

TEMPORARY ORDINANCE NO. 21-14

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF A SANITARY SEWER

WHEREAS, the engineering improvement plans are approved prior to acceptance;

BE IT ORDAINED BY COUNCIL OF THE CITY OF LANCASTER, FAIRFIELD COUNTY, STATE OF OHIO

SECTION 1. The following easement be accepted as shown in the attachment:

| <u>PROPERTY OWNER</u> | <u>PERMANENT EASEMENT</u> | <u>EXHIBIT</u> |
|---|---------------------------|----------------|
| Lancaster City School District Board of Education | 0.0009 Acres | A & B |

SECTION 2. 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 _____

Date Approved: _____

Clerk: _____

President of Council

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on _____, 2014 and _____, 2014 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

SANITARY SEWER EASEMENT

Know all men by these presents, that the Board of Education Lancaster City Schools, hereinafter referred to as Grantor, for good and valuable consideration to them in hand paid, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey, to the CITY OF LANCASTER, a municipal corporation, hereinafter referred to as Grantee, its successors and assigns, a permanent easement and right-of-way for a sanitary sewer line and appurtenances in and along the property described in Exhibit A and shown in Exhibit B, 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 sewer line 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 the 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.

It is the intent of this conveyance that neither the filing of this deed, its acceptance by the grantee, nor any other circumstance, shall be construed as a dedication of the property described for public use as a street.

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 1618, page 2867, of the records of the office of the Fairfield County Recorder's office.

This instrument prepared by the Department of Engineering, City of Lancaster, Ohio.

Grantor

Signed and acknowledged
in the presence of:

Amy Eyman
President, Board of Education, Lancaster City Schools

State of Ohio
Fairfield County ss:

Personally appeared before me, a Notary Public, in and for said
County, Amy Eyman, who acknowledged the signing of this
foregoing instrument to be her 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 _____, 2014

Notary Public
Fairfield County, Ohio

Grantee

Signed and acknowledged
in the presence of:

Brian S. Kuhn
Service-Safety Director, City of Lancaster, Ohio

State of Ohio
Fairfield County ss:

Personally appeared before me, a Notary Public, in and for said
County, Brian S. Kuhn, who acknowledged the signing of this
foregoing instrument to be his 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 _____, 2014

Notary Public
Fairfield County, Ohio

**PERMANENT EASEMENT
20 feet x 20 feet
City of Lancaster, Ohio**

Situate in the State of Ohio, County of Fairfield, City of Lancaster, lying in the Southeast Quarter of Section 26, Township 15, Range 19 of the Congress Lands, being a permanent easement on, over and across the 14.819 acre tract conveyed to Board of Education Lancaster City Schools of record in Official Record 1618, Page 2867, (all records herein are from the Recorder's Office, Fairfield County, Ohio) and being bounded and more particularly described as follows:

Beginning at the southwest corner of the 14.819 acre school tract on the northerly right-of-way line Greencrest Way, a common corner to Lot 1103 of River Valley Highlands Section 13, Phase 1.

Thence North 01°15'53" East, a distance of 20.00 feet, along the westerly line of 14.819 acre school tract to a point;

Thence the following two (2) courses and distances across the 14.819 acre School tract:

1. South 88°36'30" East, a distance of 20.00 feet, to a point;
2. South 01°15'53" West, a distance of 20.00 feet, to a point on the southerly line of said 14.819 acre school tract;

Thence North 88°36'30" West, a distance of 20.00 feet, along the southerly line of said 14.819 acre tract and the northerly right-of-way of Greencrest Way to the **point of beginning**, containing 0.009 acres, 400.00 square feet, more or less.

The bearings shown in the above description are based on subdivision plat of River Valley Highlands Section 9, Phase 1 of record in Plat Cabinet 2, Slot 96, records of the Recorder's Office, Fairfield County, Ohio

STANTEC CONSULTING SERVICES INC.

Robert J. Sands 02/09/14
Robert J. Sands Date
Professional Surveyor No. S-8053



