

RESOLUTION NO. 30-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE
15th DAY OF May, 1989.

A RESOLUTION ACCEPTING THE TERMS OF A
TEMPORARY RIGHT OF WAY AGREEMENT AND
AUTHORIZING PAYMENT THEREFORE AS THEREIN
PROVIDED.

WHEREFORE, the City of Centerville, acting by and
through its agent entered into a temporary right of way agreement
in connection with the improvement of South Main Street/Spring
Valley Road with Clareridge Manor Condominium; and

WHEREAS, as part of said agreement the City of
Centerville agreed to pay Clareridge Manor Condominium for this
temporary right of way.


NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

Section 1. That the articles of agreement with
Clareridge Manor Condominium attached hereto as Exhibit "A" is
hereby ratified and accepted by the City of Centerville.

Section 2. That the director of finance is hereby
authorized to pay to Clareridge Manor Condominium the sum of
money as herein defined in Exhibit "A".

Section 3. This resolution shall become effective
immediately upon passage.

PASSED THIS 15th day of May, 1989.


Mayor of the City of
Centerville, Ohio

ATTEST:


Clerk of Council

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. 30, passed by the Council of the City of Centerville, Ohio, on the 15th day of May, 1989.


Clerk of Council

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

Department of Law
Robert N. Farquhar
Municipal Attorney

TEMPORARY RIGHT OF WAY AGREEMENT

PARCEL NO. 26

Project S. Main/Spring Valley, Montgomery County, Ohio

ARTICLES OF AGREEMENT

These articles of agreement, entered into this _____ day of _____; nineteen hundred and eighty-eight^{Eight} ~~Eight~~ Nine by Clareridge Manor Condominium and the City of Centerville, State of Ohio, Witnesseth:

That Clareridge Manor Condominium for and in consideration of the sum of Five Eighty ^{RN RLE} Dollars (\$80.00 ^{RN RLE}) to it paid by the City of Centerville, the receipt of which is hereby acknowledged, do _____ hereby authorize the City of Centerville, or contractors to enter upon and use and use its land hereinafter described as Parcel No. 26, during the period beginning with the breaking of ground for the construction of the above highway improvement, and terminating when the completed work has been fully accepted by the City of Centerville, for the purpose of performing the work necessary to grade seed and restore the driveway

in accordance with plans and specifications prepared by the City of Centerville.

PARCEL NO. 26

Being a parcel of land situated in Montgomery County, Ohio,
City of Centerville, more particularly described as follows:

Exhibit A

The City of Centerville, its agents, employees or assigns, shall have the right and authority to go on the lands above described for the purpose of removing trees, shrubbery, structures, or any appurtenances thereto, and completing the improvement in accordance with the plans on file.

And it is further understood and agreed that after completion of the above project, the City of Centerville assumes no obligation of maintenance of the work done on the area described herein.

IN WITNESS WHEREOF, the said Clerville Mason Home Owners' Assn; Inc. of Centerville, Ohio, has caused its name to be hereunto subscribed and its corporate seal affixed by _____, its President and _____, duly authorized by its Board of Directors - Trustees this 14 day of April in the year 1989.

Signed, sealed and acknowledged in the presence of:

Robert H. [Signature]
Quinn [Signature]

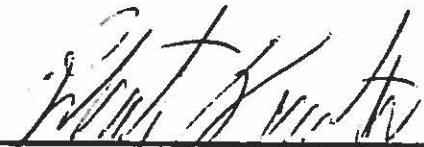
James R. [Signature]
Centerville Ohio.

By _____
Its _____
By _____
Its _____

This Instrument prepared by Robert Hunter, Attorney at Law.

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS

Before me, a notary in and for said County, on the 14 day
of April 1989 personally appeared Ronald Egelston
_____ of the above named _____
Clarence Marie Heane Owens Ames who acknowledged
that the seal affixed to said instrument is the corporate seal of
the above named Corporation, that they did sign and seal said
instrument as President and _____
of said _____ in behalf of
the above named Grantor Corporation by authority of it's Board of
Directors - Trustees, and that such instrument is the voluntary
act and deed of the said Clarence Marie Heane Owens Ames and
_____ as such officers, and the
voluntary act and deed of the said Grantor Corporation for the
uses and purposes herein expressed.



NOTARY PUBLIC

Instrument prepared by: Robert Hunter attorney at law ROBERT E. HUNTER, Attorney at Law
_____, State of Ohio
_____, has no expiration date
Section 14703 R. C.

Situate in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of Lot 76 of the Clareridge Manor Condominium as recorded in Plat Book 92, Page 1 of the Plat 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 Spring Valley Road, N84°21'52"E 863.69 feet to a point on the centerline of Spring Valley Road station 128+56.10;

Thence N5°38'08"W 50.00 feet to the grantor's southeast corner and the true point of beginning, said point being 50.00 feet left of the centerline of Spring Valley Road station 128+56.10

Thence S84°21'52"W 15.00 feet along the grantor's south line to a point 50.00 feet left of the centerline of Spring Valley Road station 128+41.10;

Thence N41°46'52"E 22.09 feet to a point on the grantor's east line, said point being 64.95 feet left of the centerline of Spring Valley Road station 128+57.36;

Thence S0°48'08"E 15.00 feet along the grantor's east line to the point of beginning containing 0.0026 acres, (112 sq. ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals Inc.

Situate in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of a Lot No. 76 of the Clareridge Manor Condominium as recorded in Plat Book 92, Page 1 of the Plat 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 Spring Valley Road, N84°21'52"E 601.87 feet to a point on the centerline of Spring Valley Road station 125+94.28;

Thence N5°38'08"W 50.00 feet to the grantor's southwest corner and the true point of beginning, said point being 50.00 feet left of the centerline of Spring Valley Road station 125+94.28;

Thence N84°21'52"E 60.72 feet along the grantor's south line to a point 50.00 feet left of the centerline of Spring Valley Road station 126+55.00;

Thence N5°38'08"W 5.00 feet to a point 55.00 feet left of the centerline of Spring Valley Road station 126+55.00;

Thence S84°21'52"W 60.31 feet to a point on the grantor's west line 55.00 feet left of the centerline of Spring Valley Road station 125+94.69;

Thence S0°55'58"E 5.02 feet along the grantor's west line to the point of beginning containing 0.0069 acres, (303 sq. ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood, Jones and Beals Inc.