

RESOLUTION NO. 5-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. V. Stone ON THE
20th DAY OF February, 1989.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN P. AND LINDA HEINZ AND NEIL AND ELLEN MCDONALD FOR THE PURCHASE OF REAL PROPERTY FOR ROAD RIGHT OF WAY PURPOSES AND AUTHORIZING THE PAYMENT OF \$6,738.00 THEREFORE.

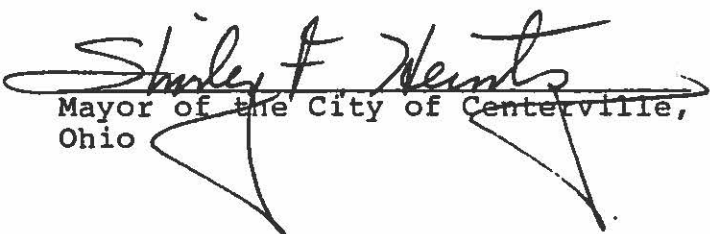
THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manger is hereby authorized and directed to enter into a contract for the purchase of real property for road right of way purposes with John P. and Linda Heinz and Neil and Ellen McDonald. A copy of said contract is attached hereto as Exhibit "A" and incorporated herein.

Section 2. That the sum of \$6,738.00 is hereby authorized to be expended by the City of Centerville for the purpose of the road right of way described in Exhibit "A".

Section 3. As a resolution, this measure shall become effective immediately upon passage.

PASSED THIS 20th day of February, 1989.


Mayor of the City of Centerville,
Ohio

ATTEST:


Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio hereby certifies the foregoing to be a true and correct copy of Resolution No. 5-89, passed by the Council of the City of Centerville, Ohio, on the 20th day of February, 1989.

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney


Clerk of the Council

PROJECT _____

PARCEL NO. 4

OFFER TO SELL REAL ESTATE

1. I/We John P. & Linda Heinz and Neil & Ellen McDonald

hereinafter referred to as the "Owner(s)" hereby offer to sell to the City of Centerville, Ohio, hereinafter referred to as the "City" for the sum of Six Thousand Seven Hundred \$ 673 800,
 the real property described as follows: *Thirty Eight*

As described in Exhibit "A"

together with all improvements located wholly or partly thereon.

2. The consideration above stated includes compensation for all damages accruing from the taking of the real estate described herein.

3. The owner(s) will convey said property to the City in fee simple, free, clear and unencumbered, by deed of general warranty with full release of dower, and will procure, record and deliver to it all releases of all other interests therein which are necessary to convey such title including, but not by way of limitation, those of tenants, lessees or others now in

possession, or in any manner occupying said premises, and all assessment claims against the property. If, however, the conveyance of the property herein cannot be affected within the time stipulated because of defective title or the inability or refusal of the owner to convey said property, the owner shall be liable for all additional taxes and assessments which accrue as a result of said delay of conveyances.

4. Complete possession of the above described property shall be given to the City on date of conveyance to the City.

5. The City may withhold, at the time the sale is closed, a sufficient portion of the purchase money stated above to pay all fixed tax claims against the property for the payment of which the owner is obligated herein and all assessment claims against the property, and to pay all such tax and assessment claims which may then be liens but which cannot be paid until the amounts thereof are fixed. Any balance remaining after such claims are discharged shall be refunded to the owner, and the owner shall be liable for any deficiency.

WITNESSES:

DATE 1 - 30 1989.

Lewis M. Werner
William J. [unclear]

Neil R. McDonald
Glen McDonald
John P. [unclear]
Linda L. Henry

This instrument was prepared by Robert E. Hunter, Attorney at Law .

Situate in Section 29, Town 3, Range 5 M.R.S., Washington Township, Montgomery County, State of Ohio and being part of a 1.82 acre tract conveyed to John P. & Linda L. Heinz & Neil & Ellen McDonald by deed recorded on Microfiche 87-356 A06 of the Deed Records of Montgomery County, with centerline bearings based on a survey by Lockwood Jones and Beals Inc., done in 1986 and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of S.R. 48 with the centerline of Spring Valley Road;

Thence with the centerline of S.R. 48, S1°00'00"E 447.23 feet to a point on the centerline of S.R. 48 station 43+22.11, said point being the grantor's southeast corner and the true point of beginning, said point being also 1.18 feet right of the centerline of S.R. 48 station 43+22.11;

Thence N1°00'00"W 75.14 feet to a point 0.01 feet right of the centerline of S.R. 48 station 43+97.24;

Thence N85°48'30"E 45.06 feet to a point 45.00 feet right of the centerline of S.R. 48 station 43+99.83;

Thence along the arc of a curve to the right having a radius of 2909.79 feet a distance of 67.34 feet, said arc having a chord bearing S0°13'51"E 67.34 feet to a point 45.00 feet right of the centerline of S.R. 48 station 43+33.52;

Thence S0°25'56"W 10.47 feet to a point on the grantor's south line 45.00 feet right of the centerline of S.R. 48 station 43+23.06;

Thence along grantor's south line S89°12'00"W 43.83 feet to the point of beginning containing 0.0782 acres, (3408 sq.ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals inc.