

RESOLUTION NO. 50-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Duke Lunsford ON THE
5th DAY OF June, 2023.

A RESOLUTION ACCEPTING AN EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC PURPOSES FROM THE FIRST BAPTIST CHURCH OF CENTERVILLE, NKA CROSS POINT VINEYARD CHURCH.

WHEREAS, a parcel of land owned by the First Baptist Church of Centerville, nka Cross Point Vineyard Church, is necessary for the establishment, construction, reconstruction, widening, repair or maintenance of a nonexclusive public ingress/egress and parking easement for the benefit of the public, which is also necessary for the Uptown public parking; and

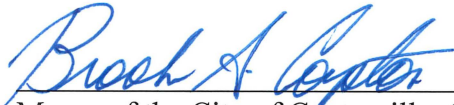
WHEREAS, the First Baptist Church of Centerville, nka Cross Point Vineyard Church propose to grant to the City of Centerville a non-exclusive easement and a temporary construction easement for a portion of land more fully described in the Easement and Temporary Construction Easement attached hereto as Exhibits "1" and "2", and referenced as Tax parcel No. O68 00103 0056 and in the legal description attached to Exhibits "1" and "2", and recorded in Deed 01118P00428 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 Easement and Temporary Construction Easement for a portion of the land conveyed to the First Baptist Church of Centerville, nka Cross Point Vineyard Church, for the establishment, construction, reconstruction, widening, repair or maintenance of a nonexclusive public ingress/egress and parking easement on said property, said land being and referenced as Tax Parcel No. O68 00103 0056 and recorded in Deed 01118P00428 of Montgomery County, Ohio, and more particularly described in Exhibits "1" and "2" attached hereto and made a part hereof.

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

PASSED this 5th day of June, 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 50-23, passed by the Council of the City of Centerville, Ohio, on the 5th day of June, 2023.



Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney

EASEMENT

The First Baptist Church of Centerville, nka Cross Point Vineyard Church, an Ohio church, 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, as Easement A, attached, the following described real estate:

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. O68-00103-0056
Prior Instrument Reference: I.R. Deed Vol. 1118 Page 428, Montgomery County Recorder's Office.

Grantor, for itself and its successors and assigns, covenant(s) with the Grantee, its successors and assigns, that it is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor will warrant and defend the property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a nonexclusive public ingress/egress and parking easement for the benefit of business properties. Said ingress/egress and parking easement shall be for the use of said business property owners, their tenants, customers, clients, vendors and business invitees.

EXECUTED BY the said, **The First Baptist Church of Centerville, nka Cross Point Vineyard Church**, an Ohio church, has caused its name to be subscribed by William B. Browning, its duly authorized Pastor/Trustee, and its duly authorized agent on the 15 day of May, 2023.

The First Baptist Church of Centerville, nka Cross Point Vineyard Church, an Ohio church



By: William B. Browning
Its: Pastor/Trustee

STATE OF OHIO

COUNTY OF MONTGOMERY SS:

BE IT REMEMBERED, that on the 15th day of May, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named William Browning, who acknowledged being the Pastor/Trustee and duly authorized agent of **The First Baptist Church of Centerville, nka Cross Point Vineyard Church**, an Ohio church, 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.


ERIK S COLLINS
Notary Public - State of Ohio
Commission Expires Dec 21, 2026
NOTARY PUBLIC
My Commission expires: _____

This document was prepared by:

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

**EASEMENT A
1,298 SQUARE FEET
PART LOT NUMBER 4
AARON NUTT PLAT
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO**

Situate in Section 25, Town 2, Range 6 M.Rs., City of Centerville, County of Montgomery, State of Ohio and being an easement over Part of Lot Number 4 of the Aaron Nutt Plat, recorded in Plat Book 1, Page 20 and conveyed to the First Baptist Church of Centerville in Deed Book 1118, Page 428, more particularly described as follows: (all references to deed books, official records, microfiche numbers, instrument numbers, survey records and/or plats refer to the Montgomery County Recorder's Office, Montgomery County, Ohio)

Beginning at the Intersection of the south line of said Lot 4 and the east right-of-way line of North Main Street;

Thence along the east right-of-way line of North Main Street, North 01°03'51" East a distance of 17.45 feet;

Thence South 88°45'17" East a distance of 134.04 feet;

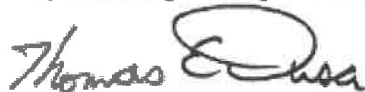
Thence South 04°43'44" East a distance of 1.91 feet to the northeast corner of a 0.1531 acre tract conveyed to Daniel E. and Norma L. Warrell, Trustees in IR Deed #19-045227;

Thence along the north line of said 0.1531 acre tract, South 84°38'06" West a distance of 135.08 feet to the place of beginning.

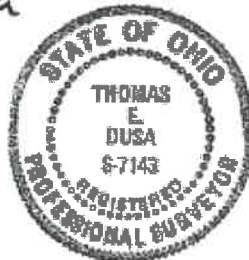
Containing 1,298 square feet, more or less.

Subject to all legal highways, easements, and restrictions of record.

Haley-Dusa Engineering & Surveying Group, LLC



Thomas E. Dusa
Registered Surveyor
Ohio License Number S-7143



June 10, 2020
Job # S4644

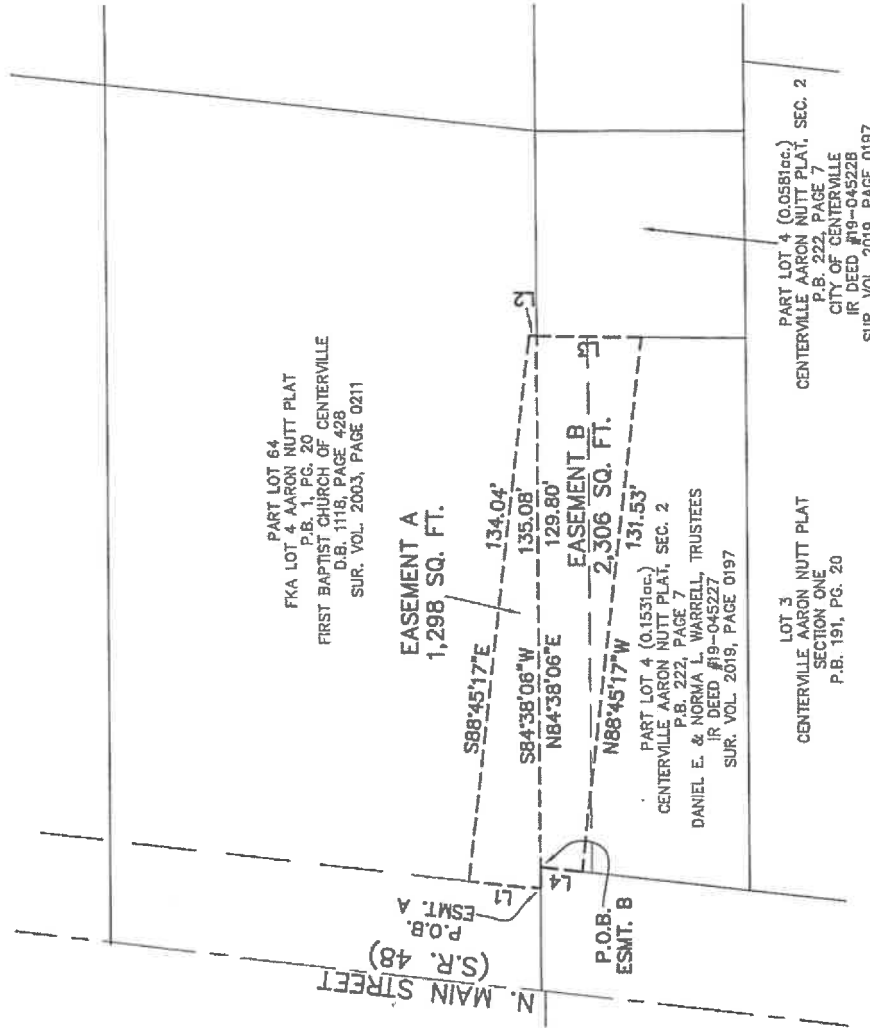
EASEMENT EXHIBIT A
PART LOT NUMBER 4
AARON NUTT PLAT
LOT NUMBER 4

CENTERVILLE AARON NUTT PLAT, SEC. TWO
CITY OF CENTERVILLE
MONTGOMERY COUNTY, OHIO



SURVEY REFERENCES:
 • ALL DEEDS, PLATS AND SURVEY RECORDS SHOWN ON THE FACE OF THIS SURVEY.

LINE	BEARING	LENGTH
L1	N01°03'51"E	17.45'
L2	S04°43'44"E	1.91'
L3	S04°43'44"E	25.24'
L4	N01°03'51"E	10.16'



PART LOT 64
 FKA LOT 4 AARON NUTT PLAT
 P.B. 1, PG. 20
 FIRST BAPTIST CHURCH OF CENTERVILLE
 O.B. 1118, PAGE 428
 SUR. VOL. 2003, PAGE 0211

EASEMENT A
1,298 SQ. FT.

EASEMENT B
2,306 SQ. FT.

PART LOT 4 (0.1531ac)
 CENTERVILLE AARON NUTT PLAT, SEC. 2
 DANIEL E. & NORMA L. WARRELL, TRUSTEES
 P.B. 222, PAGE 7
 I.R. DEED #19-045227
 SUR. VOL. 2019, PAGE 0197

PART LOT 4 (0.0581ac)
 CENTERVILLE AARON NUTT PLAT, SEC. 2
 P.B. 222, PAGE 7
 CITY OF CENTERVILLE
 I.R. DEED #19-045228
 SUR. VOL. 2019, PAGE 0197

LOT 3
 CENTERVILLE AARON NUTT PLAT
 SECTION ONE
 P.B. 191, PG. 20

N. MAIN STREET
 (S.R. 48)
 P.O.B. ESMT. A
 L1

P.O.B. ESMT. B
 L4



Halley-Dusa
 Engineering & Surveying Group, LLC
 270 Regency Ridge Drive, Suite 203
 Dayton, OH 45424
 Phone: (937) 439-4300 Fax: (937) 439-2005
 Email: info@halleydusa.com
 Website: www.halleydusa.com

Scale: 1"=30' Drawn: SBM Checked: TED
 Date: 08-10-2020 Job No. S4644

TEMPORARY CONSTRUCTION EASEMENT

The First Baptist Church of Centerville, nka Cross Point Vineyard Church, an Ohio church, 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, a temporary easement over the property which is more particularly described in Exhibit A, attached, the following described real estate:

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. O68 00103 0056

Prior Instrument References: Deed 01118P00428, Montgomery County Recorder's Office.

The above-described temporary construction 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.

The temporary easement is being acquired by Grantee for a public purpose, namely the temporary establishment, construction, reconstruction, widening, repair or maintenance of a nonexclusive public ingress/egress, parking and/or utility easements, including public and private sanitary sewers, for the benefit of business properties and the public. Said temporary construction easement shall be for the use of the Grantee and Grantee's contractors and assigns. Said temporary construction easement shall terminate once construction is completed.

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

EXECUTED BY the said, **The First Baptist Church of Centerville, nka Cross Point Vineyard Church**, an Ohio church, by William B Browning, its duly authorized Pastor / TRUSTEE, and its duly authorized agent on the 15 day of May, 2023.

**The First Baptist Church of Centerville,
nka Cross Point Vineyard Church**, an
Ohio church

William B Browning
By: William B. BROWNING
Its: Pastor / TRUSTEE

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 15th day of May, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named William B. Browning, the Pastor / Trustee of **The First Baptist Church of Centerville, nka Cross Point Vineyard Church**, an Ohio church, and who acknowledged the foregoing instrument to be the voluntary act and deed of said trust.

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

Erik S. Collins
Notary Public **ERIK S COLLINS**
Notary Public - State of Ohio
My Commission expires: Commission Expires Dec 21, 2026

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

Know all Men by these Presents

That Roy M. Baker, Malcolm Merrill and William Seitner, the successors in office of Hiram Maltbie, Amos D. Tibbals and James Wilson, as Trustees of the "Regular Baptist Church in Centerville, called Sugar Creek", now The First Baptist Church of Centerville, a religious society incorporated under the laws of the State of Ohio, named in the deed from Abner Stephens et al., dated January 15, 1867 and recorded in Deed Book F-4, on page 261 of the Deed Records of Montgomery County, Ohio,

in consideration of One (\$1.00) Dollar and other valuable consideration

to them *paid by* The First Baptist Church of Centerville, a religious society incorporated under the laws of the State of Ohio, maintaining its principal office and place of worship in the Village of Centerville, in the County of Montgomery and State of Ohio, *the receipt whereof is hereby acknowledged, do hereby Grant, Bargain,*

Sell and Convey to the said The First Baptist Church of Centerville, its successors,

heirs and assigns forever.

the following described real estate:

SITUATE in the Village of Centerville, Washington Township, Montgomery County, Ohio, and being all of lot No. 4 (64) and part of lot No. 9 (69) of A. Nutt's Plat of Centerville, being a part of the southeast quarter of Section 25, Town 2, Range 6 N.R.'s, bounded and described as follows:

Beginning at a point in the center line of Main Street at the southwest corner of said lot No. 4, said beginning point being 312.84 feet distant northwardly from the point of intersection of the center line of said Main Street and the center line of Cross Street (now Franklin Street), said beginning point being the southwest corner of the lot of The First Baptist Church of Centerville; thence eastwardly with the south line of said lot No. 4, for a distance of 208.56 feet to the southeast corner thereof, said point being also the southwest corner of said lot No. 9; thence eastwardly with the south line of lot No. 9 for a distance of 54.96 feet to the southwest corner of that part of said lot No. 9 heretofore conveyed; thence northwardly with the center line of an existing fence line for a distance of 103.7 feet to a point in the north line of said lot No. 9; thence westwardly with the north line of said lot No. 9 for a distance of 42.56 feet to the northwest corner thereof, said point being also the northeast corner of said lot No. 4; thence westwardly with the north line of said lot No. 4 for a distance of 208.56 feet to the northwest corner thereof, said point being in the center line of Main Street; thence southwardly with the center line of Main Street and with the west line of said lot No. 4 for a distance of 104.28 feet to the place of beginning, subject to 10.0 feet taken by parallel lines off of the north side of the above described tract being an existing alley and subject to Main Street and all legal highways.

and all the **Estate, Title and Interest** of the said Roy M. Baker, Malcolm Merrill and William Seitner, as Trustees aforesaid,

either in Law or in Equity of, in and to the said premises; **Together** with all the privileges and appurtenances to the same belonging, and all the rents, issues, and profits thereof: **To have and to hold** the same to the only proper use of the said

The First Baptist Church of Centerville, its successors

heirs, and assigns forever;

And the said Roy M. Baker, Malcolm Merrill and William Seitner, as Trustees aforesaid, for themselves and their successors in office,

for and heirs, executors and administrators, do hereby **Covenant** with the said The First Baptist Church of Centerville, its successors

heirs, and assigns,

that they are the true and lawful owners of the said premises, and have full power to convey the same; and that the title so conveyed is **Clear, Free and Unincumbered; And Further,** That they do **Warrant and will Defend** the same against all claim or claims, of all persons whomsoever;

In Witness Whereof, The said Roy M. Baker, Malcolm Merrill and William Seitner, the successors in office of Hiram Maltbie, Amos D. Tibbals and James Wilson, as Trustees of the "Regular Baptist Church in Centerville, called Sugar Creek", now The First Baptist Church of Centerville aforesaid, hereunto duly authorized by the members of said religious society at a special meeting called for the purpose, due notice of such meeting having been given in conformity to law and the regulations of such society,

who hereby release all right and expectancy of **Dower** in the said premises, have hereunto set their hands this

12th day of October in the year of our Lord

one thousand nine hundred and forty-five (1945).

Signed and acknowledged in presence of

[Handwritten signatures of Roy M. Baker and Malcolm Merrill]
Judge

Ray M. Baker
Malcolm Merrill
William Seitner
As Trustees Aforesaid

State of OHIO, County of MONTGOMERY, ss.

Be it Remembered, That on this 12th day of October, in the year of our Lord one thousand nine hundred and forty-five (1945), before me, the subscriber, a notary public in and for said county, personally came Roy M. Baker, Malcolm Merrill and William Seitner, as Trustees aforesaid,

the grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed individually and as such trustees aforesaid.

In Testimony Whereof, I have hereunto subscribed my name and affixed my notarial seal on the day and date first above written.

File No. 18867
Transferred 10-17-45
Received 10-17-45
Time 10:45-2 A.M.
Recorded 10-17-45
Fee \$ 1.50
GEO. BRAUNSCHWEIGER
Montgomery County Recorder

[Handwritten signature of Notary Public]
M. H. BRIDGES
Notary Public
15 & M. H. BRIDGES
MONTGOMERY COUNTY, OHIO