

RESOLUTION NO. 28-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JoAnne Rau ON THE
20th DAY OF March, 2023.

A RESOLUTION ACCEPTING A PERMANENT STORM SEWER EASEMENT FOR PUBLIC PURPOSES FROM PATRICK J. HARTZELL AND JANICE E. HARTZELL.

WHEREAS, a parcel of land owned by Patrick J. Hartzell and Janice E. Hartzell, is necessary for the establishment, construction, reconstruction, widening, repair or maintenance of a storm sewer for the benefit of the public, which is also necessary for the Uptown public parking; and

WHEREAS, Patrick J. Hartzell and Janice E. Hartzell, propose to grant to the City of Centerville a non-exclusive permanent easement for a portion of land more fully described in the Easement attached hereto as Exhibit "1", and referenced as Tax parcel No. O68 00102 0013 and in the legal description attached to Exhibit "1", and recorded in Deed 04-040543 0002 of the records of Montgomery County, Ohio for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a non-exclusive permanent sewer easement for a portion of the land conveyed to Patrick J. Hartzell and Janice E. Hartzell, , for the public to install, maintain, and repair the storm sewer on said property, said land being and referenced as Tax Parcel No. O68 00102 0013 and recorded in Deed 04-040543 0002 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 20th day of March, 2023.



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 28-23, passed by the Council of the City of Centerville, Ohio, on the 20th day of March, 2023.



Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

PERMANENT STORM SEWER EASEMENT

Patrick J. Hartzell and Janice E. Hartzell, husband and wife, the Grantor, in consideration of the sum of \$1 and other good consideration, paid by the **City of Centerville**, an Ohio Municipal corporation, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A and depicted on Exhibit B, attached, the following described real estate:

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. O68 00111 0013

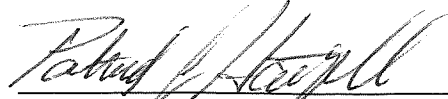
Prior Instrument References: Deed 04-040543 0002, Montgomery County Recorder's Office.

The easement is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a storm sewer for the benefit of the public. Said easement shall be for the use of the Grantee and Grantee's contractors and assigns.

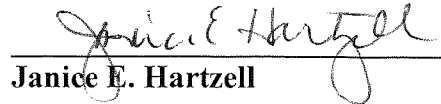
The above-described easement is to be used for locating, constructing, improving, grading, landscaping and other necessary work, including the operation of equipment, and the movement of a work force, over, upon and across the described easement, together with the right of ingress and egress.

This Agreement is binding upon the heirs, executors, administrators, successors, and assigns.

EXECUTED BY the said, **Patrick J. Hartzell and Janice E. Hartzell** on 17 day of March, 2023.



Patrick J. Hartzell



Janice E. Hartzell

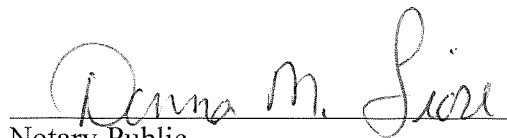
STATE OF OHIO

COUNTY OF MONTGOMERY ss:

This is an acknowledgement clause; no oath or affirmation was administered to the signer.

BE IT REMEMBERED, that on the 9th day of March, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named **Patrick J. Hartzell and Janice E. Hartzell**, husband and wife, and who acknowledged the foregoing instrument to be their 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

My Commission expires: 11/29/2025

This document was prepared by:
Scott A. Liberman, Esq.
Buckley King LPA
110 N. Main St., Ste. 1200
Dayton, OH 45402

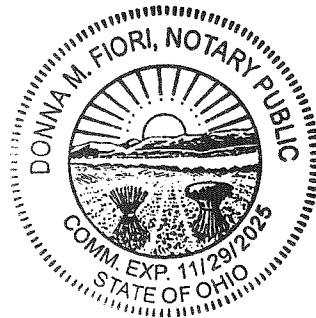
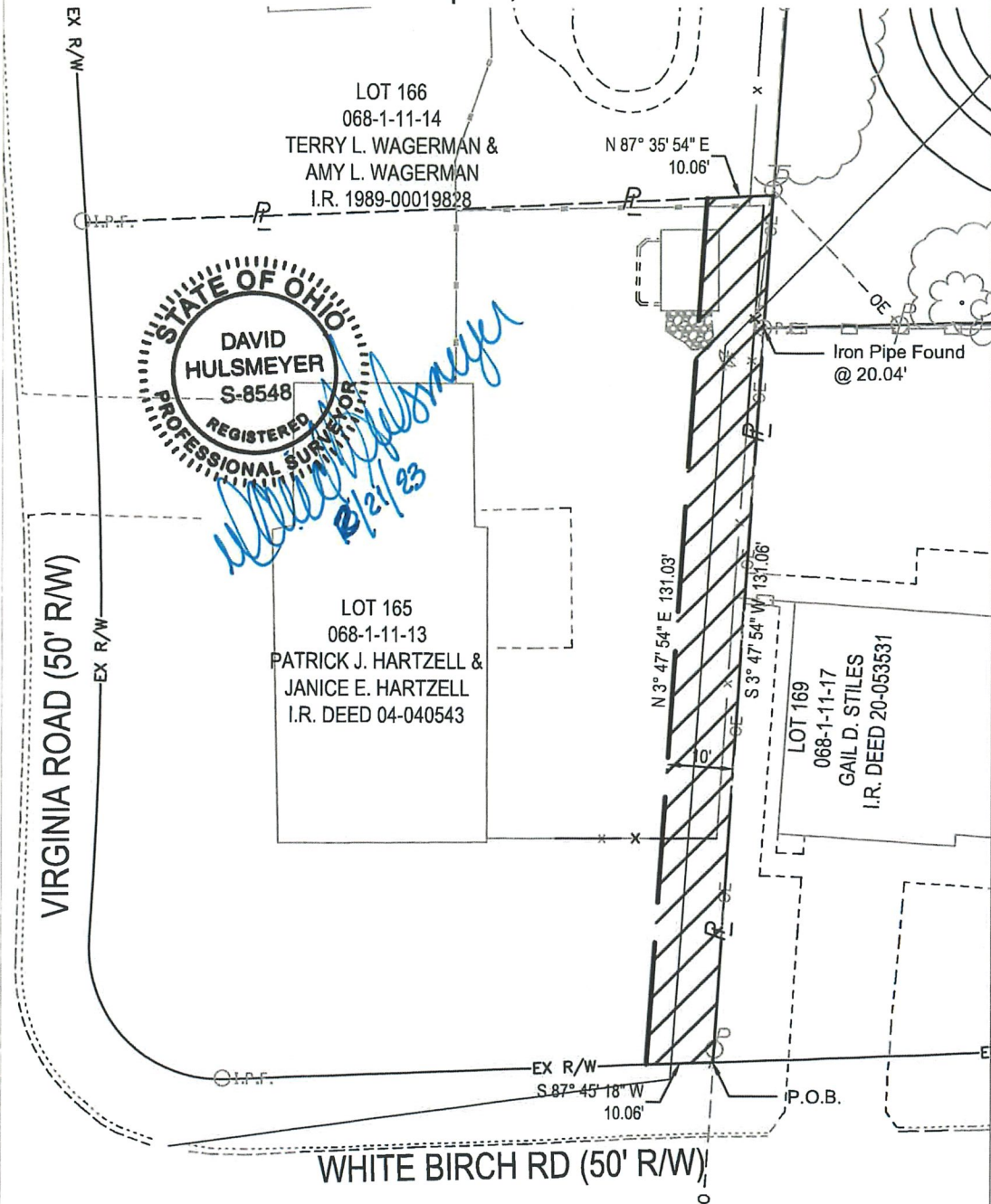
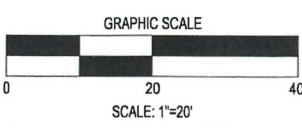


EXHIBIT "A"
10' STORM SEWER EASEMENT
SITUATED IN:
SECTION 25, TOWN 2, RANGE 6 M.Rs.
TO THE CITY OF CENTERVILLE
1310 Sq. Ft., 0.030 Ac.



STATE OF OHIO
DAVID HULSMAYER
S-8548
REGISTERED PROFESSIONAL SURVEYOR

David Hulsmayer
 2/21/23



North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.


PROJECT: UPTOWN IMPROVEMENT PROJECT			JOB #: 0123023		 <p>LJB Inc. We think bigger.</p>	LJBinc.com info@LJBinc.com (866) 552-3536
SUBJECT: 068-1-11-13 - UTILITY EASEMENT			DATE: 02/21/2023			
DSGN: KWW	DRWN: BSE	CHKD: KWW	SHEET NO.: 1/1	SCALE: 1"=20'		

EXHIBIT "B"

Legal Description 10' Storm Sewer Easement Hartzell

Situate in Section 25, Town 2, Range 6 MRs, the City of Centerville, County of Montgomery, State of Ohio and being an easement through part of Lot Numbered One Hundred Sixty Five (165) Boyles Addition, as recorded in Plat Book AA, Page 47 and being land conveyed to Patrick J. Hartzell and Janice E. Hartzell, described in IR Deed 04-040543 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, OH), and being more particularly described as follows:

Beginning at the southeast corner of Lot 165 being the southwest corner of Lot 169 and in the north right-of-way line for White Birch Road;

Thence with the north right-of-way line of White Birch Road: South 87°45'18" West 10.06 feet to a point in the south right-of-way;

Thence through the grantor's property, on a new line, North 03°47'54" East 131.03 feet to a point in the north line of Lot 165 and south line of Lot 166;

Thence with the common line between Lot 165 and 166 North 87°35'54" East 10.06 feet to the northeast corner of Lot 165 and the west line of property conveyed to The City of Centerville as described in IR Deed 21-086097;

Thence with the common line between Lot 165 and said City of Centerville tract, converging into the west line of Lot 169 South 03°47'54" West passing an iron pipe found at 20.04 feet for a total distance of 131.06 feet to the point of beginning;

Containing 1310 SF (0.030 Acres), more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared By:

LJB Inc.

By:


David Hulsmeyer, Ohio PS No. 8548

2/21/23
Date

