

**RESOLUTION NO. 14-24**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER Bill Serr ON THE  
19<sup>th</sup> DAY OF February, 2024.

A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC PURPOSES ON THE PROPERTY OWNED BY HERMAN J. GAINES AND SON, INC. FOR THE DIMCO WAY ROAD PROJECT.

WHEREAS, a parcel of land owned by the Herman J. Gaines and Son, Inc., an Ohio corporation, is necessary for the establishment, construction, reconstruction, widening, repair or maintenance of the Dimco Way road project (the "Project"); and

WHEREAS, the Herman J. Gaines and Son, Inc. propose to grant to the City of Centerville a temporary construction easement for a portion of land more fully described in the Temporary Construction Easement attached hereto as Exhibit "1" and referenced as Tax parcel No. O68 01302 0003 and in the legal description attached to Exhibit "1", and recorded in Deed 85-666A05 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 approves and accepts a and Temporary Construction Easement for a portion of the land conveyed to the Herman J. Gaines and Son, Inc., for the establishment, construction, reconstruction, widening, repair or maintenance of a road easement, said land being and referenced as Tax Parcel No. O68 01302 0003 and recorded in Deed 85-666A05 of Montgomery County, Ohio, and more particularly described in Exhibit "1" attached hereto and made a part hereof.

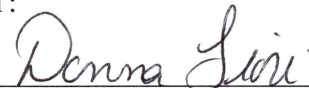
Section 2. Council approves and authorizes consideration to be paid to Herman J. Gaines and Son, Inc. in the amount of \$1,050.00 as recited in the attached Exhibit "1".

Section 3. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 19<sup>th</sup> day of February, 2024.

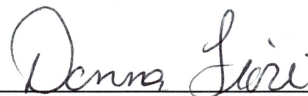
  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of Council, City of Centerville, Ohio  
(Acting)

**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 14-24, passed by the Council of the City of Centerville, Ohio, on the 19<sup>th</sup> day of February, 2024.

  
\_\_\_\_\_  
Clerk of Council (Acting)

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

Department of Law  
Scott A. Liberman  
Municipal Attorney

## Exhibit "1"

### TEMPORARY CONSTRUCTION EASEMENT

Herman J. Gaines and Son, Inc., an Ohio corporation, Grantor, in consideration of the sum of \$1,050.00 and other good and valuable consideration, paid by the **City of Centerville**, an Ohio Municipal corporation, Grantee, does convey(s) to Grantee, its successors and assigns, an exclusive temporary easement (the "**Temporary Easement**") over the property more particularly described in the attached Exhibit "A" (the "**Easement Area**").

The Temporary 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 Easement Area, 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 public road. The Temporary Easement shall be for the use of the Grantee and Grantee's contractors and assigns. The Temporary Easement shall terminate once construction is completed.

*[SIGNATURE AND ACKNOWLEDGEMENT ON FOLLOWING PAGE.]*

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized officer this 31 day of January, 2024.

Herman J. Gaines and Son, Inc., an Ohio corporation

By: Geraldine Gaines

Print Name: Geraldine Gaines

Title: President

State of Ohio,  
County of Montgomery,

The foregoing instrument was acknowledged before me this 31 day of January, 2024, by Geraldine Gaines, the President of Herman J. Gaines and Son, Inc., an Ohio corporation, on behalf of the corporation.

Joshua McGuire  
Notary Public



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

EXHIBIT "A" OF TEMPORARY CONSTRUCTION EASEMENT

The land herein described is situated in the City of Centerville, Montgomery County, State of Ohio, and in Section 24, Town 3, Range 5, M.Rs., being a Part of **Lot No. 11 of South Suburban Commercial Area, Section 2**, as recorded in Plat Book 93, Pages 77 and described in DMF No. **85-666A05** to the **Herman J. Gaines and Son, Inc.** (record references to those of the Recorder's Office, Montgomery County, Ohio) and being more particularly described as follows:

Commencing at the 5/8" iron pin w/cap found at the southeast corner of the northwest quarter of Section 24 and the centerline of Clyo Road (varies right-of-way);

Thence, North 87 degrees 11 minutes 13 seconds West, with the southerly line of said northwest quarter and northerly line of Quaker Estates Section Two Subdivision, as recorded in Plat Book 145, Page 35, and northerly line of Quaker Estates Section One Subdivision, as recorded in Plat Book 143, Page 26, for a distance of 715.61 feet to the 5/8" iron pin w/cap found at southeasterly property corner of 61.260 acre tract of land as described in LR. Deed **17-076321 to The Board of Education for Centerville City Schools** (record references to those of the Recorder's Office, Montgomery County, Ohio);

Thence, North 05 degrees 08 minutes 44 seconds East, with easterly property line of said 61.260 acre tract of land, for a distance of 1222.66 feet to a 5/8" iron pin w/cap set at intersection of easterly property line of **The Board of Education for Centerville City Schools** and line of proposed permanent right of way of Dimco Way Extension;

Thence, North 05 degrees 08 minutes 44 seconds East, continue with easterly property line of said 61.260 acre tract of land, for a distance of 0.80 feet to a point at southwesterly property corner of tract of land as described in DMF No. **85-666A05 to Herman J. Gaines and Son, Inc.** (record references to those of the Recorder's Office, Montgomery County, Ohio), and the being **True Point of Beginning** for the real estate described as follows;

Thence, North 05 degrees 08 minutes 44 seconds East, with westerly property line of Herman J. Gaines and Son, Inc., for a distance of 12.01 feet to a point;

Thence, South 87 degrees 10 minutes 36 seconds East, with line of proposed temporary construction easement, for a distance of 271.53 feet to point at westerly line of existing right of way of South Suburban Drive and easterly property line of Herman J. Gaines and Son, Inc.;

Thence, South 04 degrees 20 minutes 13 seconds West, with westerly line of existing right of way of South Suburban Drive and easterly property line of Herman J. Gaines and Son, Inc. for a distance of 12.00 feet to a 5/8" iron pin w/cap found at southeasterly property corner of tract of land as described in the DMF No. **85-666A05 to Herman J. Gaines and Son, Inc.** (record references to those of the Recorder's Office, Montgomery County, Ohio);

Thence, North 87 degrees 10 minutes 36 seconds West, with southerly property line of Herman J. Gaines and Son, Inc., and northerly line of proposed permanent right of way of Dimco Way

Extension, for a distance of 271.70 feet to point at intersection of easterly property line of The Board of Education for Centerville City Schools with southerly property line of tract of land as described in DMF No. **85-666A05** to **Herman J. Gaines and Son, Inc.** (record references to those of the Recorder's Office, Montgomery County, Ohio), and being the **True Point of Beginning**, containing a total of **0.075** acres of land, more or less, and is located in Montgomery County Auditors Parcel Number **068-01302-0003**.

The **Herman J. Gaines and Son, Inc.** claims title by the DMF No. **85-666A05** in Montgomery County Recorder's Office. Subject to all legal highways and easements.

The Bearings herein are based on GPS observations using the Ohio CORS Network (Ohio South Zone) to determine a grid bearing in the NAVD 1983 (CORS) system.

This description was reviewed and prepared on September 18, 2023, by Valarry Goldfeder, Registered Surveyor No. 8171 of the State of Ohio.

This description is based on a survey made by the TEC Engineering, Inc., under the direction and supervision of Valarry Goldfeder, Registered Surveyor No. 8171, in November 2022.