

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 08 – 25 - 65

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS (INCLUDING EASEMENT(S) AND DEED(S)) WITH GOODWILL EASTER SEALS MIAMI VALLEY TO OBTAIN RIGHTS OF WAY AND PERMANENT AND/OR TEMPORARY EASEMENTS FOR THE MOT-HOKE ROAD WIDENING PHASE I PROJECT

WHEREAS, the City of Clayton is engaged in a transportation improvement project known as MOT-Hoke Road Widening Phase I; and

WHEREAS, the installation of said improvements requires the City to obtain road right of way and easements from certain property owners upon which said improvements are being constructed; and

WHEREAS, the City, through its representative, ORC, has negotiated Agreements to obtain Rights of Way and Permanent and Temporary Easements for the above Project with Goodwill Easter Seals Miami Valley; and

WHEREAS, Goodwill Easter Seals Miami Valley has graciously agreed to donate said Rights of Way and Easements to the City of Clayton as a contribution to the improvement of the City; and

WHEREAS, City Council desires to acknowledge and approve these contributions and to express appreciation for this donation for the betterment of the Clayton community.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the appended Agreement(s), Easement(s), and Deed(s) (**Exhibit A**) with Goodwill Easter Seals Miami Valley to grant Rights of Way and Perpetual and/or Temporary Easements relative to the above identified Project are hereby approved and the City Manager and Finance Director are hereby authorized to execute said documentation and receive said donations to the City for public use and benefit.

ADOPTED BY COUNCIL ON AUGUST 21, 2025.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

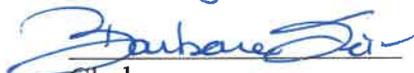
This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Eaton Register Herald

Date of publication

August 27, 2025



Clerk



LPA
Rev. 01/2010

DONATION LETTER

Click or tap to enter a date

Goodwill Easter Seals Miami Valley, an Ohio nonprofit corporation
660 S. Main Street
Dayton, OH 45402

Re: MOT-Hoke Road Widening Phase 1
5-WD, SW, T
115202

Dear Goodwill Easter Seals Miami Valley, an Ohio nonprofit corporation:

Your real property is needed by the City of Clayton, 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 hereby acknowledges that he/she has been fully advised by an City of Clayton, Montgomery County, Ohio representative of his/her rights reflected above and agrees to: (1) Waive the right to receive just compensation for the property, (2) Release the City of Clayton from obtaining an appraisal of the acquired property and (3) Execute the necessary conveyance instrument to transfer said property to City of Clayton, Montgomery County, Ohio.

Respectfully,

O.R. Colan Associates, LLC
www.orcolan.com

8750 Union Centre Blvd
West Chester, OH 45069

O: 513-247-0243
F: 513-247-0385

[Signature of LPA Agent - Delete this instruction from final version]

GOODWILL EASTER SEALS
MIAMI VALLEY, an Ohio nonprofit
corporation

By: _____
Matt Arntz, Vice President of Retail and Facilities

July __, 2025
Date

O.R. Colan Associates, LLC
www.orcolan.com

8750 Union Centre Blvd
West Chester, OH 45069

O: 513-247-0243
F: 513-247-0385

EXHIBIT A

**PARCEL 5-SW
HOKE ROAD WIDENING PHASE 1
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, by a deed recorded in 1.R. Deed 2022-00026006 of the Montgomery County Recorder's Office, more fully bounded and described as follows:

Beginning at a point on the grantor's northerly property line, said point being **37.42 feet LEFT of Station 99+96.04** of the baseline of construction of Hoke Road and also being the TRUE PLACE OF BEGINNING for the tract of land herein described;

1. Thence through said grantor's tract along the proposed right of way line of Hoke Road, **South 00°18'51" West**, a distance of **20.00 feet** to a point, said point being **37.92 feet LEFT of Station 99+76.05** of the baseline of construction of Hoke Road;
2. Thence continuing through said grantor's tract, **South 88°50'46" West**, a distance of **15.00 feet** to a point, said point being **52.92 feet LEFT of Station 99+76.04** of the baseline of construction of Hoke Road;
3. Thence continuing through said grantor's tract, **North 00°18'51" East**, a distance of **20.00 feet** to a point on the grantor's northerly property line, said. point being **52.42 feet LEFT of Station 99+96.03** of the baseline of construction of Hoke Road;
4. Thence along the grantor's northerly property line, **North 88°50'46" East**, a distance of **15.00 feet** to the TRUE PLACE OF BEGINNING and containing 0.007 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.007 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

This Legal Description was prepared and reviewed by David L. Chiesa, Professional Surveyor No. 7740, of IBI Group on 2-26-2024. This Legal Description is based on a survey made by IBI Group in March of 2022, under the direction and supervision of David L. Chiesa, Professional

EXHIBIT A

**PARCEL 5-T
HOKE ROAD WIDENING PHASE 1
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE AND SEED AND CONSTRUCT ONE DRIVEWAY
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO
[Surveyor's description of the premises follows]**

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, by a deed recorded in I.R. Deed 22-00026006 of the Montgomery County Recorder's Office, more fully bounded and described as follows:

Beginning at a point on the existing westerly right of way line of Hoke Road and the grantor's easterly property line, said point being **41.50 feet LEFT of Station 97+58.43** of the baseline of construction of Hoke Road and also being the TRUE PLACE OF BEGINNING for the tract of land herein described;

1. Thence along the existing westerly right of way line of Hoke Road and the grantor's easterly property line, South **22°58'35" West**, a distance of **25.74 feet** to a point on the grantor's southerly property line, said point being **51.42 feet LEFT of Station 97+34.68** of the baseline of construction of Hoke Road;
2. Thence along the grantor's southerly property line, South **88°50'46" West**, a distance of **63.60 feet** to a point, said point being **115.00 feet LEFT of Station 97+33.05** of the baseline of construction of Hoke Road;
3. Thence through said grantor's tract, North **38°15'34" East**, a distance of **97.58 feet** to a point, said point being **55.00 feet LEFT of Station 98+10.00** of the baseline of construction of Hoke Road;
4. Thence continuing through said grantor's tract, North **00°18'51" East**, a distance of **21.59 feet** to a point, said point being **55.00 feet LEFT of Station 98+31.59** of the baseline of construction of Hoke Road;
5. Thence continuing through said grantor's tract, North **01°07'04" West**, a distance of **77.03 feet** to a point, said point being **55.00 feet LEFT of Station 99+10.00** of the baseline of construction of Hoke Road;
6. Thence continuing through said grantor's tract, South **88°52'56" West**, a distance of **15.00 feet** to a point, said point being **70.00 feet LEFT of Station 99+10.00** of the baseline of construction of Hoke Road;
7. Thence continuing through said grantor's tract, North **01°07'04" West**, a distance of **86.02 feet** to a point on the grantor's northerly property line, said point being **70.00 feet LEFT of Station 99+96.02** of the baseline of construction of Hoke Road;
8. Thence along the grantor's northerly property line, North **88°50'46" East**, a distance of **17.58 feet** to a point, said point being **52.42 feet LEFT of Station 99+96.03** of the baseline of construction of Hoke Road;
9. Thence through said grantor's tract, South **00°18'51" West**, a distance of **20.00 feet** to a point, said point being **52.92 feet LEFT of Station 99+76.04** of the baseline of construction of Hoke Road;

10. Thence continuing through said grantor's tract, **North 88°50'46" East, a distance of 15.00 feet** to a point, said point being **37.92 feet LEFT of Station 99+76.05** of the baseline of construction of Hoke Road;
11. Thence continuing through said grantor's tract, **South 00°18'51" West, a distance of 216.62 feet** to the TRUE PLACE OF BEGINNING and containing 0.160 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.160 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

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EXHIBIT A

**PARCEL 5-WD
HOKE ROAD WIDENING PHASE 1
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land, containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, an Ohio Nonprofit Corporation, by a deed recorded in I.R. Deed 22-00026006 of the Montgomery County Recorder's Office, with stations and offsets referenced to the centerline plat of survey for MOT-HOKE ROAD WIDENING PHASE 1 as the same is recorded in Plat Book 243, *Page 55*, of the Montgomery County, Ohio Recorder's Office and being more fully bounded and described as follows:

Beginning at a mag. nail found over 5/8" iron pipe (Montgomery County Engineer Section Corner 197) at the northeast corner of said Northeast Quarter of Section 29, said mag. nail found being at Station 810+99.35 of the centerline of existing right of way of Hoke Road and section line and Station 10+47.12 of the centerline of existing right of way of W. Wenger Road and section line, said point also being **22.26 feet LEFT of Station 111+02.88** of the baseline of construction of Hoke Road and **16.25 feet LEFT of Station 53+12.70** of the baseline of construction of W. Wenger Road; thence along the centerline of existing right of way of Hoke Road and easterly line of said Northeast Quarter of Section 29, **South 00°18'51" West**, a distance of **1103.23 feet** to a Mag Nail Set, said Mag Nail Set being **4.09 feet RIGHT of Station 99+96.07** of the baseline of construction of Hoke Road; thence **South 88°50'46" West**, a distance of **16.50 feet** to an Iron Pin Set on the existing westerly right of way line of Hoke Road and grantor's easterly property line, said Iron Pin Set being **12.41 feet LEFT of Station 99+96.06** of the baseline of construction of Hoke Road, and also being the TRUE PLACE OF BEGINNING for the tract of land herein described;

1. Thence along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **South 00°18'51" West**, a distance of **184.35 feet** to a point, said point being **16.50 feet LEFT of Station 98+11.34** of the baseline of construction of Hoke Road;
2. Thence continuing along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **North 89°17'05" West**, a distance of 2.90 feet to a point, said point being **19.40 feet LEFT of Station 98+11.35** of the baseline of construction of Hoke Road;
3. Thence continuing along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **South 22°58'35" West**, a distance of **57.36 feet** to an Iron Pin Set on the proposed right of way line of Hoke Road, said Iron Pin Set being **41.50 feet LEFT of Station 97+58.43** of the baseline of construction of Hoke Road;

4. Thence through said grantor's tract along the proposed right of way line of Hoke Road, **North 00°18'51" East**, a distance of 236.62 feet to an Iron Pin Set on the grantor's northerly property line, said Iron Pin Set being **37.42 feet LEFT of Station 99+96.04** of the baseline of construction of Hoke Road, passing over an Iron Pin Set being 40.67 feet LEFT of Station 98+66.02;
5. Thence along the grantor's northerly property line and southerly property line of a tract of land conveyed to David M. Downard by a deed recorded in Instrument Number 2002-00146510, **North 88°50'46" East**, a distance of **25.01 feet** to the TRUE PLACE OF BEGINNING and containing 0.119 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.119 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

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Monuments referred to as Iron Pin Set in the above description are 5/8-inch diameter, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

QUIT CLAIM DEED

Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, the Grantor(s), as a GIFT/DONATION to the Grantee named, does grant and forever Quit Claim to the City of Clayton, Montgomery County, Ohio, the Grantee, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 5-WD
MOT-HOKE ROAD WIDENING PHASE 1
SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. M60032010162
Prior Instrument Reference: Instrument No. 2022-00026006, Montgomery County Recorder's Office.

To have and to hold said parcel(s) unto the Grantee, 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.

The above parcel(s) conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees as follows:

(A) All alternatives to a proposed alignment of the highway project shall be studied and considered pursuant to the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended.

(B) Acceptance of the donation shall not influence the environmental assessment of the highway project, including the decision relative to the need to construct the project or selection of its specific location.

(C) The donated interest shall revert to the grantor or his successors or assigns if the interest is not required for the alignment chosen for the highway project after public hearings, if hearings are required, and adoption of the environmental document.]

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees that if at anytime the property granted, or any part thereof, shall cease to be used for the purposes for which granted, namely as and for, or in connection with, a road that shall be open to the public without charge, then Grantee shall vacate its road over the property granted, or the relevant part thereof, to Grantor or Grantor's then current successor in interest of record at no cost.

Grantor represents and warrants that Matt Arntz, the Vice President of Retail and Facilities of Grantor, has authority to execute this Quit Claim Deed on behalf of Grantor.

IN WITNESS WHEREOF Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation has caused its name to be subscribed by Matt Arntz, its duly authorized Vice President of Retail and Facilities, and its duly authorized agent on the ____ day of July, 2025.

GOODWILL EASTER SEALS MIAMI VALLEY, AN OHIO NONPROFIT CORPORATION

By: _____
Matt Arntz, Vice President of Retail and Facilities

STATE OF OHIO, COUNTY OF MONTGOMERY SS:

BE IT REMEMBERED, that on the ____ day of July, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Matt Arntz, who acknowledged being the Vice President of Retail and Facilities and duly authorized agent of Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Matt Arntz with regard to the notarial act.

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 City of Clayton, Montgomery County, Ohio

EXHIBIT A

**PARCEL 5-WD
HOKE ROAD WIDENING PHASE 1
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land, containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, an Ohio Nonprofit Corporation, by a deed recorded in I.R. Deed 22-00026006 of the Montgomery County Recorder's Office, with stations and offsets referenced to the centerline plat of survey for MOT-HOKE ROAD WIDENING PHASE 1 as the same is recorded in Plat Book **243, Page 55**, of the Montgomery County, Ohio Recorder's Office and being more fully bounded and described as follows:

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1. Thence along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **South 00°18'51" West**, a distance of **184.35 feet** to a point, said point being **16.50 feet LEFT of Station 98+11.34** of the baseline of construction of Hoke Road;
2. Thence continuing along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **North 89°17'05" West**, a distance of 2.90 feet to a point, said point being **19.40 feet LEFT of Station 98+11.35** of the baseline of construction of Hoke Road;

3. Thence continuing along the existing westerly right of way line of Hoke Road and grantor's easterly property line, **South 22°58'35" West**, a distance of **57.36 feet** to an Iron Pin Set on the proposed right of way line of Hoke Road, said Iron Pin Set being **41.50 feet LEFT of Station 97+58.43** of the baseline of construction of Hoke Road;
4. Thence through said grantor's tract along the proposed right of way line of Hoke Road, **North 00°18'51" East**, a distance of 236.62 feet to an Iron Pin Set on the grantor's northerly property line, said Iron Pin Set being **37.42 feet LEFT of Station 99+96.04** of the baseline of construction of Hoke Road, passing over an Iron Pin Set being 40.67 feet LEFT of Station 98+66.02;
5. Thence along the grantor's northerly property line and southerly property line of a tract of land conveyed to David M. Downard by a deed recorded in Instrument Number 2002-00146510, **North 88°50'46" East**, a distance of **25.01 feet** to the TRUE PLACE OF BEGINNING and containing 0.119 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.119 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

This Legal Description was prepared and reviewed by David L. Chiesa, Professional Surveyor No. 7740, of IBI Group on 2-26-2024. This Legal Description is based on a survey made by IBI Group in March of 2022, under the direction and supervision of David L. Chiesa, Professional Surveyor No. 7740.

Monuments referred to as Iron Pin Set in the above description are 5/8-inch diameter, 30 inches long with an orange plastic cap stamped "IBI Group, S-6872/S-7740".

TEMPORARY EASEMENT

Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, the Grantor(s), as a GIFT/DONATION, does grant to the City of Clayton, Montgomery County, Ohio, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 5 - T

MOT-HOKE ROAD WIDENING PHASE 1

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. M60032010162
Prior Instrument Reference: Instrument No. 2022-00026006, 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(s) granted to the Grantee is 12 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(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

Grantor shall retain the right to use the real estate hereby conveyed for all purposes not inconsistent with this Temporary Easement and Grantee's use for the purposes described in Exhibit A.

Grantor represents and warrants that Matt Arntz, the Vice President of Retail and Facilities of Grantor, has authority to execute this Temporary Easement on behalf of Grantor.

IN WITNESS WHEREOF Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation has caused its name to be subscribed by Matt Arntz, its duly authorized Vice President of Retail and Facilities, and its duly authorized agent on the _____ day of _____, 20__.

GOODWILL EASTER SEALS MIAMI VALLEY, AN OHIO NONPROFIT CORPORATION

By: _____
Matt Arntz, Vice President of Retail and Facilities

STATE OF OHIO, COUNTY OF MONTGOMERY SS:

BE IT REMEMBERED, that on the _____ day of July, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Matt Arntz, who acknowledged being the Vice President of Retail and Facilities and duly authorized agent of Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Matt Arntz with regard to the notarial act.

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 City of Clayton, Montgomery County, Ohio

EXHIBIT A

**PARCEL 5-T
HOKE ROAD WIDENING PHASE 1
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE AND SEED AND CONSTRUCT ONE DRIVEWAY
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO
[Surveyor's description of the premises follows]**

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, by a deed recorded in I.R. Deed 22-00026006 of the Montgomery County Recorder's Office, more fully bounded and described as follows:

Beginning at a point on the existing westerly right of way line of Hoke Road and the grantor's easterly property line, said point being **41.50 feet LEFT of Station 97+58.43** of the baseline of construction of Hoke Road and also being the TRUE PLACE OF BEGINNING for the tract of land herein described;

1. Thence along the existing westerly right of way line of Hoke Road and the grantor's easterly property line, South 22°58'35" West, a distance of **25.74 feet** to a point on the grantor's southerly property line, said point being **51.42 feet LEFT of Station 97+34.68** of the baseline of construction of Hoke Road;
2. Thence along the grantor's southerly property line, South 88°50'46" West, a distance of **63.60 feet** to a point, said point being **115.00 feet LEFT of Station 97+33.05** of the baseline of construction of Hoke Road;
3. Thence through said grantor's tract, North 38°15'34" East, a distance of **97.58 feet** to a point, said point being **55.00 feet LEFT of Station 98+10.00** of the baseline of construction of Hoke Road;
4. Thence continuing through said grantor's tract, North 00°18'51" East, a distance of **21.59 feet** to a point, said point being **55.00 feet LEFT of Station 98+31.59** of the baseline of construction of Hoke Road;
5. Thence continuing through said grantor's tract, North 01°07'04" West, a distance of **77.03 feet** to a point, said point being **55.00 feet LEFT of Station 99+10.00** of the baseline of construction of Hoke Road;
6. Thence continuing through said grantor's tract, South 88°52'56" West, a distance of **15.00 feet** to a point, said point being **70.00 feet LEFT of Station 99+10.00** of the baseline of construction of Hoke Road;
7. Thence continuing through said grantor's tract, North 01°07'04" West, a distance of **86.02 feet** to a point on the grantor's northerly property line, said point being **70.00 feet LEFT of Station 99+96.02** of the baseline of construction of Hoke Road;
8. Thence along the grantor's northerly property line, North 88°50'46" East, a distance of **17.58 feet** to a point, said point being **52.42 feet LEFT of Station 99+96.03** of the baseline of construction of Hoke Road;

Exhibit A - 1

9. Thence through said grantor's tract, **South 00°18'51" West**, a distance of **20.00 feet** to a point, said point being **52.92 feet LEFT of Station 99+76.04** of the baseline of construction of Hoke Road;
10. Thence continuing through said grantor's tract, **North 88°50'46" East**, a distance of **15.00 feet** to a point, said point being **37.92 feet LEFT of Station 99+76.05** of the baseline of construction of Hoke Road;
11. Thence continuing through said grantor's tract, **South 00°18'51" West**, a distance of **216.62 feet** to the TRUE PLACE OF BEGINNING and containing 0.160 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.160 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

This Legal Description was prepared and reviewed by David L. Chiesa, Professional Surveyor No. 7740, of IBI Group on 2-26-2024. This Legal Description is based on a survey made by IBI Group in March of 2022, under the direction and supervision of David L. Chiesa, Professional Surveyor No. 7740.

EASEMENT

Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, the Grantor(s), as a GIFT/DONATION to the Grantee, the City of Clayton, Montgomery County, Ohio; does quit claim to the Grantee, its successors and assigns, an easement for a sewer, which is more particularly described in Exhibit A, attached, the following described real estate:

PARCEL(S): 5-SW

MOT-HOKE ROAD WIDENING PHASE 1

SEE EXHIBIT A ATTACHED

Montgomery County Current Tax Parcel No. M60032010162
Prior Instrument Reference: Instrument No. 2022-00026006, Montgomery County Recorder's Office.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public sewer adjacent to a public road which is being widened.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees as follows:

(A) All alternatives to a proposed alignment of the highway project shall be studied and considered pursuant to the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended.

(B) Acceptance of the donation shall not influence the environmental assessment of the highway project, including the decision relative to the need to construct the project or selection of its specific location.

(C) The donated interest shall revert to the grantor or his successors or assigns if the interest is not required for the alignment chosen for the highway project after public hearings, if hearings are required, and adoption of the environmental document.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees that if at any time the property granted, or any part thereof, shall cease to be used for the purposes for which granted, namely as a public sewer adjacent to a public road then Grantee shall record a termination or cancellation of this Easement at no cost to Grantor.

Grantor shall retain the right to use the property herein conveyed for all purposes not inconsistent with this Easement and Grantee's use of such property for sewer purposes.

Grantor represents and warrants that Matt Arntz, the Vice President of Retail and Facilities of Grantor, has authority to execute this Easement on behalf of Grantor.

[Signatures to Follow]

IN WITNESS WHEREOF Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation has caused its name to be subscribed by Matt Arntz, its duly authorized Vice President of Retail and Facilities, and its duly authorized agent on the ___ day of July, 2025.

GOODWILL EASTER SEALS MIAMI VALLEY, AN OHIO NONPROFIT CORPORATION

By: _____
Matt Arntz, Vice President of Retail and Facilities

STATE OF OHIO, COUNTY OF MONTGOMERY SS:

BE IT REMEMBERED, that on the ___ day of July, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Matt Arntz, who acknowledged being the Vice President of Retail and Facilities and duly authorized agent of Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Matt Arntz with regard to the notarial act.

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 City of Clayton, Montgomery County, Ohio

EXHIBIT A

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Ver. Date 5/28/2024

PID 115202

**PARCEL 5-SW
HOKE ROAD WIDENING PHASE 1
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF CLAYTON, MONTGOMERY COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Clayton, County of Montgomery, State of Ohio, being part of former Township of Randolph in the Northeast Quarter of Section 29 (T-5N, R-5E), also being part of a tract of land containing 2.551 acres, conveyed to Goodwill Easter Seals Miami Valley, An Ohio Nonprofit Corporation, by a deed recorded in I.R. Deed 2022-00026006 of the Montgomery County Recorder's Office, more fully bounded and described as follows:

Beginning at a point on the grantor's northerly property line, said point being **37.42 feet LEFT of Station 99+96.04** of the baseline of construction of Hoke Road and also being the TRUE PLACE OF BEGINNING for the tract of land herein described;

1. Thence through said grantor's tract along the proposed right of way line of Hoke Road, **South 00°18'51" West**, a distance of **20.00 feet** to a point, said point being **37.92 feet LEFT of Station 99+76.05** of the baseline of construction of Hoke Road;
2. Thence continuing through said grantor's tract, **South 88°50'46" West**, a distance of **15.00 feet** to a point, said point being **52.92 feet LEFT of Station 99+76.04** of the baseline of construction of Hoke Road;
3. Thence continuing through said grantor's tract, **North 00°18'51" East**, a distance of **20.00 feet** to a point on the grantor's northerly property line, said. point being **52.42 feet LEFT of Station 99+96.03** of the baseline of construction of Hoke Road;

EXHIBIT A

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4. Thence along the grantor's northerly property line, **North 88°50'46"** East, a distance of **15.00 feet** to the TRUE PLACE OF BEGINNING and containing 0.007 acres of land, of which 0.000 acres are in the Present Road Occupied (PRO) leaving a net take of 0.007 acres, more or less, subject to all legal easements and rights of way.

The above described area is contained within Montgomery County Auditor's Permanent Parcel Number M60-03201-0162.

Bearings for this project were established from GPS observation and are based on the Ohio State Plane Coordinate System, South Zone (3402), North American Datum of 1983, 2011 adjustment (NAD83-2011). The proposed right of way shall be referenced from the baseline of construction of Hoke Road and baseline of construction of W. Wenger Road.

This Legal Description was prepared and reviewed by David L. Chiesa, Professional Surveyor No. 7740, of IBI Group on 2-26-2024. This Legal Description is based on a survey made by IBI Group in March of 2022, under the direction and supervision of David L. Chiesa, Professional Surveyor No. 7740.

