

RESOLUTION NO. 58-93
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. R. Stone ON THE
7th DAY OF September, 1993.

A RESOLUTION RATIFYING THE ACTION TAKEN
BY THE CITY MANAGER TO EXECUTE AN
EASEMENT DEED FROM THE CITY OF CENTERVILLE
TO THE BOARD OF COUNTY COMMISSIONERS OF
MONTGOMERY COUNTY FOR THE CONSTRUCTION OF
WATER LINES TO SERVE THE YANKEE TRACE GOLF
COURSE/RESIDENTIAL DEVELOPMENT PROJECT.

WHEREAS, in order to provide for the construction of
water line extension necessary to serve the Yankee Trace Golf
Course/Residential development project, the City Manager executed
an Easement Deed conveying necessary water line easements from
the City of Centerville to the Board of County Commissioners of
Montgomery County, and

WHEREAS, it was deemed necessary that this action be
taken immediately so that the Board of County Commissioners,
during their meeting on the 7th day of September, 1993, would act
upon the permit for the installation of this necessary water line
extension.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

SECTION 1. That the action taken by the City Manager
is hereby ratified in the execution of an Easement Deed conveying
necessary water line easements from the City of Centerville to
the Board of County Commissioners of Montgomery County for the
construction of water lines necessary to serve the Yankee Trace
Golf Course/Residential development project, a copy of the
Easement Deed attached hereto and made a part hereof, marked
Exhibit "A".

SECTION 2. This Resolution shall become effective at
the earliest date allowed by law.

1993. PASSED this 7th day of September,

Shirley F. Huntz
Mayor of the City of
Centerville, Ohio

ATTEST:

Marie M. Scahill
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 58-93, passed by the Council of the City of Centerville, Ohio, on the 7th day of September, 1993.

Marie M. Scahill
Clerk of Council

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

DISTRICT:

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENT:

That the CITY OF CENTERVILLE, an Ohio municipal corporation, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them paid by the Board of County Commissioners of Montgomery County, Ohio, receipt of which is acknowledged, does hereby grant and release to said Board of County Commissioners of Montgomery County, Ohio, and their successors in office, forever, the right, privilege and easement to construct, maintain, tap into and repair the stated utility ~~a sanitary sewer~~ ~~and/or~~ water line through the following described real estate:

Situated in Section 4 and 5, Town 2, Range 5, M.R.S., City of Centerville, Montgomery County, Ohio and being an easement across the tract of land conveyed to the City of Centerville, by deeds recorded in M.F.#90-339D10, M.R.#90-339D11, and M.F.#90-249A01 of the Montgomery County Deed Records. Being an easement 50' wide running parallel and adjacent to the easterly Right-Of-Way line of Yankee Street. Said easement being more particularly described as follows:

Beginning at a railroad spike marking the centerline intersection of Yankee Street and Austin Pike, thence north along said centerline of Yankee Street a distance of 48.0'; thence, at right angles to Yankee Street east 24.75' to a point on the easterly Right-Of-Way of Yankee Street and the southwesterly corner of the herein described easement, said point being the true point of beginning; thence, continuing in the easterly direction 50.0' to a point on the easterly boundary, said point being the southeastern corner of the herein described easement; thence proceeding north along said easterly boundary a distance of 1236.38' to Point "A", said point being the intersection of the easterly line of this description and the centerline of a new 20' wide waterline easement; thence, continuing north along said easterly line a distance of 994.17' to a Point; said point being the northeasterly corner of the herein described easement; thence, in the westerly direction 50' to the easterly Right-of-Way line of Yankee Street; thence southerly along

said easterly Right-Of-Way line a distance of 2230.55' to the true point of beginning. All as shown on the attached sketch known as Exhibit "A". Save and except a 10' wide gas main easement to Dayton Power & Light as recorded in M.F.#89-437-005.

Also:

Situated in Section 4, Town 2, Range 5, M.R.S., City of Centerville, Montgomery County, Ohio, and being an easement across the tract of land conveyed to City of Centerville by Deeds Recorded in M.F.#90-339D10, D11 of Montgomery County Deed Records. Being an easement 20' wide running south of and adjacent to the northerly boundary of the above stated deed records. Said easement more particularly described along its centerline as follows. Beginning at Point "A" as shown on the attached sketch (Exhibit A) proceeding along the centerline a bearing angle of S 88 degrees-53'-08"E a distance of 52.72' to an angle point; thence S 71 degrees-23'-47"E a distance of 583.43' to Point "B", said point being the centerline intersections of two 20' wide easements; thence continuing S 71 degrees-23'-47"E a distance of 2167.54' to the easterly tract boundary line of the above mentioned real estate; said point being 674.42' south of the southeast corner of Section 5, Town 2, Range 5.

Also:

Beginning at Point "B" as shown on the attached sketch (Exhibit A) proceeding along the centerline a bearing angle of N 18 degrees-36'-13"E a distance of 74.86' to an angle point; thence, S 88 degrees-07'-15"E a distance of 54.14' to the end of the herein described waterline easement.

This description prepared by BWS

Said property now is owned by the City of Centerville, Ohio, an Ohio municipal corporation.

Said grantees are to have the right and privilege of entering upon the above described premises through themselves, employees and contractors to construct, maintain, tap into and repair the sanitary sewer and/or water line along the line above set forth.

As further consideration for this easement, grantees agree to restore the said premises to its original condition, as near as possible, after construction, repair or replacement of said sanitary sewer and/or water line .

The Grantor shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns: provided, however, that no buildings or other structures shall be erected within the limits of said right of way and easement by the Grantor or any other party claiming title or possession under said Grantor

IN WITNESS WHEREOF, the said City of Centerville, Ohio, an Ohio municipal corporation acting by and through Gregory B. Horn, its duly authorized City Manager.

hereunto subscribed his name on this _____ day of _____, 1993.

Executed in the presence of us:

CITY OF CENTERVILLE, OHIO

By _____

Gregory B. Horn
City Manager

STATE OF OHIO) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared Gregory B. Horn, City Manager of the City of Centerville, Ohio

the grantor in the foregoing easement deed, and acknowledged the execution thereof to be his free and voluntary act for the uses and purposes therein set forth, and the free and voluntary act of said City of Centerville, Ohio.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this ____ day of _____, 1993.

Notary Public in and for the State of Ohio

This instrument approved as to form by:
Lee C. Falke, Prosecuting Attorney

This Instrument Prepared By
Robert N. Farquhar
Municipal Attorney
City of Centerville

by _____

NORTH

EXHIBIT "A"
WATER MAIN EASEMENT
SECT. 4, S. T. 2, R. 5 WMS
CITY OF CENTERVILLE
MONTI CO., OHIO 11-802

SECTION 36, T. 3, R. 5
SECTION 5, T. 2, R. 5

N 02-47-33E
647.47'

26.95'

SOUTHEAST CORNER
SECTION 5

CITY OF CENTERVILLE
M.F. 90-249A01

CITY OF CENTERVILLE
M.F. 90-339D10, D11

SECTION 5, T. 2, R. 5
SECTION 4, T. 2, R. 5

PROPERTY LINE 7

S 71-25-47 E 2267.54'

NEW 20'
WATER MAIN
EASEMENT

POINT B
INTERSECTION OF
BOTH 20' EASEMENTS

S 88-07-15E
54.14'

N 18-36-13E
74.86'

32.32' ± 20' EASEMENT
TO PROPERTY LINE AT BEND.

POINT "A"
CENTERLINE 20' WIDE EASEMENT
AT EAST LINE OF 50' WIDE EASE.

SHERYL L. SPIRES
M.F. 88-154C05

NEW 50'
UTILITY EASEMENT
994.17'

S 88-53-08E
52.72'

EX. RW

N 02-50-19E

1070.79'

N 01-06-32E
249.55'

N 1-34-59 E 1109.38'

74.75'

48'

AUSTIN PK

EXHIBIT A