

RESOLUTION NO. 80-97
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN 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 LINE TO SERVE 232 NORTH MAIN STREET.

WHEREAS, it is necessary for the City of Centerville to grant unto the Board of County Commissioners of Montgomery County, Ohio, an easement for the installation of a sanitary sewer to serve 232 North Main Street; and

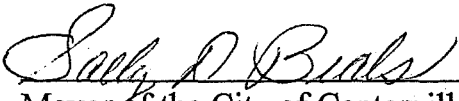
WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio, is requesting a sanitary sewer easement ten (10) feet wide along the north side of Benham' Grove, property which is situated in Section 25, Town 2, Range 6, Mrs, City of Centerville, recorded in MF 91-0246-C01 in 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 an easement to the Board of County Commissioners of Montgomery County, Ohio, in order to install a sanitary sewer to serve 232 North Main Street, in accordance with said option for an 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 NOVEMBER, 1997.


Mayor of the City of Centerville, Ohio

ATTEST:

Maui J. Saughli
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 80-97, passed by the Council of the City of Centerville, Ohio, on the 17th day of NOVEMBER, 1997.

Maui J. Saughli
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 _____ City of Centerville, Ohio

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 for water line~~ through the following described real estate:

Situate in Section 25, Town 2, Range 6MRs, City of Centerville, Montgomery County, Ohio and being a ten feet wide easement for installation and maintenance of a sanitary sewer over a 4.5874 Acre tract of land conveyed to the City of Centerville, Ohio by deed recorded in MF 91-0246 C01 of the Montgomery County, Ohio Deed Records, said easement being more particularly described as follows:

beginning at an iron pin in the north boundary of said City of Centerville tract of land, said point being in the east right-of-way of State Route 48 and marks the southwest corner of the remaining 0.426 Acre tract conveyed to Thomas L. Hotopp and Faye C. Collier by deed recorded in MF 95-587 C06 of the Montgomery County, Ohio Deed Records;

thence from said point of beginning S 88deg.21'15" E with the north boundary of said City of Centerville land a distance of 200.00 feet to a point; thence S 05deg.07'00" W a distance of 10.00 feet to a point; thence N 88deg.21'15" W parallel with north boundary of said City of Centerville land a distance of 200.00 feet to a point in the east right-of-way of State Route 48; thence N 05deg.07'00" E a distance of 10.00 feet to the place of beginning.

Deed Reference: MF 91-0246 C01

Bearing basis: MF 95-587 C06

Said property now is owned by City of Centerville, Ohio

By deed reference: MF 91-0246 C01

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, Ohio
by _____

hereunto subscribed _____ name on this _____ day of _____, 19_____.

Executed in the presence of us:

(two witnesses required)

Witness:

1) _____
(print:)

City of Centerville, Ohio
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 City of Centerville, Ohio,
by _____

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_____.

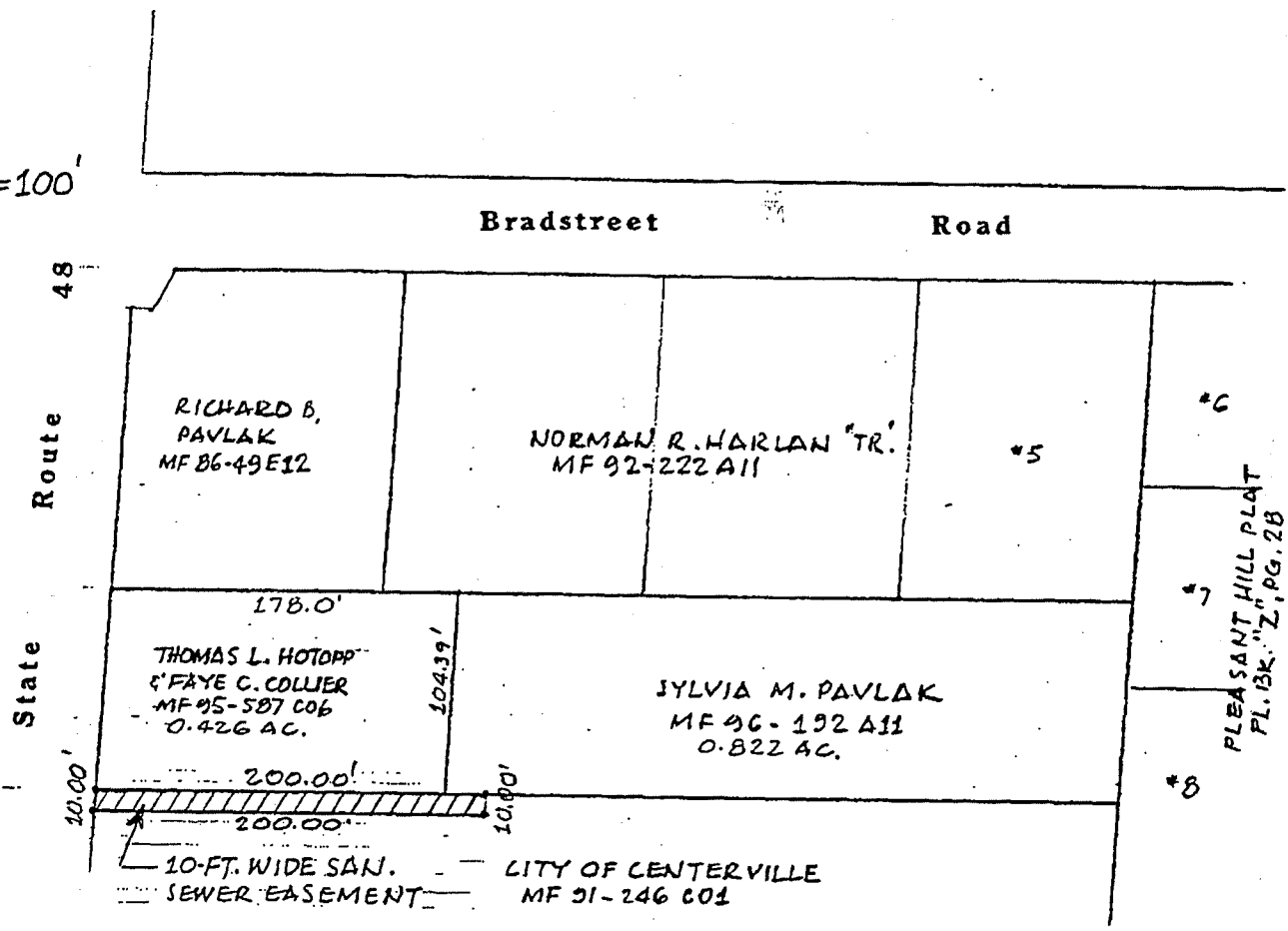
Notary Public in and for the State of Ohio
My Commission expires _____

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

by _____



SCALE: 1"=100'



Bradstreet Road

Route 48
State

RICHARD B.
PAVLAK
MF 86-49E12

NORMAN R. HARLAN TR.
MF 92-222 A11

*5

*6

THOMAS L. HOTOPP
& FAYE C. COLLIER
MF 95-587 C06
0.426 AC.

SYLVIA M. PAVLAK
MF 96-192 A11
0.822 AC.

*7

PLEASANT HILL PLAT
PL. BK. "Z", PG. 28

*8

10-FT. WIDE SAN. SEWER EASEMENT
CITY OF CENTERVILLE
MF 91-246 C01