

RESOLUTION NUMBER 24-20

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Jeffrey Siler ON THE
12th DAY OF May, 1980.

A RESOLUTION ACCEPTING THE OFFER TO SELL
REAL ESTATE TO THE CITY OF CENTERVILLE
MADE BY E. E. MILLER AND DOROTHY E. MILLER,
HUSBAND AND WIFE AND AUTHORIZING PAYMENT
THEREFORE.

WHEREAS, on the April 29, 1980, E. E. Miller and Dorothy
E. Miller, husband and wife offered to sell to the City of
Centerville certain real estate as described in said offer for the
sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00); and

WHEREAS, the Council of City of Centerville upon due
consideration does believe said offer to be fair in all respects
and consider said purchase to be necessary in connection with the
improvement of Clys Road;

NOW THEREFORE, the municipality of Centerville hereby
resolves;

Section I. That the offer to sell real estate, a copy of which is
attached hereto, marked Exhibit "A" and incorporated herein is
hereby accepted.

Section II. That the director of finance is hereby authorized to
pay to E. E. Miller and Dorothy E. Miller, husband and wife the sum
of Seventeen Thousand Five Hundred Dollars (\$17,500.00) and the
City Manager of the City of Centerville is hereby authorized and
directed to do any and everything necessary in order to carry out
the terms of said offer to sell real estate.

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

PASSED THIS 12th day of May, 1980.

Russell E. Swutman, Jr.
Councilman - City of Centerville, Ohio

ATTEST:

Marilyn J. McLaughlin
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of
Centerville, Ohio, hereby certifies the foregoing to be a true and
correct copy of Resolution No. 24-20, passed by the
Council of the City of Centerville, Ohio, on the 12th day of
May, 1980.

Marilyn J. McLaughlin
Clerk of Council

PARCEL NO. _____

OFFER TO SELL REAL ESTATE

1. I/We E. E. Miller + Dorothy E Miller Husband + Wife

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 Seventeen Thousand Five Hundred (\$17,500), the real property described in Exhibit A which is attached and made part hereof together with all temporary easements and channel easements described in Exhibit B which is attached and made part hereof.

That as part of the consideration, it is agreed as follows:

2. The consideration above stated included compensation for all damages accruing from the taking of the real estate described herein and for the temporary easements and channel easements.

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 effected 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 the 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.

6. Prior to its acceptance by the City, which acceptance must be made by legislation passed by the Council of the City, the execution of this offer by the owner(s) shall constitute an offer to sell which shall continue for a period of sixty (60) days from the date of such execution. Upon the acceptance by the City within said period, this offer, together with such acceptance, shall constitute a valid and binding contract of purchase and sale; and the sale shall be closed on or before thirty (30) days after such acceptance by the City.

7. Delivery by the owner(s) of the deed hereinabove provided for and the acceptance by the City of said deed shall be upon the express conditions and reservation that such delivery and acceptance shall not be deemed to extinguish, waive, or discharge any of the obligations of the owner(s) or the City hereunder not stipulated or contained in said deed, nor in any way to prejudice or bar the owner(s) or the City in asserting any of its rights hereunder.

8. That after acceptance by the City of this offer the owner(s) will not contest any action which the City has or may institute to appropriate said property to public use and in such proceeding the owner(s) will appear and consent that the jury in its verdict and the Court in its judgment entry may make the amount of the purchase money stated above the amount of the compensation awarded for the appropriation of said property to public use. The owner(s) also consents to the filing and use of this offer in such proceedings as evidence of the agreed value of said property.

WITNESSES:

DATE April 29 1980

✓ E. E. Miller

✓ Dorothy E Miller

CLYO ROAD

LEGAL DESCRIPTION
Parcel No. 5

GRANTOR: Edwin E. Miller
GRANTEE: City of Centerville
PREPARED: October 29, 1979

BEING A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 19, TOWN 2, RANGE 6, B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also located at the intersection of the centerlines of Clyo Road and Franklin Street;

thence, north zero degree 45' 08" east 1313.29 feet with the east line of said quarter and centerline of Clyo Road to a point at Station 19+13.29, said point at the grantor's southeast corner and marking the principle place of beginning of the parcel herein conveyed;

thence, continuing north zero degree 45' 08" east 221.08 feet with the east line of said quarter to a point, said point at the grantor's northeast corner;

thence, north 89° 14' 52" west 38.00 feet with the grantor's north line to a point;

thence, south 1° 18' 44" east 221.22 feet to a point on the grantor's south line;

thence, south 89° 14' 52" east 30.03 feet with the grantor's south line to the principle place of beginning, containing 0.173 acre, more or less, and subject to all legal highways and easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Microfiche No. 72-78A07.

This description was prepared on October 29, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 1979.

CLYO ROAD

LEGAL DESCRIPTION
Parcel No. 5

GRANTOR: Edwin E. Miller
GRANTEE: City of Centerville
PREPARED: October 29, 1979

BEING A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 19, TOWN 2, RANGE 6, B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clyo Road and Franklin Street;

thence, north zero degree 45' 08" east 1534.37 feet with the east line of said quarter and centerline of Clyo Road to a point, said point marking the grantor's southeast corner and principle place of beginning of the parcel herein to be conveyed;

thence, continuing north zero degree 45' 08" east 391.50 feet with the east line of said quarter and centerline of Clyo Road to a point at the southeast corner of Kaydeb's Subdivision (P.B. PP, Pg. 74);

thence, north $89^{\circ} 16' 52''$ west 43.00 feet with the south line of Kaydeb's Subdivision to a point;

thence, south zero degree 45' 08" west 391.02 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ east 43.00 feet with the grantor's south line to the principle place of beginning, containing 0.386 acre, more or less, and subject to all legal highways and easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 11 page 229.

This description was prepared on October 29, 1979, by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 1979.

CLYO ROAD

CHANNEL EASEMENT - LEGAL DESCRIPTION
Parcel No. 6-X

GRANTOR: Edwin E. Miller
GRANTEE: City of Centerville
PREPARED: December 12, 1979

Grantor grants herein the right to construct and maintain a perpetual watercourse and drainage structures. The grantor retains the right to use the area for any other purpose provided that such use does not impair the proper functioning of the highway drainage facilities with the following area:

BEING A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 19, TOWN 2, RANGE 6 B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the center lines of Clyo Road and Franklin Street;

thence, north zero degree 45' 08" east 1534.37 feet with the east line of said quarter and centerline of Clyo Road to a point, said point marking the grantor's southeast corner;

thence, north 89° 14' 52" west 43.00 feet with the grantor's south line to a point marking the principle place of beginning of the easement herein conveyed;

thence, north 89° 14' 52" west 149.00 feet with the grantor's south line to the east line of the Penn Central Transportation Company property;

thence, north 8° 13' 52" west 20.14 feet with the east line of the Penn Central;

thence, north 88° 49' 49" east 152.23 feet to a point 43 feet west of the centerline of Clyo Road;

thence, south zero degree 45' 08" west 25.00 feet with the west line of Clyo Road to the principle place of beginning, containing 0.078 acre, more or less, and subject also to all easements of record.

Grantor acquired title to the above described parcel by deed as recorded in Vol. 1189, page 229.

This description was prepared on December 12, 1979 by Stephen Dee Worl, Registered Surveyor No. 5366, from a centerline survey of Clyo Road made by same in July 197

A channel easement for the right to construct and maintain a perpetual watercourse and drainage structures with the owner retaining the right to use the area for any other purpose provided that such use does not impair the proper functioning of the highway drainage facilities within the following area:

BEING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 19, TOWN 2, RANGE 6, B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clys Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 1925.87 feet with the east line of said quarter and centerline of Clys Road to a point located at Station 25+25.87 on the Clys Road centerline;

thence, north $89^{\circ} 16' 52''$ west 43.00 feet with the grantor's north line to a point marking the principle place of beginning of the easement therein conveyed;

thence, north $89^{\circ} 16' 52''$ west 15.00 feet to a point;

thence, south $0^{\circ} 45' 08''$ west 10.00 feet to a point;

thence, south $89^{\circ} 14' 52''$ east 15.00 feet to a point;

thence, north $0^{\circ} 45' 08''$ east 10.00 feet to the principle place of beginning, containing 0.003 acre, more or less, and subject to all legal highways and easements of records.

A channel easement for the right to construct and maintain a perpetual watercourse and drainage structures with the owner retaining the right to use the area for any other purpose provided that such use does not impair the proper functioning of the highway drainage facilities within the following area:

BEING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 19, TOWN 2, RANGE 6, B.M.R.S., WASHINGTON TOWNSHIP, CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clio Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 310.00 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 9+10 on the Clio Road centerline;

thence, north $89^{\circ} 14' 52''$ west 20.00 feet to a point marking the principle place of beginning of the easement herein conveyed;

thence, north $89^{\circ} 14' 52''$ west 15.00 feet to a point;

thence, south $0^{\circ} 45' 08''$ west 20.00 feet to a point;

thence, south $89^{\circ} 14' 52''$ east 15.00 feet to a point;

thence, north $0^{\circ} 45' 08''$ east 20.00 feet to the principle place of beginning, containing 0.007 acres, more or less, and subject to all legal highways and easements of records;

A temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clio Road 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 construct back slopes, grading and seeding within the limits shown on the right of way plans, in the real estate described as follows to wit:

PARCEL NO. _____

Being a parcel of land situated in the City of Centerville, County of Montgomery, State of Ohio, Section 19, Town 2, Range 6, and lying on the _____ side of a survey, made by Stephen Worl and recorded in _____ Book _____ and being located within the following described points in the boundary thereof:

Being a parcel of land in the northwest quarter of Section 19, Town 2, Range 6; B.M.R.S., Washington Township, City of Centerville, Montgomery County, Ohio and being more fully described as follows:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clio Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 75.00 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 6+75.00 on the Clio Road centerline;

thence, north $89^{\circ} 14' 52''$ west 43.00 feet with the grantor's line to a point marking the principle place of beginning of the easement herein conveyed;

thence, north $0^{\circ} 45' 08''$ east 267.00 feet to a point on the grantor's north line;

thence, north $89^{\circ} 14' 52''$ west 15.00 feet with the grantor's line to a point;

thence, south $0^{\circ} 45' 08''$ west 267.00 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ west 15.00 feet with the grantor's south line to the principle place of beginning containing 0.092 acres, more or less, and subject to all legal highways and easements of record.

A temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clio Road 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 construct back slopes, grading and seeding within the limits shown on the right of way plans, in the real estate described as follows to wit:

PARCEL NO. _____

Being a parcel of land situated in the City of Centerville, County of Montgomery, State of Ohio, Section 19, Town 2, Range 6, and lying on the _____ side _____ of a survey, made by Stephen Worl and recorded in _____ Book _____ and being located within the following described points in the boundary thereof:

Being a parcel of land in the northwest quarter of Section 19, Town 2, Range 6, B.M.R.S., Washington Township, City of Centerville, Montgomery County, Ohio and being more fully described as follows:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clio Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 1534.37 feet with the east line of said quarter and centerline of Clio Road to a point located at Station 21+34.37 on the Clio Road centerline;

thence, north $89^{\circ} 14' 52''$ west 43.00 feet with the grantor's south line to a point marking the principle place of beginning of the easement herein conveyed;

thence, north $0^{\circ} 45' 08''$ east 391.02 feet to a point on the grantor's north property line;

thence, north $89^{\circ} 16' 52''$ west 20.00 feet with the grantor's north line to a point;

thence, south $0^{\circ} 45' 08''$ west 391.03 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ east 20.00 feet with the grantor's south line to the principle place of beginning, containing 0.180 acres, more or less, and subject to all legal highways and easements of record.

A temporary right of way easement during the period beginning with the breaking of ground for the construction of the Clyo Road 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 construct back slopes, grading and seeding within the limits shown on the right of way plans, in the real estate described as follows to wit:

PARCEL NO. _____

Being a parcel of land situated in the City of Centerville, County of Montgomery, State of Ohio, Section 19, Town 2, Range 6, and lying on the _____ side of a survey, made by Stephen Worl and recorded in _____ Book _____ and being located within the following described points in the boundary thereof:

Being a parcel of land in the northwest quarter of Section 19, Town 2, Range 6, B.M.R.S., Washington Township, City of Centerville, Montgomery County, Ohio and being more fully described as follows:

Commencing for reference at an existing railroad spike at the southeast corner of said southwest quarter, spike also being located at the intersection of the centerline of Clyo Road and Franklin Street;

thence, north $0^{\circ} 45' 08''$ east 1313.29 feet with the east line of said quarter and centerline of Clyo Road to a point located at Station 19+13.29 on the Clyo Road centerline;

thence, north $89^{\circ} 14' 52''$ west 30.03 feet with the grantor's south line to a point marking the principal place of beginning of the easement herein conveyed;

thence, north $0^{\circ} 18' 44''$ west 221.22 feet to a point on the grantor's north line;

thence, north $89^{\circ} 14' 52''$ west 15.00 feet with the grantor's north line to a point;

thence, south $0^{\circ} 18' 44''$ east 221.22 feet to a point on the grantor's south line;

thence, south $89^{\circ} 14' 52''$ east 15.00 feet with the grantor's south line to the principal place of beginning, containing 0.076 acres, more or less, and subject to all legal highways and easements of record.