

RESOLUTION NO. 35-94  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER C. Mark Kingseed ON THE  
18th DAY OF April, 1994.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DAYTON POWER & LIGHT COMPANY FOR THE PURCHASE OF REAL PROPERTY FOR ROAD RIGHT OF WAY PURPOSES AND AUTHORIZING THE PAYMENT THEREFORE.

THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

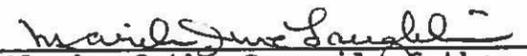
SECTION 1. That the City Manager is hereby authorized and directed to enter into a contract for the purchase of real property for road right of way and/or temporary construction easement purposes with The Dayton Power & Light Company, a copy of said contract is attached hereto and incorporated herein.

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 35-94, passed by the Council of the City of Centerville, Ohio, on the 18th day of April, 1994.

Wanda Sue Sample  
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: South Main Street Job No.: \_\_\_\_\_

THIS AGREEMENT between THE DAYTON POWER & LIGHT COMPANY and its 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 Three Hundred and 00/100 (\$300.00) 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 Quit Claim Deed. 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 hands(s) this 18 day of MARCH, 1994.

WITNESS:

Bruce E. Taylor                      S.P. Kenjira

\_\_\_\_\_  
Accepted by Resolution No. \_\_\_\_\_  
passed \_\_\_\_\_ by the  
Council of The City of Centerville,  
Montgomery county, Ohio

KLS

BRUCE E. TAYLOR, Notary Public  
In and For the State Of Ohio  
My Commission Expires Aug. 29, 1998

TKGjf04



S.R. 48 - PHASE II  
PARCEL NO. 8WV

## OHIO FUEL GAS

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 30, TOWN 3, RANGE 5 M.R.S., CITY OF CENTERVILLE, TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING PART OF A 0.72 ACRE TRACT CONVEYED TO OHIO FUEL GAS BY DEED RECORDED DEED BOOK 1621, PAGE 7 OF THE DEED RECORDS OF MONTGOMERY COUNTY WITH CENTERLINE BEARINGS BASED ON A SURVEY BY LOCKWOOD, JONES & BEALS, INC. DONE IN 1987 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EXISTING CENTERLINE OF SPRING VALLEY ROAD WITH THE EXISTING CENTERLINE OF S.R. 48;

THENCE WITH SAID CENTERLINE OF S.R. 48 NORTH 1°00'42" WEST 964.30 FEET TO THE GRANTOR'S SOUTHWEST PROPERTY CORNER AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING WITH SAID CENTERLINE AND THE GRANTOR'S WEST PROPERTY LINE NORTH 1°00'42" WEST 128.06 FEET TO THE GRANTOR'S NORTHWEST PROPERTY CORNER;

THENCE WITH THE GRANTOR'S NORTH PROPERTY LINE NORTH 83°50'15" EAST 35.48 FEET TO A POINT IN THE PROPOSED EAST RIGHT-OF-WAY OF S.R. 48;

THENCE WITH SAID PROPOSED EAST RIGHT-OF-WAY SOUTH 1°01'46" EAST 128.06 FEET TO A POINT IN THE GRANTOR'S SOUTH PROPERTY LINE;

THENCE WITH THE GRANTOR'S SOUTH PROPERTY LINE SOUTH 83°50'15" WEST 35.52 FEET TO THE POINT OF BEGINNING, CONTAINING 0.104 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

PREPARED BY: LOCKWOOD, JONES & BEALS, INC.  
1563 EAST DOROTHY LANE  
DAYTON, OHIO 45429

BY: George N. Stephenson  
GEORGE N. STEPHENSON, OHIO  
PROFESSIONAL SURVEYOR NO. 7264

DATE: 12/20/90

GROSS TAKE = 0.104, ACRES  
PRO = 0.089 ACRES  
NET TAKE = 0.015 ACRES

EXHIBIT "B"

**TEMPORARY WORK EASEMENT**

For land grading and embankment construction for the proposed Main Street (SR 48) roadway and sidewalk construction work. Property to be restored to near original condition.

Dayton Power & Light Company  
(formerly Ohio Fuel Gas)  
DB 1621 Pg. 7

Located in Section 30, Town 3, Range 5, MRS, City of Centerville, Montgomery County, Ohio and being a 30.00 foot wide strip of land along grantor's new westerly property line as shown on construction plans on file with the City of Centerville and described as follows:

A variable width strip of land immediately east of grantor's new right-of-way line. This strip of land is defined by a line 54.90 feet east of the South Main Street centerline at the grantor's northwest property corner and extending south 5° 05' 52" west 130.61 feet to a point on the grantor's south property line, said point being 40.94 feet east of the South Main Street centerline and parallel with that street, stretching across the entire width of grantor's property.

(Not to be Recorded)