

**RESOLUTION NO. 57-96**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER BROOKS COMPTON ON THE  
18<sup>th</sup> DAY OF NOVEMBER, 1996.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT OF WAY AND EASEMENT, ON BEHALF OF THE CITY OF CENTERVILLE TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY, OHIO, FOR THE INSTALLATION OF SANITARY/WATER LINES ACROSS THE CITY OWNED PROPERTY AT THE STUB END OF PONDVIEW DRIVE.

WHEREAS, it is necessary for the City of Centerville to grant unto the Board of County Commissioners of Montgomery County, Ohio, a right of way and easement for the installation of sanitary/water lines across the city owned property at the stub end of Pondview Drive, and

WHEREAS, to accomplish this the Board of County Commissioners of Montgomery County, Ohio, is requesting a 90 feet long and 25 feet wide right of way and easement on property situated in the City of Centerville, Montgomery County, State of Ohio, and owned by the City of Centerville, said property being one tract of land, in part of Section 14, Town 2, Range 6 MRS, recorded on Microfiche No. 90-0153 C09 of the Deeds Records of Montgomery County, Ohio.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to do all things necessary to execute a grant of right of way and easement to the Board of County Commissioners of Montgomery County, Ohio in order to install sanitary/water lines across a parcel of city owned land at the stub end of Pondview Drive, in accordance with said option for right of way and easement attached hereto and made a part hereof, marked Exhibit "A".

Section 2. That this Resolution shall become effective at the earliest date allowed by law.

PASSED this 18<sup>th</sup> day of NOVEMBER, 1996.

Sally D. Beards  
Mayor of the City of Centerville, Ohio

ATTEST:

Mauree J. Saughel  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 57-96, passed by the Council of the City of Centerville, Ohio, on the 18th day of NOVEMBER, 1996.

Mauree J. Saughel  
Clerk of Council

Approved as to form, consistency  
with the Charter and Constitutional Provisions.

Department of Law  
Robert N. Farquhar  
Municipal Attorney

DISTRICT: GREATER MORAIN E - BEAVERCREEK SEWER DISTRICT  
SEWER IMPROVEMENT AREA # 1  
SUGARCREEK SUBDISTRICT

**EASEMENT DEED**

KNOW ALL MEN BY THESE PRESENT:

That The City of Centerville, Ohio

in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them paid by the Board of County Commissioners of Montgomery County, Ohio, receipt of which is acknowledged, does hereby grant and release to said Board of County Commissioners of Montgomery County, Ohio, and their successors in office, forever, the right, privilege and easement to construct, maintain, tap into and repair the stated utilities a sanitary sewer and/or water line through the following described real estate:

Situated in Section 14, Town 2, Range 6 MRS, City of Centerville, Montgomery County, State of Ohio, and being more particularly describe as follows:

Beginning for reference at the northwest corner of said Section 14, thence with the north line of section 14, South 69°00'00" East 1,848.06 feet, to the True Point of Beginning: Thence continuing with the north line of said Section 14, South 69°00'00" East 20.85 feet to a point; Thence leaving said north section line South 9°36' 00" West 92.67 feet to a point; Thence with a curve to the right with a radius of 125.00 feet, internal angle of 46 ° 37' 13". (long chord bearing North 2°19'14" West, 98.93 feet), along the arc for a 101.71 feet to the True Point of Beginning .

Said property now is owned by The City of Centerville, Ohio

By deed reference: MF# 90-0153 C09

Said grantees are to have the right and privilege of entering upon the above described premises through themselves, employees and contractors to construct, maintain, tap into and repair the sanitary sewer and/~~or~~ water line along the line above set forth.

As further consideration for this easement, grantees agree to restore the said premises to its original condition, as near as possible, after construction, repair or replacement of said sanitary sewer and/~~or~~ water line, unless otherwise agreed to by separate agreement.

The Grantor\_\_\_ shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns; provided, however, that no buildings or other structures shall be erected within the limits of said right of way and easement by the Grantor\_\_\_ or any other party claiming title or possession under said Grantor\_\_\_.

IN WITNESS WHEREOF, the said\_\_\_\_\_

\_\_\_\_\_

hereunto subscribed\_\_\_\_\_ name on this\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Executed in the presence of us:

(two witnesses required)

Witness:

Owner:

1)\_\_\_\_\_

\_\_\_\_\_

(print: )\_\_\_\_\_

(print: )\_\_\_\_\_

Title:\_\_\_\_\_

2)\_\_\_\_\_

\_\_\_\_\_

(print: )\_\_\_\_\_

(print: )\_\_\_\_\_

Title:\_\_\_\_\_

State of Ohio) SS:

Before me, the undersigned, a Notary Public in and for the State of Ohio, Montgomery County, personally appeared\_\_\_\_\_

\_\_\_\_\_

the grantor\_\_ in the foregoing easement deed, and acknowledged the execution thereof to be\_\_\_\_\_ free and voluntary act for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on this\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Ohio

My Commission expires\_\_\_\_\_

This instrument approved as to for by:

Mathias H. Heck, Jr., Prosecuting Attorney

by\_\_\_\_\_

EX. 6" WTR.

OAK CREEK FOUR SEC. 3  
P.B. 79, PG. 57

PONDVIEW D

REMOVE EX. PLUG  
INSTALL NEW 6" V.,  
8"x6" REDUCER  
EX. SAN. MH#8E-352  
INV.=977.90

EX. STM

109' ~ 8" SAN. @ 3.72%

4' ASPH. WALK

UTILITY EASEMENT

1/4 1/32 BEND

SAN. MH#8E-925

TEMP. PLUG

PARK LOT  
1.5916 Ac.

SPLIT RAIL FENCE

993.5

