

RESOLUTION NO. 74-20
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE
19th DAY OF October, 2020.

A RESOLUTION ACCEPTING EASEMENTS FOR ROADWAY PURPOSES FROM SPEEDWAY LLC AS SUCCESSOR IN INTEREST TO CROWN PETROLEUM COMPANY.

WHEREAS, a parcel of land currently owned by Speedway LLC, as successor in interest to Crown Petroleum Company is necessary for the establishment, construction, reconstruction, widening, repair or maintenance of a public road thereon; and

WHEREAS, Speedway LLC, as successor in interest to Crown Petroleum Company, propose to grant to the City of Centerville a permanent easement for a portion of land more fully described in the Easements attached hereto as Exhibit "1", and referenced as Tax Parcel No. O68-00136-0002 and recorded in Deed Microfiche No. 71-487 B10 of Montgomery County, Ohio for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a permanent easement for a portion of the land owned by Speedway LLC, as successor in interest to Crown Petroleum Company, for the establishment, construction, reconstruction, widening, repair or maintenance of a public road, said land being and referenced as Tax Parcel No. O68-00135-0017 and recorded in Tax Parcel No. O68-00136-0002 and recorded in Deed Microfiche No. 71-487 B10 of Montgomery County, Ohio, and more particularly described in Exhibit "1" attached hereto and made a part hereof.

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

PASSED this 19th day of October, 2020.


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 that the foregoing is a true and correct copy of Resolution Number 74-20, passed by the Council of the City of Centerville, Ohio, on the 19th day of October, 2020.



Clerk of Council

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

Department of Law
Scott A. Liberman
Interim Municipal Attorney

Exhibit "1"

LPA RE 806D
Rev. 10/2017

ED
LPA

EASEMENT

Speedway LLC as successor in interest to Crown Petroleum Company, an Ohio Corporation, the Grantor(s), as a GIFT/DONATION to the Grantee, City of Centerville; does quit claim to the Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A, attached, the following described real estate:

PARCEL(S): 2-SH

MOT-48-2.23

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. O68-00136-0002

Prior Instrument Reference: Deed Microfiche No.71-487-B10, Montgomery County Recorder's Office.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that Grantee decides not to use the property conveyed for the above-stated purpose, Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C)

Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated.

LPA ODOT RE 833-I
Rev. 10/2017

Corporation & LLC ACK for Instruments

IN WITNESS WHEREOF Speedway LLC has caused its name to be subscribed by
Tom Lefevers, Jr., its duly authorized Sr. Dir. of Real Estate and its duly
authorized agent on the 8th day of October, 2020.

Speedway LLC



By:

Tom Lefevers, Jr.

Print name

Senior Director of Real Estate

Office Held



STATE OF OHIO, COUNTY OF CLARK SS:

BE IT REMEMBERED, that on the 8th day of October, 2020, before me
the subscriber, a Notary Public in and for said state and county, personally came the above
named Tom Lefevers, Jr., who acknowledged being the Sr. Dir. of Real Estate and
duly authorized agent of Speedway LLC, and who acknowledged the foregoing instrument to be
the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official
seal on the day and year last aforesaid.



MELINDA A MILLER, Notary Public
In and for the State of Ohio
My Commission Expires July 17, 2024



NOTARY PUBLIC

My Commission expires: 7/17/2024

This document was prepared by City of Centerville using forms generated by the office of the Ohio Attorney General

EXHIBIT A

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Rev. 06/09

Ver. Date 10/04/2019

PID 109374

**PARCEL 2-SH
MOT - 48 - 2.23
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Centerville, Montgomery County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in Section 29, Town 3, Range 5 M.Rs., the City of Centerville, Montgomery County, Ohio, and being part of that real estate conveyed to the Crown Petroleum Company by deed recorded in Deed Microfiche No. 71-487-B10 (all references to deeds microfiche, plats, surveys, etc. refer to the records of the Montgomery County, Ohio Recorder's Office, unless noted otherwise) with stations and offsets referenced to the centerline plat of survey for **MOT-48-2.23** as the same is recorded in Plat Book 234, Page 34, of the Montgomery County, Ohio Recorder's Office, and being more particularly described as follows:

COMMENCING at a found 5/8" iron pin located in a centerline monument being the intersection of the centerlines of Spring Valley Pike and Main Street (State Route No. 48), located at station 195+88.80 of Spring Valley Pike and station 117+74.40 of Main Street (State Route No. 48);

Thence South five degrees four minutes one second West (S 05°04'01" W) leaving the centerline of Spring Valley Pike along the centerline of Main Street (State Route No. 48) for a distance of sixty and 35/100 feet (60.35') to station 117+14.05 of the centerline of Main Street (State Route No. 48);

Thence North eighty-four degrees fifty-five minutes fifty-nine seconds West (N 84°55'59" W), leaving the centerline of Main Street (State Route No. 48) for a distance of forty-three and

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00/100 feet (43.00') to a set iron pin with cap being in the existing west right-of-way of Main Street (State Route No. 48), also being located 43.00 feet left of station 117+14.05 of the centerline of Main Street (State Route No. 48), also being the **TRUE PLACE OF BEGINNING** for the land herein described;

Thence South five degrees four minutes one second West (S 05°04'01" W), along the existing west right-of-way of Main Street (State Route No. 48) for a distance of ten and 85/100 feet (10.85') to a set iron pin with cap in the proposed west right-of-way of Main Street (State Route 48), being located 43.00 feet left of station 117+03.22 of the centerline of Main Street (State Route No. 48);

Thence leaving the existing west right-of-way of Main Street (State Route 48), along the proposed west right-of-way of Main Street (State Route 48) the following seven (7) courses:

- 1) North twenty-three degrees five minutes sixteen seconds West (N 23°05'16" W) for a distance of twelve and 76/100 feet (12.76') to a set iron pin with cap being located 49.04 feet left of station 117+14.46 of the centerline of Main Street (State Route 48);
- 2) Along the arc of a curve to the left having a radius of twenty-one and 50/100 feet (21.50') for an arc distance of seven and 00/100 feet (7.00'), the chord of said arc being subtended by a central angle of eighteen degrees forty minutes fourteen seconds (18°40'14") and a long chord bearing North thirty-two degrees twenty-five minutes twenty-three seconds West (N 32°25'23" W) for a distance of six and 98/100 feet (6.98') to a set iron pin with cap being located 53.28 feet left of station 117+20.00 of the centerline of Main Street (State Route 48);
- 3) South forty-two degrees fifty-four minutes nine seconds West (S 42°54'09" W) for a distance of two and 00/100 feet (2.00') to a set iron pin with cap being located 54.52 feet left of station 117+18.41 of the centerline of Main Street (State Route 48);
- 4) Along the arc of a curve to the left having a radius of nineteen and 50/100 feet (19.50') for an arc distance of five and 58/100 feet (5.58'), the chord of said arc being subtended by a central angle of sixteen degrees twenty-three minutes thirty-one seconds (16°23'31") and a long chord bearing North forty-nine degrees twenty-four minutes eighteen seconds West (N 49°24'18" W) for a distance of five and 56/100 feet to a set iron pin with cap being located 59.04 feet left of station 117+21.65 of the centerline of Main Street (State Route 48);
- 5) North thirty-eight degrees seventeen minutes five seconds East (N 38°17'05" E) for a distance of two and 00/100 feet (2.00') to a set iron pin with cap being located 57.94 feet left of station 117+23.33 of the centerline of Main Street (State Route 48);
- 6) Along the arc of a curve to the left having a radius of twenty-one and 50/100 feet (21.50') for an arc distance of six and 49/100 feet (6.49'), the chord of said arc being subtended by a central angle of seventeen degrees eighteen minutes fourteen seconds (17°18'14")

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and a long chord bearing North sixty-five degrees forty-two minutes thirteen seconds West (N 65°42'13" W) for a distance of six and 47/100 feet (6.47') to a set iron pin with cap being located 64.05 feet left of station 117+25.46 of the centerline of Main Street (State Route 48);

- 7) North seventy-four degrees twenty-one minutes twenty seconds West (N 74°21'20" W) for a distance of eleven and 62/100 feet (11.62') to a set iron pin with cap in the existing south right-of-way of Spring Valley Pike, said point being located 75.47 feet left of station 117+27.60 of the centerline of Main Street (State Route 48);

Thence South eighty-nine degrees fifty-eight minutes fifty-six seconds East (S 89°58'56" E), leaving the proposed west right -of-way of Main Street along the existing south right-of-way of Spring Valley Pike for a distance of sixteen and 19/100 feet (16.19') to the a set iron pin with cap being in the existing west right-of-way of Main Street (State Route No. 48), being located 59.34 feet left of station 117+29.02 of the centerline of Main Street (State Route No. 48);

Thence South forty-two degrees twenty-seven minutes twenty-seven seconds East (S 42°27'27" E) leaving the existing south right-of-way of Spring Valley Pike along the existing west right-of-way of Main Street (State Route No. 48) for a distance of twenty-two and 14/100 feet (22.14') to the **PLACE OF BEGINNING**.

The above describe parcel contains a total of 31/10,000 acres (0.0031 acres) (137 square feet) more or less, from Auditor's Parcel No. O68-00136-0002.

Prior Instrument Reference as of the date of this survey is Deed Microfiche No. 71-487-B10 of the deed records of the Montgomery County, Ohio Recorder's Office.

Iron pins designated as set are 5/8" diameter rods, 30" long with a yellow plastic cap stamped "BCS, LLS S-7366"

Bearings for this description are based State Plane Coordinate System for the State of Ohio (South Zone), NAD 83, (95) NAVD 88.

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The above description was prepared under the direction and supervision of Paul W. Feie, Ohio Registered Surveyor No. 6723 in October of 2018, and is based upon a field survey performed by Briggs Creative Services, LLC for the City of Centerville, Ohio

BRIGGS CREATIVE SERVICES, LLC

By: Paul W. Feie 10/28/19
Paul W. Feie Date
Ohio Registered Surveyor No. 6723



PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 10/28/19 FILE NO. 2019-0277
BY Wayne B. H.