

**RESOLUTION NO. 20-24**  
**CITY OF CENTERVILLE, OHIO**

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

A RESOLUTION APPROVING AND ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC PURPOSES ON THE PROPERTY OWNED BY ASHFORD ESTATE HOMES, INC. FOR THE DIMCO WAY ROAD PROJECT.

WHEREAS, a parcel of land owned by the Ashford Estate Homes, 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 Ashford Estate Homes, 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 51304 0003 and in the legal description attached to Exhibit "1", and recorded in Deed 98-38A001 of the records of Montgomery County, Ohio for said purpose.

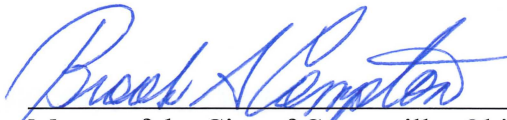
NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City of Centerville hereby approves and accepts a and Temporary Construction Easement for a portion of the land conveyed to the Ashford Estate Homes, Inc., for the establishment, construction, reconstruction, widening, repair or maintenance of a road easement, said land being and referenced as Tax Parcel No. . O68 51304 0003 and recorded in Deed 98-38A001 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 \$1,036.00 as recited in the attached Exhibit "1".

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

PASSED this 4<sup>th</sup> day of March, 2024.



Mayor of the City of Centerville, Ohio

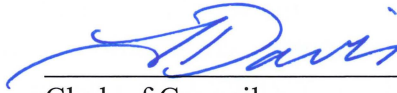
ATTEST:



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 20-24, passed by the Council of the City of Centerville, Ohio, on the 4<sup>th</sup> day of March, 2024.



Clerk of Council

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

Department of Law  
Scott A. Liberman  
Municipal Attorney

**TEMPORARY CONSTRUCTION EASEMENT**

Ashford Estate Homes, Inc., an Ohio corporation, Grantor, in consideration of the sum of \$1,036.00 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 (in accordance with the Landscaping Plan attached hereto as Exhibit "B"), 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 20<sup>th</sup> day of February, 2024.

Ashford Estate Homes, Inc., an Ohio corporation

By: Deborah L. Smith

Print Name: Deborah L. Smith

Title: Treasurer

State of Ohio,  
County of Montgomery,

The foregoing instrument was acknowledged before me this 20 day of February, 2024, by Deborah Smith, the Treasurer of Ashford Estate Homes, Inc., an Ohio corporation, on behalf of the corporation.



DAWN LYMAN  
Notary Public  
State of Ohio  
My Comm. Expires  
May 17, 2027

Dawn Lyman  
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 3.430 acre tract conveyed to John D. Gray by deed recorded in DMF 86-264B08, as described in the DMF **99-38A001** to **Ashford Estate Homes, Inc.**, as recorded in the Plat Book 174, Pages 33, **Dimco Way Condominium** (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 Clio Road (varies right-of-way);

Thence, North 04 degrees 48 minutes 05 seconds East, with the half-section line of northwest quarter of Section 24 and centerline of existing right of way of Clio Road (right of way width varies), for a distance of 1198.83 feet to a point of intersection with centerline of existing right of way of Dimco Way (50' right of way width);

Thence, North 87 degrees 18 minutes 04 seconds West, leaving half-section line of Section 24 and with centerline of existing right of way of Dimco Way, for a distance of 357.79 feet to a point;

Thence, South 02 degrees 41 minutes 56 seconds West, leaving existing centerline of Dimco Way, for a distance of 25.00 feet to a 5/8" iron pin w/cap found at existing southerly right of way line of Dimco Way and northerly property line of tract of land as described in the DMF **99-38A001** to **Ashford Estate Homes, 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, South 87 degrees 18 minutes 04 seconds East, with said northerly property line of Ashford Estate Homes, Inc. and existing southerly right of way of Dimco Way, for a distance of 296.57 feet to a 5/8" iron pin w/cap found at existing southerly right of way line of Dimco Way;

Thence continue with existing southerly line of right of way of Dimco Way along curve to the right having a radius of 20.00 feet, an arc distance of 20.94 feet, a central angle of 59 degrees 59 minutes 34 seconds, and the chord of which bears South 57 degrees 17 minutes 51 seconds East, a distance of 20.00 feet to a point at easterly property line of Ashford Estate Homes, Inc. and westerly existing line of right of way line Clio Road;

Thence, North 87 degrees 18 minutes 04 seconds West, with line of proposed temporary construction easement, for a distance of 331.21 feet to a point at westerly property line of tract of land as described in the DMF **99-38A001** to **Ashford Estate Homes, Inc.**, (record references to those of the Recorder's Office, Montgomery County, Ohio);

Thence continue with existing southerly line of right of way of Dimco Way, along curve to the right having a radius of 20.00 feet, an arc distance of 20.94 feet, a central angle of 59 degrees 59 minutes 41 seconds, and the chord of which bears South 62 degrees 41 minutes 47 seconds East, a distance

of 20.00 feet to a 5/8" iron pin w/cap found at existing southerly line of right of way of Dimco Way and northerly property line of Ashford Estate Homes, Inc., and being the **True Point of Beginning**, containing a total of **0.074** acres of land, more or less, and is located in Montgomery County Auditors Parcel Number **068-51304-0003**.

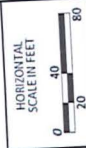
The **Ashford Estate Homes, Inc.**, claims title by the DMF **99-38A001** in Montgomery County Recorder's Office. Subject to all legal highways and easements.

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.

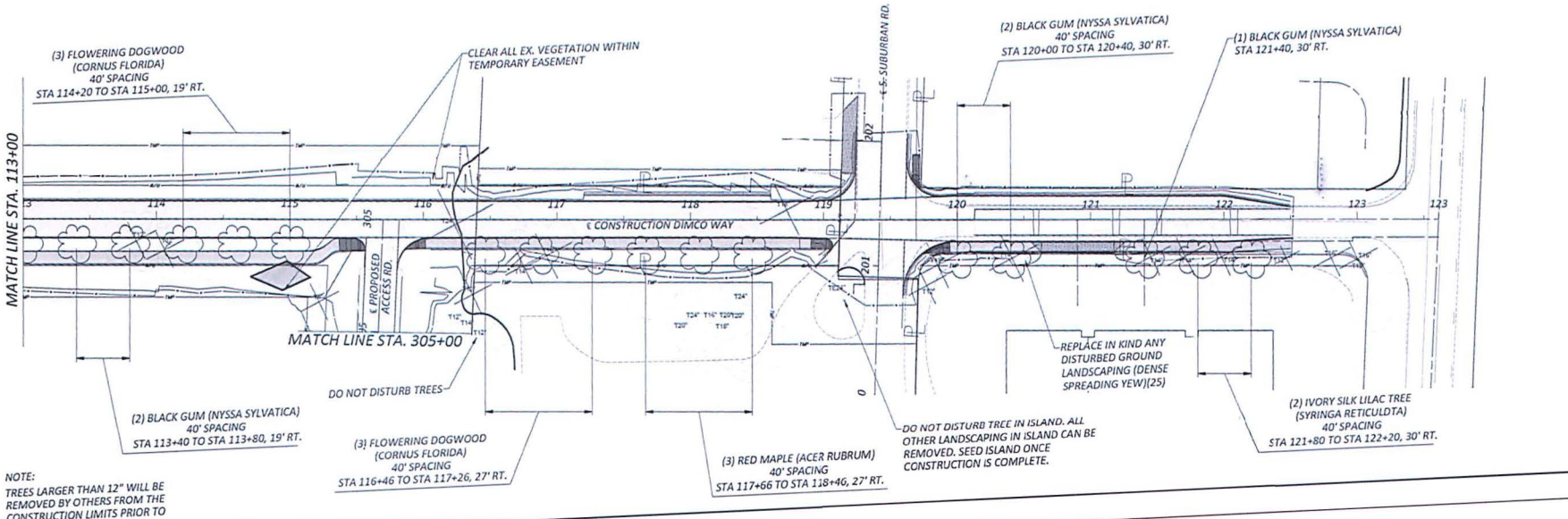
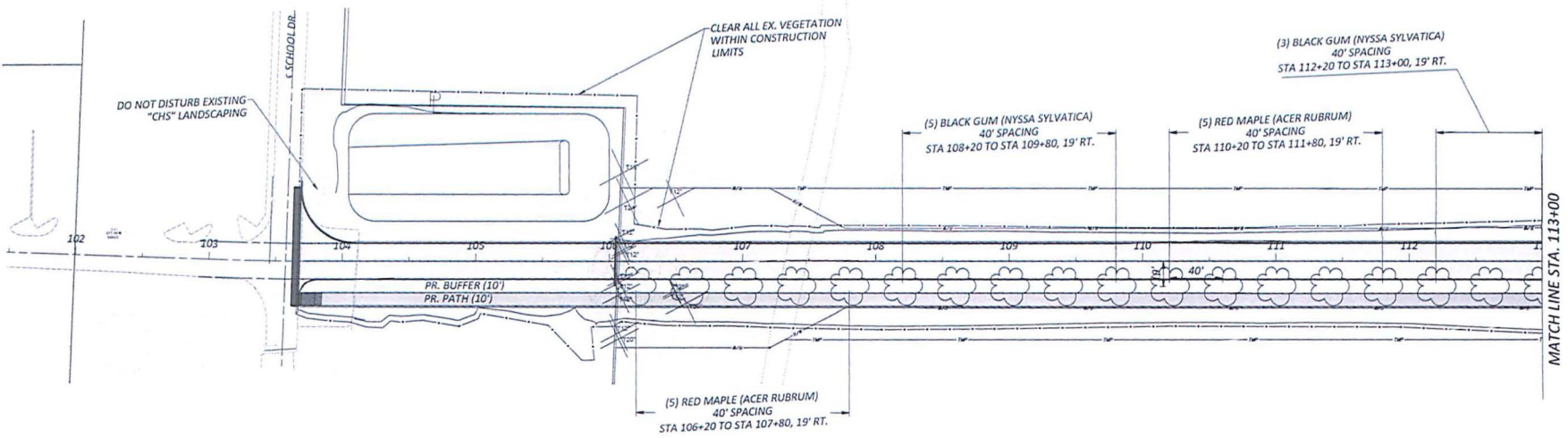
This description was reviewed and prepared on September 18, 2023, by Valarry Goldfeder, Registered Surveyor No. 8171 of the State of Ohio.

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.

EXHIBIT "B" OF TEMPORARY CONSTRUCTION EASEMENT  
LANDSCAPING PLAN  
[SEE ATTACHED]



NOTE:  
 1. TREES LARGER THAN 12" WILL BE REMOVED BY OTHERS FROM THE CONSTRUCTION LIMITS PRIOR TO THE START OF THIS PROJECT.  
 2. SEE SHEET 76 FOR A LISTING OF PROPOSED TREES AND PLANTS.



NOTE:  
 TREES LARGER THAN 12" WILL BE REMOVED BY OTHERS FROM THE CONSTRUCTION LIMITS PRIOR TO THE START OF THIS PROJECT.

DIMCO WAY EXTENSION

G:\Shared\Files\Dimco Way Extension\_2001\05-DIMCO.dwg

LANDSCAPING PLAN

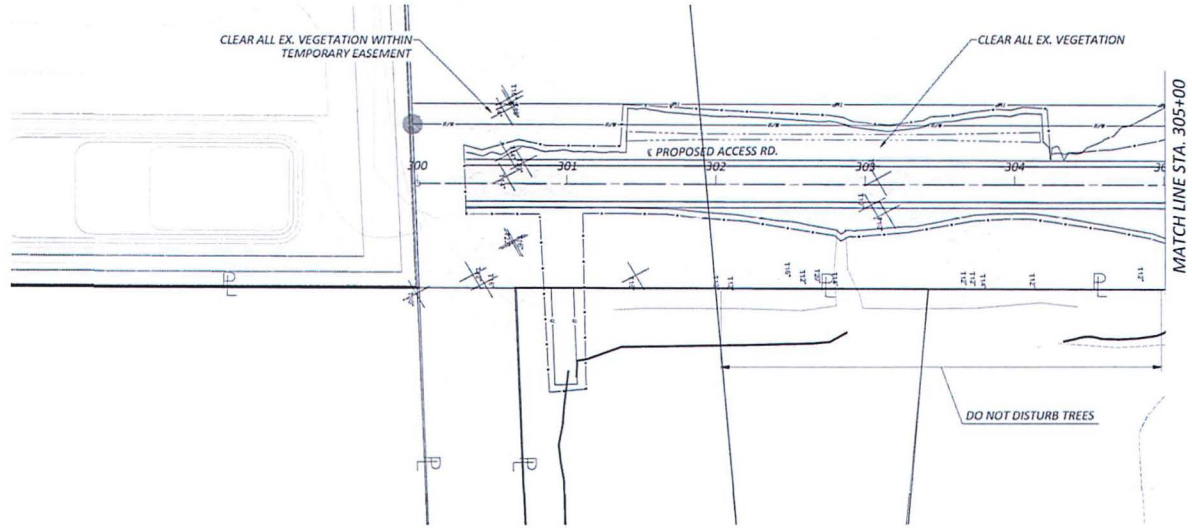
DESIGN AGENCY	
<b>TEL</b>	
TEC Engineering Inc.	
1200 E. University Ave.	
Tampa, Florida 33606	
TEL: 813-973-1100	
FAX: 813-973-1101	
WWW.TELINC.COM	
DESIGNER	MBK
REVIEWER	KLL 1/31/24
PROJECT ID	22061
SHEET	75
TOTAL	83





TYPE	ESTIMATED TREE/SHRUB QUANTITIES	
	QUANTITY	
	DECIDUOUS TREE	EVERGREEN SHRUB
RED MAPLE (ACER RUBRUM)	13	
BLACK GUM (NYSSA SYLVATICA)	13	
FLOWERING DOGWOOD (CORNUS FLORIDA)	6	
IVORY SILK LILAC TREE (SYRINGA RETICULATA)	2	
DENSE SPREADING YEW (TAXUS DEVISIFORMIS)		25 (DIRECT REPLACEMENT)
TOTAL	34	25

TRES TO BE REMOVED PRIOR TO START OF PROJECT		8"	10"	12"	14"	16"	18"	20"	24"	30"	36"
OWNER	ADDRESS										
CENTERVILLE SCHOOL DISTRICT	500 E FRANKLIN ST										
BOARD OF EDUCATION		2	2	15	3	5	1	2	2	1	1
DIMCOGRAY COMPANY	900 DIMCO WAY				1	1	1				
ASHFORD ESTATE	962 DIMCO WAY			3	4	2					
GAINES HERMAN AND SON INC	8100 S SUBURBAN										
BOARD OF TRUSTEES	8209 CLYO RD										



LANDSCAPING PLAN

DESIGN AGENCY	
DESIGNER	MBK
REVIEWER	KLL
DATE	1/31/24
PROJECT NO.	22051
SHEET TOTAL	76 83