

RESOLUTION NO. 64-21
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON
THE 14th DAY OF June, 2021.

A RESOLUTION TO PARTIALLY VACATE AN EASEMENT IN CORNERSTONE SECTION SEVEN B AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT TO PARTIALLY VACATE EASEMENT WITH DOGWOODCOMMONSPPLUS2, LLC AND TAKE ANY NECESSARY STEPS TO PARTIALLY VACATE THE EASEMENT.

WHEREAS, certain Cornerstone, Section Seven B, Recorder's Plat Cabinet 39, Pages 21B-23B, 2019021854, Recorder's Office, Greene County, Ohio (the "Recorded Plat"), contains a private drainage easement (the "Easement"); and

WHEREAS, City Council had previously approved the Recorded Plat containing said Easement; and

WHEREAS, a portion of the easement consisting of 30 feet at the center of the Easement is to remain (the "Remaining Easement"), while a portion of the easement consisting of 28.08 feet from the north line of the Remaining Easement Area and 21.21 feet from the south line of the Remaining Easement Area is to be vacated (such portions are together referred to herein as the "Vacated Easement Area"); and

WHEREAS, said Easement no longer serves any benefit to the City; and

WHEREAS, it is the intent of City Council to agree to partially vacate the Easement as described above.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The Easement identified above as the Vacated Easement is hereby vacated.

Section 2. The City Manager is hereby authorized to take all necessary steps towards vacating said Easement; and is authorized to execute, on behalf of the City of Centerville, the Agreement to Partially Vacate Easement with DOGWOODCOMMONSPPLUS2, LLC, a copy of which is attached as Exhibit "A" and incorporated herein.

Section 3. This Resolution shall take effect at the earliest time allowed by law.

PASSED THIS 14th day of June, 2021.


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. 64-21, passed by the Council of the City of Centerville, Ohio on the 14th day of June, 2021.


Clerk of the Council

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

AGREEMENT TO PARTIALLY VACATE EASEMENT

THIS AGREEMENT TO PARTIALLY VACATE EASEMENT (this "Agreement") is dated June __, 2021 by and between DOGWOODCOMMONSPPLUS2, LLC, a Delaware limited liability company ("Dogwood"), and THE CITY OF CENTERVILLE, a municipal corporation ("Centerville").

WHEREAS, that certain Cornerstone, Section Seven B, Recorder's Plat Cabinet 39, Pages 21B-23B, 2019021854, Recorder's Office, Greene County, Ohio (the "Recorded Plat"), contains a private drainage easement (the "Easement"); and

WHEREAS, a portion of the easement consisting of 30 feet at the center of the Easement is to remain (the "Remaining Easement Area"); and

WHEREAS, a portion of the easement consisting of 28.08 feet from the north line of the Remaining Easement Area and 21.21 feet from the south line of the Remaining Easement Area is to be vacated (such portions are together referred to herein as the "Vacated Easement Area"); and

WHEREAS, the Remaining Easement Area and the Vacated Easement Area are depicted on Exhibit A attached hereto and incorporated herein.

NOW, THEREFORE, for good valuable consideration, the receipt and sufficiency of which are acknowledged, the parties hereto agree that the Recorded Plat is hereby amended to fully and permanently discharge, release, and vacate the Vacated Easement Area.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

DOGWOODCOMMONSPLUS 2, LLC,
a Delaware limited liability company

By: _____
Jane A. Roslovic, Authorized Officer

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this _____ day of June, 2021, by Jane A. Roslovic, Authorized Officer of DOGWOODCOMMONSPLUS2, LLC, a Delaware limited liability company, for and on behalf of the company.

Notary Public
My commission expires: _____

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

THE CITY OF CENTERVILLE,
a municipal corporation

By: _____
Wayne S. Davis, City Manager

STATE OF OHIO
COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this _____ day of June, 2021, Wayne S. Davis, City Manager of THE CITY OF CENTERVILLE, a municipal corporation, for and on behalf of the corporation.

Notary Public
My commission expires: _____

Approved as to form:


Scott A. Liberman
Municipal Attorney

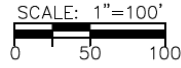
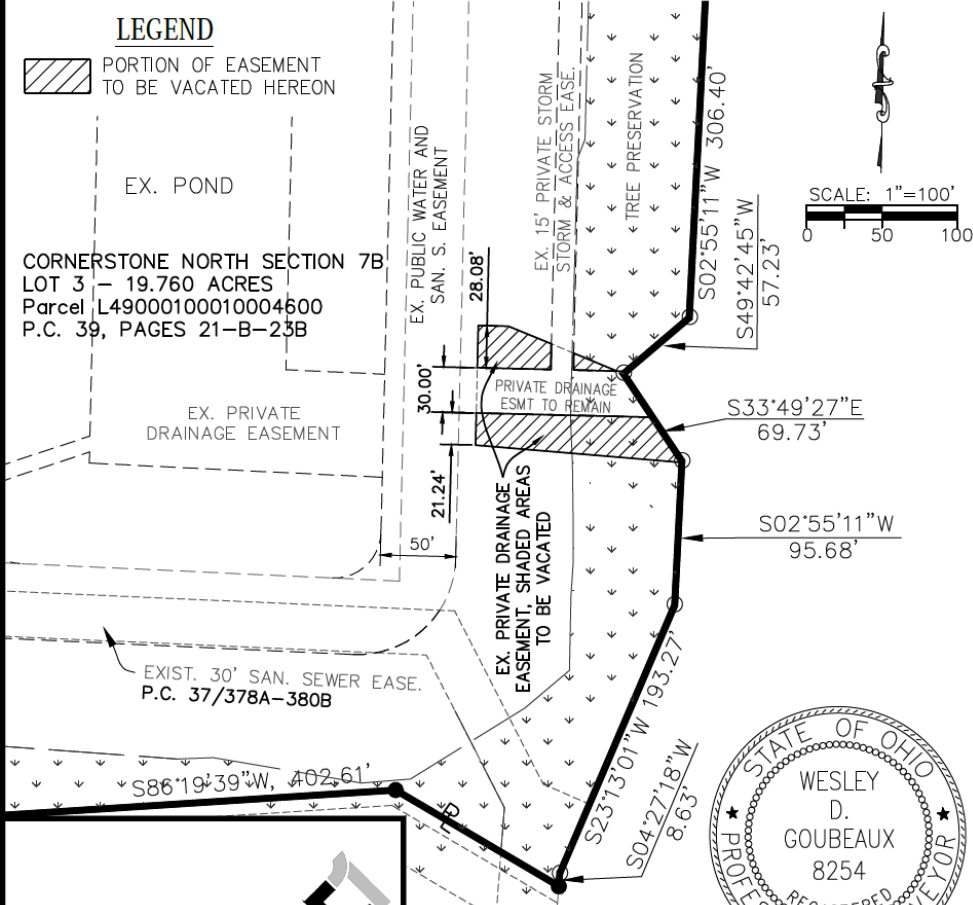
This instrument prepared by:
Brian A. Basil, Esq.
Murray Murphy Moul + Basil LLP
1114 Dublin Road
Columbus, Ohio 43215

EXHIBIT A

LOT 3, CORNERSTONE NORTH SECTION 7B
CITY OF CENTERVILLE, GREENE COUNTY, OHIO

LEGEND

 PORTION OF EASEMENT TO BE VACATED HEREON

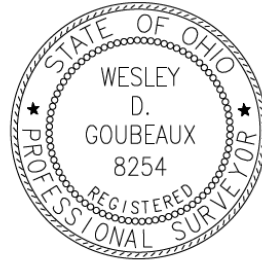


CORNERSTONE NORTH SECTION 7B
LOT 3 - 19.760 ACRES
Parcel L49000100010004600
P.C. 39, PAGES 21-B-23B

ChoiceOne
Engineering

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LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com



Wesley D. Goubeaux
WESLEY D. GOUBEAUX, P.S. #8254

5/24/21
DATE