

RESOLUTION NO. 21-96
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J.V. STONE ON THE
15TH DAY OF APRIL, 1996.

A RESOLUTION ACCEPTING AN EASEMENT FOR ROADWAY
PURPOSES FROM THE CHEVY CHASE COMPANY.

WHEREAS, a 0.836 acre parcel of land conveyed to the Chevy Chase Company as deed recorded in Deed Book 2449, page 321, Montgomery County, Ohio, is deemed necessary for road right-of-way purposes as part of the South Main Street Improvement Project, and

WHEREAS, the Chevy Chase Company grants an easement to the City of Centerville for real property for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. That the City of Centerville hereby accepts an Easement for a 0.836 parcel of land conveyed to the Chevy Chase Company for road right-of-way purposes, said real property as deed recorded in Deed Book 2449, page 321, in Montgomery County, Ohio, 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 15TH day of APRIL, 1996.

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

ATTEST:

Marilyn J. Sample
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 21-96 passed by the Council of the City of Centerville, Ohio, on the 15th day of APRIL, 1996.

Wendell J. M. Saughlin
Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

EASEMENT FOR ROADWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS: That Chevy Chase Company, ~~Inc.~~, an Ohio ^{general partnership} corporation, the Grantor for One Dollar and other valuable consideration hereby grants to the City of Centerville, Ohio, an Ohio municipal corporation, the Grantee an EASEMENT FOR PUBLIC ROADWAY PURPOSES over the following described premises:

Situated in Section 30, Town 3, Range 5 M.Rs., City of Centerville, County of Montgomery, State of Ohio, and being a portion of the land conveyed to Chevy Chase Company by deed recorded in Deed Book 2449, Page 321 (all references to deeds, plats, etc. refer to the Montgomery County Recorder's Office unless noted otherwise) and being more particularly described as follows:

Beginning at the southwest corner of Chevy Chase Park, Section One as recorded in Plat Book 94, Page 17, witness an iron pin found South eighty-nine degrees fifty-one minutes twenty seconds East (S89°51'20"E) for no and 18/100 feet (0.18') therefrom;

thence along the south right-of-way line of Loganwood Drive (width varies), North eighty-nine degrees fifty-one minutes twenty seconds West (N89°51'20"W) for five hundred sixty-one and 82/100 feet (561.82') to a corner in said right-of-way and the **TRUE POINT OF BEGINNING** of the herein described parcel;

thence by new division lines the following seven (7) courses:

1) North eighty-nine degrees fifty-one minutes twenty seconds West (N89°51'20"W) for ten and 00/100 feet (10.00');

2) North no degrees eight minutes forty seconds East (N00°08'40"E) for six hundred two and 38/100 feet (602.38');

3) on a curve to the left with a radius of twenty-five and 00/100 feet (25.00') for an arc distance of thirty-nine and 26/100 feet (39.26'), [chord bearing North forty-four degrees fifty minutes fifty seconds West (N44°50'50"W) for thirty-five and 35/100 feet (35.35'), delta angle of said curve being eighty-nine degrees fifty-nine minutes no seconds (89°59'00")];

4) North eighty-nine degrees fifty minutes twenty seconds West (N89°50'20"W) for one hundred fifty-one and 05/100 feet (151.05');

5) South forty-five degrees nine minutes forty seconds West (S45°09'40"W) for fifteen and 56/100 feet (15.56');

6) North eighty-nine degrees forty-nine minutes nine seconds West



ATTORNEYS AT LAW

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

(N89°49'09"W) for sixty-seven and 95/100 feet (67.95');

7) South no degrees nine minutes forty seconds West (S00°09'40"W) for one thousand seventy-four and 56/100 feet (1074.56') to an iron pin set in the north line of land conveyed to The Ohio Fuel Gas Company by deed recorded in Deed Book 1621, Page 7;

thence along the north line of said land, South eighty-five degrees fifteen minutes fifty seconds West (S85°15'50"W) for twenty-eight and 49/100 feet (28.49') to a point in the east right-of-way of State Route 48, also known as Main Street (width varies);

thence along the east right-of-way of State Route 48 the following five (5) courses:

- 1) North no degrees fourteen minutes nineteen seconds East (N00°14'19"E) for six hundred nineteen and 47/100 feet (619.47');
- 2) North no degrees fifty-seven minutes eighteen seconds East (N00°57'18"E) for seventy and 48/100 feet (70.48');
- 3) North one degree forty minutes sixteen seconds East (N01°40'16"E) for three hundred twenty-eight and 52/100 feet (328.52');
- 4) North no degrees fifty-seven minutes eighteen seconds East (N00°57'18"E) for fifty-six and 33/100 feet (56.33');
- 5) North forty-five degrees forty-two minutes twenty-four seconds East (N45°42'24"E) for twenty-seven and 55/100 feet (27.55') to a point in the south right-of-way of said Loganwood Drive;

thence along said south right-of-way, South eighty-nine degrees fifty minutes twenty seconds East (S89°50'20"E) for two hundred sixty-two and 46/100 feet (262.46');

thence along the west right-of-way of said Drive, South no degrees eight minutes forty seconds West (S00°08'40"W) for six hundred thirty-three and 37/100 feet (633.37') to the **TRUE POINT OF BEGINNING**, containing no and 836/1000 (0.836) acres, subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.

This description is based upon a field survey made on the ground in 1995. The basis of the bearings used herein is the record plan for Chevy Chase Park, Section 1, as recorded in Plat Book 94, Page 17.



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ONE DAYTON CENTRE
E SOUTH MAIN STREET
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Description Prepared By: Merton A. Lovell, II, Ohio Professional Surveyor No. 7404, CESO, Inc., 7725 Paragon Road, Dayton, Ohio 45459

Deed Book 2449, Page 321

Prior Instrument: ~~Microfiche Number~~ _____ of the deed records of Montgomery County, Ohio.

IN WITNESS WHEREOF, Chevy Chase Company, ~~Inc.~~, an Ohio ~~corporation~~, ^{general partnership} acting through its duly authorized officers has executed this Easement this 18th day of MARCH, 1996.

Witness:

Penny L. Smith

Janice L. Leising

Chevy Chase Company, ~~Inc.~~
an Ohio general partnership

By: Harold F. Zieg
Its: ~~President~~ Harold F. Zieg
General Partner

And: _____
Its: ~~Secretary~~
GRANTOR

THE RUTH PARTNERSHIP
an Ohio general partnership

By: Don M. Casto, III
Don M. Casto, III
Trustee

State of Ohio
County of Montgomery SS:

The foregoing instrument was acknowledged before me this 18th day of March, 1996 by HAROLD F. ZIEG, ~~President~~ and DON M. CASTO, III, ~~Secretary~~ ^{general partnership} on behalf of Chevy Chase Company, ~~Inc.~~, an Ohio ~~corporation~~, the Grantor.

Patricia C. Novak
Notary Public

PATRICIA C. NOVAK
Notary Public, State of Ohio
My Commission expires 3-2-98

This Instrument Prepared By:
Robert N. Farquhar
Attorney at Law
1700 One Dayton Centre
Dayton, Ohio 45402

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