

RESOLUTION NO. 49-89
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks A. Compton ON THE
21st DAY OF August, 1989.

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

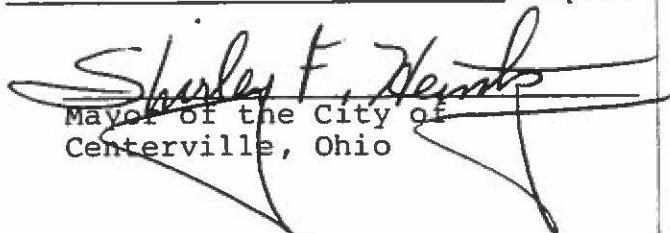
THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

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 purposes with David Lee and Elizabeth McDowell. A copy of said contract is attached hereto as Exhibit "A" 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".

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

PASSED THIS 21st day of August, 1989.


Mayor of the City of
Centerville, Ohio

ATTEST:

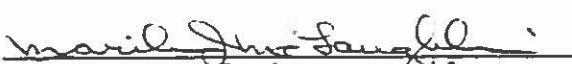

Clerk of Council
City of Centerville, Ohio

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. 49-89, passed by the Council of the City of Centerville, Ohio, on the 21st day of August, 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 RT 48- Spring ValleyPARCEL NO. 21

OFFER TO SELL REAL ESTATE

1. I/We David Lee and Elizabeth McDowell

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 Eleven Thousand Five Hundred (\$ 11,500), the real property described as follows:

As shown on exhibit A the permanent take; Exhibit B the temporary work area; and Exhibit C the storm sewer easement.

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:

Michael J. Peak
Anne Williams

DATE 7/13 1989

Ed. McDowell
David McDowell

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

Situate in the City of Centerville, Washington Township, Montgomery County, State of Ohio and being part of a 0.2152 acre tract conveyed to David Lee & Ella Beth McDowell by Deed recorded on Microfiche 84-0283E05 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 Spring Valley Road, N84°21'52"E 369.90 feet to the grantor's northwest corner and the true point of beginning, said point being 0. feet right of the centerline of Spring Valley Road station 123+62.31;

Thence N84°21'52"E 59.92 feet along the grantor's north line and the centerline of Spring Valley Road to a point 0. feet right of the centerline of Spring Valley Road station 124+22.23;

Thence S4°26'24"E 43.01 feet along the grantor's east line to a point 43.00 feet right of the centerline of Spring Valley Road station 124+21.33;

Thence S84°21'52"W 55.20 feet to a point on the grantor's west line 43.00 feet right of the centerline of Spring Valley Road station 123+66.13;

Thence N10°43'04"W 43.17 feet along the grantor's west line to the point of beginning containing 0.0568 acres, (2475 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 Section 29, Town 3, Range 5, M.R.S., Washington Township, Montgomery County, State of Ohio and being part of a 0.2152 acre tract conveyed to David Lee & Ella Beth McDowell by Deed recorded on Microfiche 84-0283E05 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 Spring Valley Road, N84°21'52"E 412.59 feet to a point on the centerline of Spring Valley Road station 124+05.00;

Thence S5°38'08"E 43.00 feet to the true point of beginning, said point being 43.00 feet right of the centerline of Spring Valley Road station 124+05.00;

Thence N84°21'52"E 10.00 feet to a point 43.00 feet right of the centerline of Spring Valley Road station 124+15.00;

Thence S5°38'08"E 10.00 feet to a point 53.00 feet right of the centerline of Spring Valley Road station 124+15.00;

Thence S84°21'52"W 10.00 feet to a point 53.00 feet right of the centerline of Spring Valley Road station 124+05.00;

Thence N5°38'08"W 10.00 feet to the point of beginning containing 0.0023 acres, (100 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 Section 29, Town 3, Range 5, M.R.S., Washington Township, Montgomery County, State of Ohio and being part of a 0.2152 acre tract conveyed to David Lee & Ella Beth McDowell by Deed recorded on Microfiche 84-0283E05 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 Spring Valley Road, N84°21'52"E 373.72 feet to a point on the centerline of Spring Valley Road station 123+66.13;

Thence S5°38'08"W 43.00 feet to a point on the grantor's west line and the true point of beginning, said point being 43.00 feet right of the centerline of Spring Valley Road station 123+66.13;

Thence N84°21'52"E 55.20 feet to a point on the grantor's east line 43.00 feet right of the centerline of Spring Valley Road station 124+21.33;

Thence S4°26'24"E 17.00 feet along the grantor's east line to a point 60.00 feet right of the centerline of Spring Valley Road station 124+20.97;

Thence N77°10'48"W 22.11 feet to a point 53.00 feet right of the centerline of Spring Valley Road station 124+00.;

Thence S84°21'52"W 38.94 feet to a point on the grantor's west line 53.00 feet right of the centerline of Spring Valley Road station 123+61.06;

Thence N21°15'51"E 11.21 feet along the grantor's west line to the point of beginning containing 0.0149 acres, (650 sq. ft.), more or less, and subject to all legal easements and restrictions of record.

Description prepared by Lockwood Jones and Beals Inc.