

TEMPORARY ORDINANCE NO. 5-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE ACCEPTANCE OF ONE AND EIGHT HUNDRED SIXTY-THREE THOUSANDTHS (1.863) ACRES, MORE OR LESS, OF PROPERTY SITUATED IN TOWNSHIP 14, RANGE 18, SECTION 7 FROM BIRCH REALTY, LTD. FOR THE CONSTRUCTION OF A SANITARY SEWER

WHEREAS, the City is undertaking a public improvement project known as the South Broad Street Express Sewer Project; and

WHEREAS, a sewer to be constructed as part of said improvement project must travel through said property; and

WHEREAS, Birch Realty, LTD. preferred to sell said property rather than grant an easement for the sewer;

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

SECTION 1. That the City hereby accepts one and eight hundred sixty-three thousandths (1.863) acres, more or less, of property situated in Township 14, Range 18, Section 7 from Birch Realty LTD., as further described in Exhibit A.

SECTION 2. That a real and present emergency exists and that this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 and _____, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

REAL ESTATE CONVEYANCE **TRANSFERRED**

FEE \$.....

JAN 29 2015

EXEMPT # A

AJS

Jim A. Sitterly Jr.
County Auditor, Fairfield County, OH

Jim A. Sitterly Jr.
County Auditor, Fairfield County, Ohio

201500001450
Filed for Record in
FAIRFIELD COUNTY, OH
GENE WOOD, COUNTY RECORDER
01-29-2015 At 01:24 pm.
DEED 28.00
OR Book 1677 Page 1386 - 1387

WARRANTY DEED

Ohio Revised Code §5302.06

KNOW ALL MEN BY THESE PRESENTS THAT **Birch Realty, LTD, an Ohio Limited Liability Company by William L. Birch and Mary K Birch, being all of its members**, of Fairfield County, State of Ohio, for valuable consideration, paid, grants with General Warranty Covenants to **The City of Lancaster, Ohio, a Municipal Corporation in the State of Ohio**, whose tax mailing address is: 104 East Main Street, Lancaster, OH 43130 the following described real estate:

FOR CERTAINTY OF DESCRIPTION SEE EXHIBIT A ATTACHED HERETO.

This instrument is executed and delivered by the grantor(s) and accepted by the grantee(s) subject to the same conditions and restrictions contained in former instruments of record concerning said premises and subject to all easements, leases, rights of way of record and legal highways.

Signed this 21ST day of JANUARY, 2015.

BIRCH REALTY, LTD.

ACCEPTED BY:

David S. Smith
David S. Smith, Mayor City of Lancaster

By *William L. Birch* MEMBER
William L. Birch, Member

By *Mary K. Birch* MEMBER
Mary K. Birch, Member

STATE OF OHIO, COUNTY OF FAIRFIELD ss:

Before me, a notary public, in and for said county and state, personally appeared the above named **Birch Realty, LTD by William L. Birch and Mary K. Birch, being all of its members**, who acknowledged the signing of the foregoing instrument and that the same is their free act and deed and the free act and deed of the limited liability company.

In Testimony Whereof. I have hereunto set my hand and official seal, at Lancaster, Ohio this 21ST day of January, 2015.



JUDITH L. EDWARDS, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission expires no expiration date
Sec. 147.03 R.C.

Judith L. Edwards
Judith L. Edwards
Notary Public
Lifetime Commission as Attorney

Prepared by Judith L. Edwards, Attorney at Law
Sitterley & Vandervoort Ltd.
123 S. Broad St. Suite 211
Lancaster, Ohio 43130
740-653-0461

EXHIBIT A

Situated in the State of Ohio, Fairfield County, Township 14, Range 18, Section 7, City of Lancaster.

Being part of the 3.274 acres tract described in a deed to Westerman Inc. as recorded in Deed Volume 519, Page 282, and being more fully described as follows:

Beginning at the intersection of the east line of Columbus Street with the south line of the Hocking Canal, said point is located South 09 degrees 38' 35" East a distance of 125.36 feet from the intersection of the east line of Columbus Street with the south line of a 15 foot wide alley as shown on the plat of Giesy's Addition and recorded in Deed Book 11, Page 97;

Thence South 66 degrees 58' 13" East a distance of 7.10 feet to an angle in the line of the canal property, said point being South 06 degrees 57' 41" West a distance of 25.00 feet from a 5/8 inch rebar set at canal transit station 490+32.8;

Thence North 86 degrees 21' 30" East a distance of 245.90 feet to a one inch steel pin found at an angle point in the south line of Canal Street (66 foot right-of-way);

Thence with the south line of Canal Street and the Hocking Canal, North 86 degrees 00' 40" East a distance of 624.14 feet to a 5/8 inch rebar set;

Thence South 00 degrees 13' 10" West, passing a 5/8 inch rebar set at 71.67 feet, a distance of 171.67 feet to the center of the Hocking River and the north line of a 7.32 acre tract described in Deed Volume 530, Page 484;

Thence North 83 degrees 39' 41" West a distance of 876.10 feet to a point on the east line of Columbus Street;

Thence North 09 degrees 38' 35" West a distance of 18.95 feet to the point of beginning, **containing 1.863 acres.**

Bearings are based on an assumed meridian and are used for denoting angles only. Rebars set are 5/8 inch by 36 inches and have a yellow plastic identification cap labeled "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

Description is based on a survey made in November of 1996 by Tobin-McFarland Surveying Inc. and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

Parcel Number: 053-50260-10

Property address: 1.863 acres, 201 Canal Street, Lancaster, Ohio

Prior Reference: Deed Volume 657, Page 587

DESCRIPTION REVISED AND EXTENDED
FOR THE AIRBORNE PHOTO SURVEY CITY
OF LANCASTER, OHIO

BY CLT DATE 11-14-14
053-50260 10