

RESOLUTION NO. 23-96
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER BROOKS COMPTON ON THE
15TH DAY OF APRIL, 1996.

A RESOLUTION ACCEPTING PERMANENT EASEMENTS FOR ROADWAY PURPOSES FROM DONALD K. AND PHYLLIS R. GERHARDT, ANTHONY F. AND KAREN L. STAUB, AND THE MAIN STREET PARTNERSHIP.

WHEREAS, a part of a parcel of land conveyed to each property owner, Donald K. and Phyllis R. Gerhardt, Anthony F. and Karen L. Staub, and The Main Street Partnership is deemed necessary for road right-of-way purposes as part of the Main Street/Iron Gate Park Drive Traffic Signal Improvement Project; and

WHEREAS, Donald K. and Phyllis R. Gerhardt grant an easement to the City of Centerville for a 0.003 acre parcel of land as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, along North Main Street for said purpose; and

WHEREAS, Anthony F. and Karen L. Staub grant an easement to the City of Centerville for a 0.599 acre parcel of land as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, along North Main Street for said purpose; and

WHEREAS, The Main Street Partnership grant an easement to the City of Centerville for a 0.190 acre parcel of land as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, along North Main Street for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City of Centerville hereby accepts an Easement for a 0.003 acre parcel of land conveyed to Donald K. and Phyllis R. Gerhardt for road right-of-way purposes, said real property as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the City of Centerville hereby accepts an Easement for a 0.599 acre parcel of land conveyed to Anthony F. and Karen L. Staub for road right-of-way

purposes, said real property as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, and more particularly described in Exhibit "B" attached hereto and made a part hereof.

Section 3. That the City of Centerville hereby accepts an Easement for a 0.190 acre parcel of land conveyed to The Main Street Partnership for road right-of-way purposes, said real property as recorded in Plat Book 76, page 20, in the Deed Records of Montgomery County, Ohio, and more particularly described in Exhibit "C" attached hereto and made a part hereof.

Section 4. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 15th day of APRIL, 1996.

Sally D. Beak
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 23-46 passed by the Council of the City of Centerville, Ohio, on the 15th day of APRIL, 1996.

Marilyn J. Sample
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 Donald K. Gerhardt and Phillis R. Gerhardt, husband and wife, the Grantors 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:

The Real Property described in Exhibit "A" attached hereto and incorporated herein.

Prior Instrument: Microfiche Number 89-0025-A07 of the deed records of Montgomery County, Ohio.

IN WITNESS WHEREOF, Donald K. Gerhardt and Phillis R. Gerhardt, husband and wife have executed this Easement this 15 day of March, 1996.

Witness:

Cecy Groves

Donald K. Gerhardt
Donald K. Gerhardt

Cecy Groves

Phyllis R. Gerhardt
Phyllis R. Gerhardt

GRANTORS

State of Ohio
County of Montgomery SS:

The foregoing instrument was acknowledged before me this 25th day of March, 1996 by Donald K. Gerhardt and Phillis R. Gerhardt, husband and wife, the Grantors.

Marilyn J. McLaughlin
Notary Public

AC
ALTICK
CORWIN
ATTORNEYS AT LAW
1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402

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

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

RNF\CVILLE\8469.RNF



ATTORNEYS AT LAW

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

014
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**Permanent Easement Description for
Lot #1- F.L. Arnold Plat
Donald K. Gerhardt and Phillis R. Gerhardt**

068-4-14

Situated in Section 25, Town 2, Range 6 M.R.S., in the City of Centerville, Montgomery County, Ohio and being part of Lot #1 of the F.L. Arnold Corrective Plat as recorded in Plat Book 76 page 20 and as conveyed Donald K. Gerhardt and Phillis R. Gerhardt by instrument recorded in Microfiche 89-0025-A07 of the deed records of said County, and being more particularly bounded and described with bearings based upon the east Right-of-Way line of St. Rte. 48 - N. Main St. as listed on said plat, per a survey performed by Lockwood, Jones and Beals, Inc. in 1995, as follows:

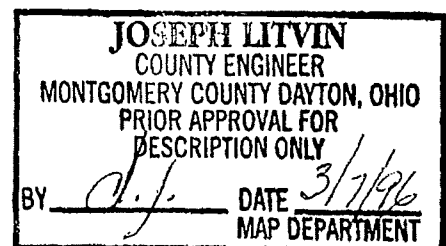
Beginning for reference at an iron pin found in the southwest corner of the F.L. Arnold Corrective Plat; said point being in the east Right-of-Way line of St. Rte. 48 - N. Main St. (35' right of centerline) and also being in the south Right-of-Way line of Iron Gate Drive (50' wide); thence with the west line of said Plat, being the east Right-of-Way line projected, North 1°00'00" East 72.68 feet to an iron pin found at a point in the said east Right-of-Way line and in the west line of said lot, being a point of curvature and the True Point of Beginning for the parcel herein described:

Thence South 47°12'10" East 29.82 feet to an iron pin found at a point in the north Right-of-Way line of Iron Gate Drive and a point of curvature in the south line of said lot;

Thence with a southwest line of said Lot and the Right-of-Way line established by said Corrective Plat along the arc of a curve to the right having a radius of 20.00 feet, a distance of 33.65 feet, said arc having a chord bearing North 47°12'10" West 29.82 feet to the True Point of Beginning containing 0.003 Acres (138 S.F.), more or less, and subject to all legal easements and restrictions of record.

Description Prepared by:
Lockwood Jones and Beals, Inc.
February 21, 1996

by Harry G. Herbst III
Harry G. Herbst III, Ohio P.S. No. 6596



EASEMENT FOR ROADWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS: That Anthony F. Staub and Karen L. Staub, husband and wife, the Grantors 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:

The Real Property described in Exhibit "A" attached hereto and incorporated herein.

Prior Instrument: Microfiche Number 92-0550-D01 of the deed records of Montgomery County, Ohio.

IN WITNESS WHEREOF, Anthony F. Staub and Karen L. Staub, husband and wife have executed this Easement this 31ST day of MARCH, 1996.

Witness:

James R. O'Leary

Anthony F. Staub
Anthony F. Staub

David G.

Karen L. Staub
Karen L. Staub

GRANTORS

State of Ohio
County of Montgomery SS:

March The foregoing instrument was acknowledged before me this 31st day of March, 1996 by Anthony F. Staub and Karen L. Staub, husband and wife, the Grantors.

Patricia R. Wells
Notary Public

PATRICIA R. WELLS Notary Public
in and for the State of Ohio
My Commission Expires July 11 2007

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

RNF\CVILLE\8470.RNF



ATTORNEYS AT LAW

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

*Div
28*

**Permanent Easement Description for
0.599 acre tract - St. Rte. 48 Centerville
Anthony F. Staub and Karen L. Staub**

068-1-3-

Situated in Section 25, Town 2, Range 6 M.R.S., in the City of Centerville, Montgomery County, Ohio and being part of a 0.599 Acre parcel of land as conveyed to Anthony F. Staub and Karen L. Staub by instrument recorded in Microfiche 92-0550-D01 of the deed records of said County, and being more particularly bounded and described with bearings based upon the east Right-of-Way line of St. Rte. 48 - N. Main St. as listed on the F. L. Arnold Corrective Plat as recorded in Plat Book 76 Page 20, per a survey performed by Lockwood, Jones and Beals, Inc. in 1995, as follows:

Beginning for reference at an iron pin found in the southwest corner of the F.L. Arnold Corrective Plat as recorded in Plat Book 76 Page 20, said point being in the east Right-of-Way line of St. Rte. 48 - N. Main St. (35 feet right of centerline) and also being in the south Right-of-Way line of Iron Gate Drive (50 feet wide); thence at right angles to said east Right-of-Way line North 89°00'00" West 70.00 feet to a point in the west Right-of-Way line of St. Rte. 48 and in the east line of said 0.599 acre parcel; thence North 1°00'00" East 53.55 feet to the northeast corner of said 0.599 acre parcel and the True Point of Beginning for the parcel herein described:

Thence with the west Right-of-Way line of St. Rte. 48 and the east line of said parcel South 1°00'00" West 50.00 feet to a point;

Thence North 89°00'00" West 10.00 feet to a point;

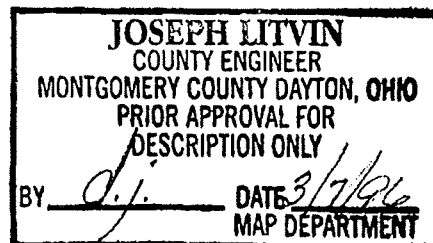
Thence North 1°00'00" East 49.13 feet to a point in the north line of said parcel;

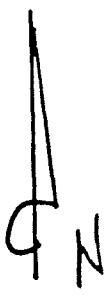
Thence with the north line of said parcel North 86°02'00" East 10.04 feet to the True Point of Beginning containing 0.011 Acres (496 S.F.), more or less, and subject to all legal easements and restrictions of record.



Description Prepared by:
Lockwood, Jones and Beals, Inc.
February 21, 1996

by *Harry G. Herbst III*
Harry G. Herbst III, Ohio P.S. No. 6596





70.00'

Lot #1
0.631 Acr
Owner: D.

N. MAIN ST.
(SR 48)

N 1°0'0" E
167.41' EX. R/W

S 47°12'10" E
29.86'

N 86°2'0" E
10.04'

PROPOSED
CENTRAL
LOCALITY
R=29.001
ARC=33.65'
I=96724/1"
CHD BRG= N 47°12'10" E
CHD DIST=29.82'
TAN=22.37'

P/L
EX. RAW
P/L
EX. RAW

RAW N 1°0'0" E
S 1°0'0" W
50.00'

PROPOSED
POLE LOCATION

IRON

N 84°34'51 E
7.00'

N 89°0'0" W
10.00'

IPF

S 5°25'0" E
4.00'

N 1°0'0" E
4.00'

PROP. R/W

S 84°46'26" W
7.45'

IPF

P/L
RAW

Lot #8
0.190 A
Owner:
MAIN

1996

1996

EASEMENT FOR ROADWAY PURPOSES CITY OF CENTERVILLE
ENGINEERING DEPT.

KNOW ALL MEN BY THESE PRESENTS: That Main Street Partnership, an Ohio general partnership, 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:

The Real Property described in Exhibit "A" attached hereto and incorporated herein.

Prior Instrument: Microfiche Number 93-0648-A03 of the deed records of Montgomery County, Ohio.

IN WITNESS WHEREOF, Main Street Partnership, an Ohio general partnership, acting through its duly authorized partner has executed this Easement this 28th day of March, 1996.

Witness:

Steven C Miller

Main Street Partnership, an Ohio partnership

JMWenzler

By: [Signature]
Partner

GRANTOR

State of Ohio
County of Montgomery SS:

The foregoing instrument was acknowledged before me this 28th day of March, 1996 by GERALD E. JOSEPH, partner on behalf of Main Street Partnership, an Ohio general partnership, the Grantor.

JMWenzler
Notary Public

J.M. Wenzler, Notary Public
In and of the State of Ohio
My Commission Expires Nov. 8, 2000

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

RNF\CVILLE\8471.RNF



ATTORNEYS AT LAW

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

068-1-1

Div 8

**Permanent Easement Description for
0.190 acre tract - St. Rte. 48 Centerville
Main Street Partnership**

Situated in Section 25, Town 2, Range 6 M.R.S., in the City of Centerville, Montgomery County, Ohio and being part of a 0.190 Acre parcel of land as conveyed to Main Street Partnership by instrument recorded in microfiche 93-0648-A03 of the deed records of said County, and being more particularly bounded and described with bearings based upon the east Right-of-Way line of St. Rte. 48 - N. Main St. as listed on the F. L. Arnold Corrective Plat as recorded in Plat Book 76 Page 20, per a survey performed by Lockwood, Jones and Beals, Inc. in 1995, as follows:

Beginning at an iron pin found in the southwest corner of the F.L. Arnold Corrective Plat as recorded in Plat Book 76 Page 20, said point being in the east Right-of-Way line of St. Rte. 48 - N. Main St. (35 feet right of centerline) and also being in the south Right-of-Way line of Iron Gate Drive (50 feet wide), being the northwest corner of said 0.190 acre parcel and the True Point of Beginning for the parcel herein described:

Thence with the north line of said parcel and said south Right-of-Way line North 84°34'51" East 7.00 feet to a point;

Thence South 5°25'0" East 4.00 feet to a point;

Thence South 84°46'26" West 7.45 feet to a point in the east Right-of-Way line of said St. Rte. 48 - N. Main St. and the west line of said parcel;

Thence with said lines North 1°00'00" East 4.00 feet to the Point of Beginning containing 0.001 Acres (29 S.F.), more or less, and subject to all legal easements and restrictions of record.

Description Prepared by:
Lockwood, Jones and Beals, Inc.
February 21, 1996

by Harry G. Herbst III
Harry G. Herbst III, Ohio P.S. No. 6596

