

TEMPORARY RESOLUTION NO. 118-12

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO NEGOTIATE AND ENTER INTO A SANITARY SEWER AGREEMENT WITH HOCKING TOWNSHIP

WHEREAS, Hocking Township is constructing a fire station on U.S. Route 22; and

WHEREAS, the township has requested sewer service; and

WHEREAS, in order to connect to the sanitary sewer they must cross Olivedale Park;

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

SECTION 1: That the Safety-Service Director is hereby authorized to negotiate and enter into a permanent easement with Hocking Township attached hereto as Exhibit A is hereby approved. Any and all costs associated with the filing of the easement with the Fairfield County Auditor and Recorder will be the responsibility of Hocking Township.

SECTION 2: The Easement in the form presently on file with the Clerk of Council is hereby approved and authorized with changes therein not inconsistent with this Resolution and not substantially adverse to the City and which has been tentatively approved by the Service-Safety Director. The Service-Safety Director for and in the name of the City, is hereby authorized to execute the Final Easement in this matter, provided further that the approval of changes thereto by the Service-Safety Director, and their character not being substantially adverse to the City, shall be evidenced conclusively by the execution thereof. This Council further authorizes the Service-Safety Director for and in the name of the City, to execute any amendments or changes to the Final Easement, which amendments are not inconsistent with this Resolution and not substantially adverse to the City.

SECTION 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

Clerk: _____

President of Council

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Committee

EXCLUSIVE SANITARY SEWER LATERAL EASEMENT

Know all men by these presents, that The City of Lancaster, Ohio, a municipal corporation whose tax mailing address is 104 East Main Street, Lancaster, Ohio 43130, herein referred to as the Grantor, for good and valuable considerations received, receipt whereof is hereby acknowledged, does hereby grant, bargain, and convey, to Hocking Township of Fairfield County Ohio whose tax mailing address is 1175 Cincinnati-Zanesville Road, Lancaster, Ohio 43130-9201, hereinafter referred to as the Grantee, its successors and assigns, a permanent easement and right of way for a sanitary lateral and appurtenances in and along the property described in Exhibit A, attached hereto:

This easement grants the Grantee the right and easement to enter and re-enter upon the above described property to construct, repair, maintain, operate, inspect, replace or remove, a sanitary lateral and appurtenances, and forever to have and to hold such right for the purposes and under the conditions herein set forth.

Grantor hereby agrees to restrict the use of said property within the limits of the easement, from construction thereon of any buildings of a permanent or temporary type. Grantor also agrees to restrict its use from the storing or placing of any materials, equipment or other obstructions thereon, or otherwise interfering with the access to, or the maintenance of said sanitary sewer line and appurtenances.

Grantor reserves the right to use the property within the limits of the easement for such uses not expressly prohibited or inconsistent with the rights and easement hereby granted.

The Grantee agrees to restore the property to its original condition insofar as practicable, with the exception of trees fell for necessary access.

Grantor warrants it is the sole owner in fee of the property herein described.

Grantor claims title by instrument of record in deed volume 387, page 77, of the records of the office of the Fairfield County Recorder's office.

Signed City of Lancaster Mayor:

David S. Smith

Signed and acknowledged
in the presence of:

State of Ohio
Fairfield County ss:

Personally appeared before me, a Notary Public, in and for said County,
_____, who acknowledged the signing of this foregoing
instrument to be _____ free act and deed for the uses and purposes herein
mentioned.

In witness whereof, I have hereunto set my hand and affixed my seal this _____
day of _____, 20

Notary Public
Fairfield County, Ohio

May 29, 2012

**Legal Description of 0.051 Acres for
Sanitary Sewer Easement in Olivedale Park**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, in Section 11, Township 14, Range 19, Congress Lands, being part of the 11.02 acre tract described in Deed Book 387, Page 77, Recorder's Office, Fairfield County, Ohio, and part of Olivedale Park in the City of Lancaster, and being more particularly described as follows:

Beginning at a point in Hunters Run in the northerly line of said 11.02 acre tract, bearing South 51° 04' 27" West, 136.77 feet from the southeast corner of the Hocking Township Trustees tract conveyed in Official Record 1414, Page 1956, said Recorder's Office;

Thence, across said 11.02 acre tract and said Olivedale Park the follows three (3) courses:

- 1). South 00° 50' 38" West, 119.65 feet to a point;
- 2). North 89° 09' 22" West, 20.00 feet to a point;
- 3). North 00° 50' 38" East, 103.00 feet to a point in Hunters Run in the northerly line of said 11.02 acre tract, and southerly line of said Hocking Township Trustees tract;

Thence, along the northerly line of said 11.02 acre tract and southerly line of said Hocking Township Trustees tract, North 51° 04' 27" East, 26.02 feet to the place of beginning **CONTAINING 0.051 ACRES** (2,226 Square Feet). Bearings are based on the southerly line of said Hocking Township Trustee tract held as South 51° 04' 27" West.



Matthew D. Farley
Matthew D. Farley, P.S. #7566

5/29/12

U.S. ROUTE #22

EX. BRICK & BLOCK BUILDING
#1175
HOCKING TOWNSHIP BUILDING

NEW FIRE STATION
F.F. EL. 839.50

EX. MAINTENANCE
BUILDING

EX. 2 STY
BUILDING

HOCKING TOWNSHIP TRUSTEES
PARCEL ID NO. 0180033300

CITY OF LANCASTER
OLIVEDALE PARK
PARCEL ID NO. 0180803000

PROPOSED SANITARY LATERAL

PARCEL ID NO. 0180033500

N 00°04'31" E
397.3707'

S 51°04'27" W
136.77'

N 51°04'27" E
26.02'

SANITARY EASEMENT
0.051 Ac. +/-

N 00°50'38" E
103.00'

S 00°50'38" W
119.66'

N 89°09'22" W
20.00'

EX. MH 21
N rim = 825.18'
Inv N = 821.96'

EXHIBIT "A"

20' SANITARY LATERAL EASEMENT

SCALE: 1" = 60'

EX. 24' SAN.

