

RESOLUTION NUMBER 27-80

CITY OF CENTERVILLE, OHIO

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

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 Clyo Road with R.M.S Builders,  
Inc.; and

WHEREAS, as part of said agreement the City of Centerville  
agreed to pay R.M.S Builders, Inc. the sum of Ten Dollars (\$10.00)  
plus Seventy Five Dollars (\$75.00) for each tree removed in  
connection with the improvement of Clyo Road;

NOW THEREFORE, the municipality of Centerville hereby  
resolved;

Section I. That the articles of agreement with R.M.S Builders,  
Inc. is hereby ratified and accepted by the City of Centerville.

Section II. That the director of finance is hereby authorized to  
pay to R.M.S Builders, Inc. the sum of Ten Dollars (\$10.00) plus  
Seventy Five Dollars (\$75.00) for each tree removed in connection  
with the improvement of Clyo Road.

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

PASSED THIS 12th day of May, 1980.

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

ATTEST:

Maile J. Saundh  
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. 27-80, passed by the  
Council of the City of Centerville, Ohio, on the 12th day of  
May, 1980.

Maile J. Saundh  
Clerk of Council

EXHIBIT "A"  
TEMPORARY RIGHT OF WAY AGREEMENT

PARCEL NO. \_\_\_\_\_

PROJECT \_\_\_\_\_, SECTION \_\_\_\_\_, MONTGOMERY  
COUNTY, OHIO.

ARTICLES OF AGREEMENT

These articles of agreement, entered into this \_\_\_\_\_ day of  
April 25, 1980 by \_\_\_\_\_

That R.M.S. Builders for and in consideration

of the sum of \$10 and \* Dollars (\$ \_\_\_\_\_), to \_\_\_\_\_ paid by the City of Centerville, the receipt of which is hereby acknowledged, do hereby authorize the City of Centerville or its duly authorized agents, employees, or contractors to enter upon and use \_\_\_\_\_ land hereinafter described as Parcel No. \_\_\_\_\_, during the period beginning with the breaking of ground for construction of the above street 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 and seal

IN ACCORDANCE WITH THE PLANS PREPARED BY Design Associates and specifications prepared by the City of Centerville, Ohio.

PARCEL NO. \_\_\_\_\_

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

As shown on the plans + specifications for Elyo Rd on file in the office of the City Engineer.

\* The City agrees that as part of the consideration to be paid to R.M.S. Builders that the City shall pay \$75 per tree that will be removed as part of construction of Elyo Rd

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 Robert M. Stern has hereunto set his hand this 25 day of April, 1980.

Signed and sealed in the presence of:

RMS BUILDERS INC

Mark Stern  
Robert Hunter

Robert M. Stern  
Pres.

STATE OF OHIO, COUNTY OF MONTGOMERY, ss

BE IT REMEMBERED, That on this 25 day of April, 1980, before me the subscriber, a Notary Public in and for said county, personally came and above named Robert M. Stern Pres of RMS Builders Inc

and acknowledged the signing of the foregoing agreement to be his voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Robert Hunter  
NOTARY PUBLIC

STATE OF OHIO, COUNTY OF MONTGOMERY, ss.

ROBERT E. HUNTER, Attorney at Law  
Notary Public, State of Ohio

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the subscriber, a Notary Public in and for said County, personally came and above named \_\_\_\_\_

and acknowledged the signing of the foregoing agreement to be \_\_\_\_\_ voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC

This instrument was prepared by \_\_\_\_\_, Law Director and Counsel for the City of Centerville, Ohio.