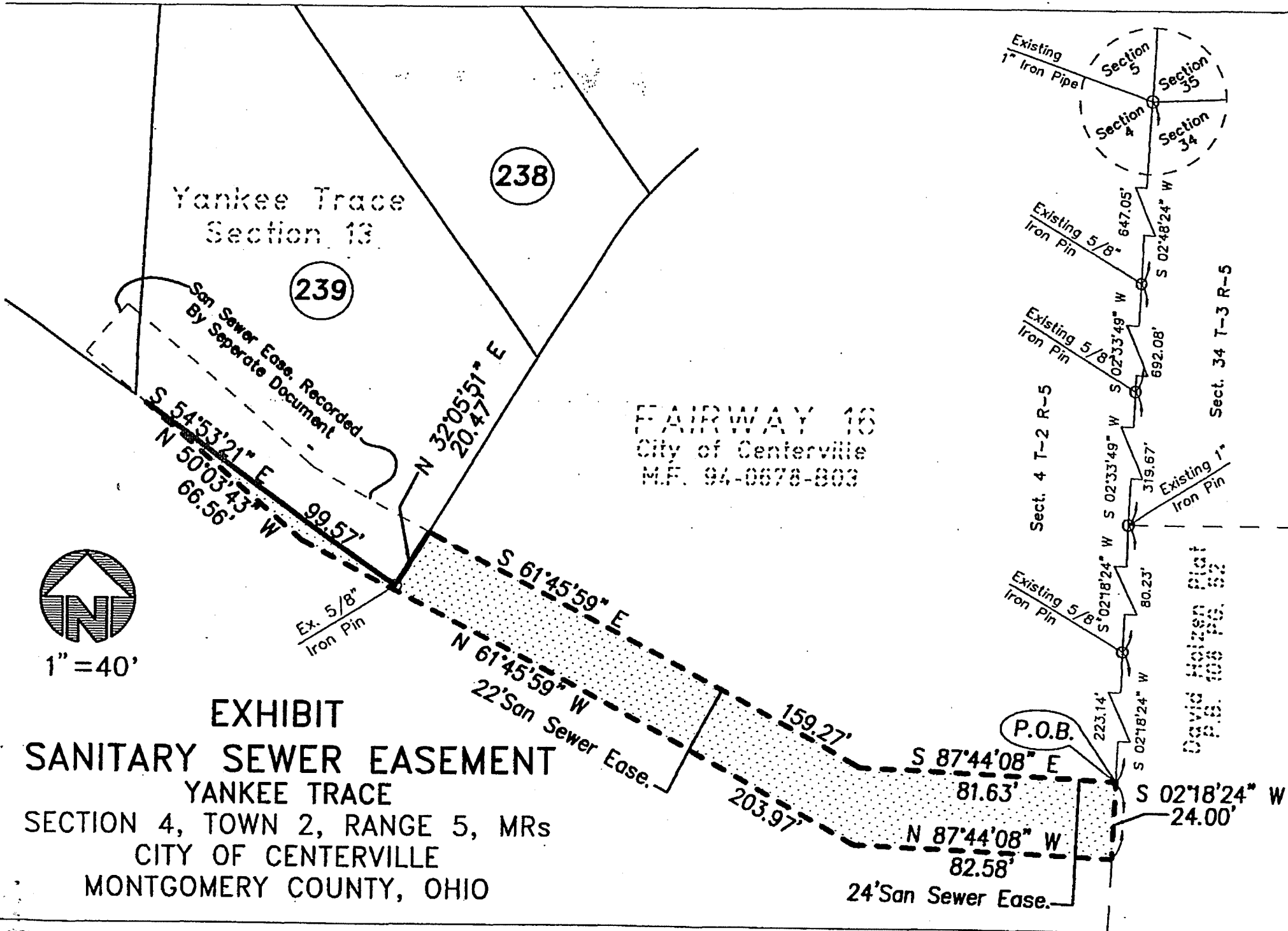
the grantor\_\_ in the foregoing easement deed, and acknowledged the execution thereof to be \_\_\_\_\_ free and voluntary act for the uses and purposes therein set forth.

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 \_\_\_\_\_



Yankee Trace  
Section 13

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San Sewer Easement Recorded  
By Separate Document

FAIRWAY 10  
City of Centerville  
M.F. 94-0678-803



1" = 40'

**EXHIBIT**  
**SANITARY SEWER EASEMENT**  
**YANKEE TRACE**  
SECTION 4, TOWN 2, RANGE 5, MRs  
CITY OF CENTERVILLE  
MONTGOMERY COUNTY, OHIO

P.O.B.

David Holzen Plat  
p.p. 106 pp. 62

Sect. 4 T-2 R-5

Sect. 34 T-3 R-5

24' San Sewer Easement

22' San Sewer Easement

S 54°53'21" E 99.57'  
N 50°03'43" W 66.56'

S 61°45'59" E  
N 61°45'59" W

S 87°44'08" E 81.63'  
N 87°44'08" W 82.58'

S 02°18'24" W 80.23'  
S 02°33'49" W 319.67'  
S 02°33'49" W 692.08'  
S 02°48'24" W 647.05'

Existing 1" Iron Pipe  
Section 5  
Section 35  
Section 4  
Section 34