

RESOLUTION NO. 56-24
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON
THE 6th DAY OF May, 2024.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS AND EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO AFFECT THE DONATION OF TEMPORARY EASEMENT TO THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR SOCIAL ROW ROAD, PHASE 1.

WHEREAS, the City of Centerville had previously agreed to participate in a transportation improvement project along Social Row Road (MOT-Social Row Road, Phase 2, JOB #2020-17, PID 113360), (the "Project"), in the City of Centerville, and

WHEREAS, City Council had determined that it would be in the best interest of its citizens to donate property located in the City of Centerville along Social Row Road for the Project; and

WHEREAS, Montgomery County desires to receive the donation of a temporary easement from the City; and

WHEREAS, the City has agreed to donate that property and waive any compensation for said donation; and

WHEREAS, Council has the power to enter into such Real Property Donation Agreement by virtue of its Charter and the provisions of Article VIII, Section 16 and Article XVIII, Section 3 of the Ohio Constitution.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. The City Manager is hereby authorized to execute a Donation Agreement with the Board of County Commissioners of Montgomery County, Ohio, for the donation of property on terms and conditions set forth in the Attached Donation Letter, marked Exhibit "A" and incorporated herein.

Section 2. That the City Manager is hereby authorized to do all things necessary to execute the Temporary Easement attached here to as Exhibit

“B” and incorporated herein.

Section 3. That the City Manager is hereby authorized and directed to do any and everything necessary to carry out the terms of said Donation Letter to facility the donation.


Section 4. This resolution shall become effective at the earliest date allowed by law.

PASSED this 6th day of May, 2024.



Mayor, 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 56-24 passed by the Council of the City of Centerville, Ohio on the 6th day of May, 2024.



Clerk of Council

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

Department of Law
Scott A. Liberman
Municipal Attorney



Paul W. Gruner, P.E., P.S.
**MONTGOMERY
COUNTY ENGINEER**

451 West Third St
P.O. Box 972 (937) 225-4904 phone
Dayton, OH 45422-1260 (937) 496-7441 fax

LPA
Rev. 01/2010

DONATION LETTER

April 16, 2024

The City of Centerville
100 W. Spring Valley Road
Centerville, OH 45458

Re: **MOT-Social Row Road, Phase 1**
JOB #2020-17, PID 113360
Temporary Construction Easement: Parcel 1-T

Dear Property Owner:

Your real property is needed by the Board of County Commissioners of Montgomery County, Ohio for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the right to be provided a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal. You have the right to negotiate with the agency and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law. You also have the right to be paid the full amount of the fair market value before being required to surrender possession of your property. Notwithstanding these rights, we understand you are willing to waive all, or any part of your rights noted and willingly agree to donate the property needed for the transportation project. The property is described in the attached Exhibit A which is incorporated herein.

Please be advised that if you desire to use the donation for a tax deduction, you should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation

The undersigned, on behalf of the City of Centerville, Ohio, and duly authorized herein, hereby acknowledges that said City has been fully advised by a Board of County Commissioner representative of said City's rights reflected above and agrees to:

- (1) Waive the right to receive just compensation for the property,
- (2) Release ODOT and the Board of County Commissioners of Montgomery County, Ohio from obtaining an appraisal of the acquired property and
- (3) Execute the necessary conveyance instrument to transfer said property to the Board of County Commissioners of Montgomery County, Ohio.

Respectfully,

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER'S OFFICE



Victoria Watson
Real Estate Administrator

City of Centerville, Ohio

Date

Print name

LPA RE 807
Rev. 10/2017

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TEMPORARY EASEMENT

The City of Centerville, Ohio, an Ohio political subdivision, the Grantor, as a GIFT/DONATION to the Grantee, the **Board of County Commissioners of Montgomery County, Ohio**, does grant to Grantee the temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL: 1-T

**MOT-Social Row Road, Phase 2
JOB #2020-17, PID 113360, City of Centerville, Ohio**

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. O68 01116 0015
Prior Instrument Reference: 94-00742D04, Montgomery County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement granted to the Grantee is eighteen (18) months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement interest granted is being acquired by the Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF, the CITY OF CENTERVILLE, OHIO, an Ohio political subdivision, the Grantor, has set its hand this ____ day of _____, 2024.

The CITY OF CENTERVILLE, OHIO

By: _____

Its: _____

STATE OF OHIO, COUNTY OF MONTGOMERY ss:

BE IT REMEMBERED, that on the _____ day of _____, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above, who acknowledged being the duly elected/appointed _____ of the City of Centerville, Ohio, an Ohio political subdivision, and who acknowledged the foregoing instrument to be the voluntary act and deed of said City. No oath or affirmation was administered to the signer.

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: _____

This document was prepared by the Montgomery County Engineer's

EXHIBIT A

LPA RX 887 T

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Ver. Date 03/10/2023

PID 113360

**PARCEL 1-T
MOT-CR166-8.13
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 18 MONTHS FROM DATE OF ENTRY BY THE
COUNTY OF MONTGOMERY COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Montgomery, City of Centerville, Section 4, Town 2, Range 5 M.Rs. and being part of a tract of land conveyed to City of Centerville as recorded in DMF 94-742D04 of the Deed Records of Montgomery County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the centerline of construction of Social Row Road as part of the MOT-CR166-8.13 Centerline Plat made by Fishbeck for the MOT-Social Row Road Phase 1 Project for the Montgomery County Engineer's Office as recorded in Plat Book 240, Pages 34-34B of the plat records of Montgomery County, Ohio (IR Plat 23-010297) and being located within the following described points in the boundary thereof:

Commencing at a point on the existing north right of way line of Social Row Road, also being the grantor's southeast property corner, said point being 45.00 feet left of Social Row Road centerline of construction station 51+97.49 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence on the existing north right of way line of Social Row Road, also being the grantor's south property line, also being the north property line of City of Centerville 0.205 acre tract as recorded in DMF 95-618B06 of the Deed Records of Montgomery County, Ohio, in a westerly direction on a curve to the right with a central angle of 02 degrees 09 minutes 34 seconds and a radius of 1215.00 feet, an arc distance of 45.79 feet, the chord of which bears North 76 degrees 14 minutes 48 seconds West for a distance of 45.79 feet, to a point on the proposed temporary easement line, also being on the existing north right of way line of Social Row Road, said point being 45.00 feet left of station 51+50.00;

Thence easterly on the proposed temporary easement line, North 73 degrees 00 minutes 14 seconds East, 48.77 feet, to a point on the grantor's east property line, also being on the proposed temporary easement line, said point being 70.00 feet left of station 51+93.88;

EXHIBIT A

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Thence southerly on the grantor’s east property line, also being the west property line of Stephen L. Spitler and Karen Sue Spitler, Trustees 4.772 acre tract as recorded in IR Deed 21-042941 of the Deed Records of Montgomery County, Ohio, also being the east line of said Section 4, South 04 degrees 54 minutes 58 seconds West, 25.24 feet, passing an iron pin set at a distance of 22.71 feet to the **TRUE POINT OF BEGINNING** and containing 0.0132 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0132 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Montgomery County Auditor’s permanent parcel number O68 01116 0015.


Prior Instrument Reference as of the date this survey was prepared: DMF 94-742D04 in the Montgomery County Recorder’s Office.

Description based on a field survey conducted by Fishbeck between the months of October 2020 through August 2022 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped “MONTGOMERY COUNTY R/W, P.S. 8453, FISHBECK”. See MOT-CR166-8.13 Centerline Plat within final construction plans, on record with the Montgomery County Engineer’s Office, for iron pins to be set that will be disturbed during construction.

This description was prepared on March 10, 2023 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic
Registered Surveyor of Ohio: No. S-008453

03-10-2023
Date

