

RESOLUTION NO. 34-94
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
18th DAY OF April, 1994.


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

THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

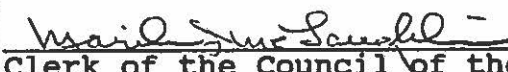
SECTION 1. That the City Manager is hereby authorized and directed to enter into a contract for the purchase of real property for road right of way and/or temporary construction easement purposes with Lois Moore, a copy of said contract is attached hereto and incorporated herein.

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 18th day of April,
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 34-94, passed by the Council of the City of Centerville, Ohio, on the 18th day of April, 1994.

Wanda J. Campbell
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 Lois Moore and her 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 One Thousand Six Hundred FIFTY (\$ 1650) 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 her hand(s) this 29 day of March, 1993.

WITNESS:

David M. Plotnick
DAVID M. PLOTNICK, Notary Public
Licensed for the State of Ohio
My Commission Expires on Nov. 30, 1995

Lois Moore

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

LAND DESCRIPTION

Jack A. Moore
MF 77099 C03

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 westerly property line and described as follows:

Beginning at grantors southwesterly property corner, being a stone, located in the centerline of South Main Street, being S 0° 9' W 1712.7 feet from a stone at the northwest corner of said quarter section;

Thence along the centerline of South Main Street N 0° 9' E 54.79 feet to grantor's northwesterly property corner;

Thence along grantor's northerly property line N 84° 19' E 35.18 feet to a point;

Thence along a new line of division S 0° 9' W 54.79 feet, parallel with the centerline of South Main Street, to a point in grantor's southerly property line;

Thence along grantor's southerly property line S 84° 19' W 35.18 feet to the place of beginning containing 0.044 acres, more or less.

Gross Acres: 0.5070 Acres
Pro: 0.0377 Acres
Take: 0.0440 Acres
Net Acres: 0.4630 Acres

0.0063 Take

Deed Reference: MF 77099 C03

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 and for driveway construction work. Property to be restored to near original condition.

Jack A. Moore

MF 77099 C03

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 westerly property line and described as follows:

A 15.00 foot wide strip of land immediately east of grantor's 35.00 foot wide right of way. This strip of land is defined by a line 50.00 east of the 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

c:\word\jib\D-Moore