

RESOLUTION NO. 91-20  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON  
THE 7<sup>th</sup> DAY OF December, 2020.

A RESOLUTION AUTHORIZING THE INTERMENT OF  
HUMAN REMAINS ON PRIVATE PROPERTY LOCATED AT  
2420 CENTERVILLE STATION ROAD.

WHEREAS, the City of Centerville has the authority to regulate the burial  
of human remains on private property within the municipal corporation limits; and

WHEREAS, Gayle C. Wright, Trustee, the owner of property located at  
2420 Centerville Station Road, has requested the authority to bury human remains  
on her property; and

WHEREAS, the City desires to allow this one-time interment of human  
remains on private property within the City limits as long as the property comprises  
at least twelve (12) acres in size and only during the time that the family continues  
to own the property; and

WHEREAS, the City determines it to be in the best interests of the City of  
Centerville to allow such one-time burial, but only upon the conditions set forth  
above.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY RESOLVES:

Section 1. That the City of Centerville hereby grants authority to allow  
the interment of human remains at the property located at 2420 Centerville Station  
Road within the City of Centerville as long as there is a restriction incorporated in  
the property that requires the removal of the human remains if the property is  
transferred outside the family lineage and/or common ancestry of the property  
owner.

Section 2. That the City requires that the property owner execute and  
record at the property owner's expense, a Declaration of Restriction on the Use of  
Property as set forth in Exhibit "A", attached and incorporated herein.

Section 3. That this Resolution shall take effect at the earliest date  
allowed by law.

PASSED THIS 7<sup>th</sup> day of December, 2020.

  
\_\_\_\_\_  
Mayor of the City of  
Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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. 91-20, passed by the Council of the City of Centerville, Ohio on the 7<sup>th</sup> day of December, 2020.

  
\_\_\_\_\_  
Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions  
Department of Law  
Scott A. Liberman  
Municipal Attorney

**DECLARATION OF RESTRICTION ON THE USE OF PROPERTY  
BURIAL REMAINS UPON PRIVATE PROPERTY**

The undersigned **Gayle C. Wright, Trustee** (the "Declarant"), being the owner of the following described real property:

SEE EXHIBIT "A", ATTACHED

Being Parcel Nos. O68-3-1-21; O68-3-3-5; O68-3-3-6; O68-3-1-29; O68-3-1-40

Prior deed reference: Deed # 10-012225 of the deed records of Montgomery County, Ohio.

Property Address: 2420 Centerville Station Road, Centerville, Ohio

Declarant does hereby accept, adopt, and agree to be bound by the following restrictions and limitations upon the use of the property and in furtherance of the following purposes:

- (a) Pursuant to ORC §§ 759.01 and 759.05, the City of Centerville has a statutory authority to regulate the burial of human remains on private property situated within the municipal corporation limits; and,
- (b) The City's legislative authority has duly authorized the interment of the human remains of Don C. Wright, husband of Gayle C. Wright, within the above-described real property owned by Declarant within the City of Centerville municipal corporation limits; and,
- (c) Pursuant to the City's statutory authority to regulate private interments within its municipal corporation limits, the City hereby exercises such authority by creating a restriction upon the private interment on the above-described real property as duly authorized by law such that if the property is sold or otherwise transferred outside of the family lineage and/or common ancestry of Gayle and Don Wright, then the human remains interred thereon shall be removed and the land shall no longer be authorized for the burial of human remains.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Gayle C. Wright, Trustee

**ACKNOWLEDGMENT**

**County of Montgomery**            }  
  }**ss:**  
**State of Ohio**                            }

Declarant, Gayle C. Wright, Trustee, being first duly cautioned and sworn, appeared before me on the below date and acknowledged the foregoing instrument.

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

Prepared by:

Scott A. Liberman, Esq.  
Buckley King LPA  
1 South Main St., Ste. 1590  
Dayton, OH 45402

## EXHIBIT A

### PARCEL I

Situate in the State of Ohio, County of Montgomery, City of Centerville, Township of Washington, being a part of Section 13, Township 2, Range 6, and Section 18, Township 3, Range 5 of the Miami Rivers Survey, bounded and described as follows: Beginning at an iron pipe in the south line of aforesaid Section 13 common to lands of Paul O. and Harriet Hudson (D. B. 1613, page 112), said point being referenced: S. 81° 27' 14" E., 774.66 ft., to a concrete monument marking the southeast corner of said Section 13; said beginning point also marking the northwest corner of lands of N. A. Williamson (D.B. 889, page 178) situate in aforesaid Section 18; thence, leaving said Section 13 and lands of said Hudson and running within said Section 18 with lands of said Williamson, S. 04° 55' 24" W., 881.57 feet to a fence post marking the north east corner of lands of S. C. Filer (D.B. 852, page 142); thence, leaving lands of said Williamson and running with lands of said Filer, N. 84° 47' 36" W., 340.07 ft., to an iron pipe; thence, N. 75° 26' 56" W., 133.22 feet, to an iron pipe; thence, N. 35° 42' 33" W., 208.47 ft., to an iron pipe; thence, N. 22° 01' 35" W., 155.08 ft., to an iron pipe; thence, N. 37° 47' 43" W., 118.86 ft., to an iron pipe; thence, N. 27° 19' 52" W., 99.01 ft., to an iron pipe; thence, N 12° 21' 24" E., 137.67 ft., to an iron pipe; thence, N. 47° 06' 50" E., 94.50 ft., to an iron pipe; thence, N. 01° 35' 08" W., 239.49 ft., to a railroad spike in Centerville Station Road and in the South line of said Section 13; thence, leaving lands of said Filer and running with said Centerville Station Road and with the South line of said Section 13, S. 81° 27' 14." E., 200.82 ft., to an iron pipe; thence, leaving said Section 18 and running within said Section 13, N. 66° 49' 47" E., 587.93 ft., to a spike marking the Northwest corner of lands of aforesaid Hudson; thence, leaving said Centerville Station Road and running with lands of said Hudson, S. 45° 36' 17" E., 100.00 ft., to an iron pipe; thence, S. 32° 00' 00" W., 280.00 ft. to an iron pipe in the South line of said Section 13; thence, with said Section line, S. 81° 27' 14" E., 87.18 ft., to the place of beginning containing 16.488 acres, more or less.

The foregoing description furnished by Charles P. Burkhart, Civil Engineer in a survey dated March, 1954.

**EXCEPTING THEREFROM** the following described real estate: Situate in the State of Ohio, County of Montgomery, City of Centerville, Township of Washington, and being a part of Section 13, Township 2, Range 6 of the Miami Rivers Survey, bounded and described as follows: Beginning at an iron pipe in the south line of aforesaid Section 13 common to lands of Lorell V. and Florence Z. Larson (D.B. 2288, page 270), said point being referenced; S. 81° 27' 14" E., 861.84 ft., to a concrete monument marking the southeast corner of said Section. 13; thence, from said point of beginning, leaving the south line of said Section 13 and the lands of said Larson, and running entirely within lands of subject owner, N. 23° 10' 13" W., 100.00 ft., to an iron pipe; thence, N. 52° 48' 35" E., 234.63 ft., to an iron pipe common to lands of aforesaid Larson; thence, with the west line of said Larson, S. 32° 15' 45" W., 276.44 ft., to the point of beginning, containing 0.2613 acres, more or less.

**ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:**

Situate in the Township of Washington, County of Montgomery and State of Ohio and being a part of Section 13, Township 2, Range 6 and Section 18, Township 3, Range 5 of the M.R.S., bounded and described as follows: Beginning at an iron spike in the center of Centerville-Station Road, marking the Northeast corner of lands of subject owner, being the Northwest corner of lands of Lorell V. and Florence Z. Larson (Deed Book 2288, Page 270 and Deed Book 2395, Page 230); thence, leaving said Centerville-Station Road and running with lands of said Larson, South 23 degrees 10' 13" East, 92.42 feet to a point; thence, South 52 degrees 48' 35" West, 234.63 feet, to a corner of said Larson land; thence, leaving lands of said Larson and running entirely within lands of subject owner, South 60 degrees 50' 44" West, 525.00 feet to a point, thence, North 29 degrees, 09' 16" West, 125.00 feet, to a point; thence, North 36 degrees 35' 46" East, 158.26 feet, to an iron pipe on the line between Sections 13 and 18, in the center of said Centerville-Station Road, and on the North line of subject owner; thence, leaving said Section line and running along the center of Centerville-Station Road with the North line of subject owner, North 66 degrees 49' 47" East, 626.09 feet to the place of beginning, containing **2.666 acres**, more or less.

**PARCEL II**

Situate in the Township of Washington, County of Montgomery and State of Ohio and being a part of Section 13, Township 2, Range 6 and Section 18, Township 3, Range 5 of the M.R.S., bounded and described as follows: Beginning at an iron spike in the center of Centerville-Station Road, marking the Northeast corner of lands of subject owner, being the Northwest corner of lands of Lorell V. and Florence Z. Larson (Deed Book 2288, Page 270 and Deed Book 2395, Page 230); thence, leaving said Centerville-Station Road and running with lands of said Larson, South 23 degrees 10' 13" East, 92.42 feet to a point; thence, South 52 degrees 48' 35" West, 234.63 feet, to a corner of said Larson land; thence, leaving lands of said Larson and running entirely within lands of subject owner, South 60 degrees 50' 44" West, 525.00 feet to a point, thence, North 29 degrees, 09' 16" West, 125.00 feet, to a point; thence, North 36 degrees 35' 46" East, 158.26 feet, to an iron pipe on the line between Sections 13 and 18, in the center of said Centerville-Station Road, and on the North line of subject owner; thence, leaving said Section line and running along the center of Centerville-Station Road with the North line of subject owner, North 66 degrees 49' 47" East, 626.09 feet to the place of beginning, containing **2.666 acres**, more or less.

**PARCEL III**

Situate in the County of Montgomery, State of Ohio, City of Centerville, and Township of Washington and being a part of Section 13, Township 2, Range 6 of the Miami Rivers Survey, bounded and described as follows: Beginning at an iron spike in the center of Centerville Station Road common to lands of Frederick P. and Pauline S. Jackson, said point being referenced; S. 45° 36' 17" E., 100.00 feet; thence S. 32° 15' 45" W., 276.44 feet; thence along south line of said Section 13, S. 81° 27' 14" E., 861.84 feet, to a concrete monument marking the southeast corner of said Section 13; thence, from said point of beginning, leaving lands of said Jackson and running along the

center of said Centerville Station Road, N. 66° 49' 47" E. 38.16 feet to a R.R. spike; thence, leaving said road and running entirely within lands of subject owner, S. 23° 10' 13" E., 92.43 feet to an iron pipe common to lands of aforesaid Jackson; thence, with lands of said Jackson, N. 45° 36' 17" W., 100.00 feet to the place of beginning, containing 0.0405 acres, more or less.

This description being a survey prepared by Charles P. Burkhart, Civil Engineer and registered Surveyor No. 9390 dated December, 1967.

Parcel Number: O68-3-1-21  
O68-3-3-5, 6  
O68-3-1-29, 40

Property Address: 2420 Centerville Station Road, Centerville, Ohio

