

RESOLUTION NO. 13-94
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J.W. Stone ON THE
21st DAY OF February, 1994.

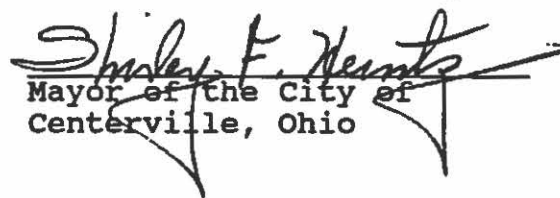
A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WILLIAM L. GAVER AND JEANINE GAVER FOR THE PURCHASE OF REAL PROPERTY FOR ROAD RIGHT OF WAY PURPOSES AND AUTHORIZING THE PAYMENT THEREFORE.

THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized and directed to enter into a contract for the purchase of real property for road right of way and/or temporary construction easement purposes with William L. Gaver and Jeanine Gaver, a copy of said contract is attached hereto and incorporated herein.

SECTION 2. That the amount of money specified in the Contract is hereby authorized to be expended by the City of Centerville for the purpose of the road right of way described in Exhibit "A", and/or temporary construction easement as described in Exhibit "B".

PASSED this 21st day of February, 1994.


Mayor of the City of
Centerville, Ohio

ATTEST:


Clerk of the Council of the
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 13-94, passed by the Council of the City of Centerville, Ohio, on the 21st day of February, 1994.

Wesley J. Saylor
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

OFFER TO SELL

Project: _____ Job No.: _____

THIS AGREEMENT between Richard Gaver and his heirs, executors, administrators, successors and assigns, hereinafter referred to as the Owner and THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO hereinafter referred to as the Purchaser, WITNESSETH:

1. That the Owner will sell to the Purchaser for the sum of _____ (\$ 1675.00) a marketable title to the property described in Exhibit "A" attached hereto which is incorporated herein and made a part hereof as if fully rewritten herein. The above consideration includes the temporary work area as described in Exhibit "B".

2. The Owner will convey the property to the Purchaser in fee simple by general warranty deed with full release of dower and free from all encumbrances whatsoever except utility and highway easements of records. The next due installment of real estate taxes after conveyance shall be paid by the present owner. The deed may state that the described premises is for public highway purposes.

3. Possession of the described premises shall be surrendered at the time of the delivery of deed.

4. That prior to its acceptance by the Purchaser, the execution of this agreement by the Owner shall constitute an offer to sell for a period of ninety (90) days from the date of execution. Upon acceptance of this agreement by the Purchaser within said period, it shall constitute a valid and binding contract of purchase and sale, and the sale shall be closed on or before ninety (90) days after such acceptance by the Purchaser or soon thereafter as possible. Acceptance shall be by Resolution passed by the Council of the City of Centerville, Montgomery County, Ohio.

IN WITNESS WHEREOF, the owner hereto has set his hand(s) this 25th day of January, 1993.

WITNESS:

Richard Gaver
Phyllis Mae Gaver

Jessie G. Gaver
William Gaver

Accepted by Resolution No. _____
passed _____ by the
Council of the City of Centerville,
Montgomery County, Ohio
Agreements\025.reh

R. G. H.
223 1301
293 9114

LAND DESCRIPTION

William L. Gaver and Jeanine Gaver
MF 77159 C07

Located in Section 30, Town 3, Range 5, MRS, City of Centerville, Montgomery County, Ohio, and being a 35.00 foot wide strip of land along grantor's easterly property line and described as follows:

Beginning at grantors northwesterly property corner located in the centerline of South Main Street and also being a corner with the Son Development Plat No. 3, Section 5 as recorded in Book 61, Page 10 in the Plat Records of Montgomery County, Ohio;

Thence along the centerline of South Main Street S 0° 30' E 79.81 feet to grantor's southeasterly property corner;

Thence along grantor's southerly property line N 89° 30' W 35.00 feet to a point;

Thence along a new line of division S 0° 30' W 79.81 feet, parallel with the centerline of South Main Street, to a point in grantor's northerly property line;

Thence along grantor's northerly property line N 89° 30' E 35.00 feet to the place of beginning containing 0.064 acres, more or less.

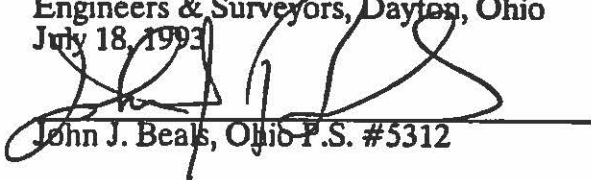
| | | |
|--------------|--------------|-------|
| Gross Acres: | 0.367 | Acres |
| Pro: | 0.055 | Acres |
| Take: | <u>0.064</u> | Acres |
| Net Acres: | 0.303 | Acres |

0.007 Take

Deed Reference: MF 77159 C07

Survey by:

Lockwood, Jones & Beals, Inc.
Engineers & Surveyors, Dayton, Ohio
July 18, 1993


John J. Beals, Ohio P.S. #5312

TEMPORARY ACCESS EASEMENT

For minor land grading to the proposed walk. Property to be restored to near original condition. Easement to be effective only for duration of South Main Street reconstruction project of 1993-1994.

William L. Gaver and Jeanine Gaver

MF 77159 C07

Located in Section 30, Town 3, Range 5, MRS, City of Centerville, Montgomery County, Ohio and being a 15.00 foot wide strip of land along grantor's new easterly property line and described as follows:

A 15.00 foot wide strip of land immediately west of grantor's 35.00 foot wide right of way. This strip of land is defined by a line 50.00 west of South Main Street centerline and parallel with that street, stretching across the entire width of grantor's property.

July 18, 1993
Not to be Recorded