

TEMPORARY ORDINANCE NO. 27-14

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE MAYOR TO DEED 20.771 ACRES, MORE OR LESS, OF PROPERTY SITUATED IN SECTIONS 5 AND 8, TOWNSHIP 14 NORTH, RANGE 18, BERNE TOWNSHIP, (PARCEL NOS. 0535007400, 0535031500, AND 0535031420) BACK TO LANCASTER GLASS CORPORATION, A SUBSIDIARY OF LANCASTER COLONY CORPORATION FOR ONE DOLLAR (\$1.00) EXCEPTING ANY AND ALL EASEMENTS GRANTED TO CITY

WHEREAS, the City was deeded 20.771 acres, more or less, situated in Sections 5 and 8, Township 14 North, Range 18, Berne Township, (Parcel Nos. 0535007400, 0535031500, and 0535031420) by Warranty Deed from Lancaster Glass Corporation on June 23, 1977 and recorded on June 29, 1977 as Volume 471, Pages 227-229 (Exhibit "A" attached hereto) as collateral for the issuance of industrial revenue/development bonds (ORC Chapter 165) to fund the building and development of a new manufacturing facility, and;

WHEREAS, Lancaster Glass Corporation, a subsidiary of Lancaster Colony Corporation, fully satisfied repayment of the bonds, and;

WHEREAS, the City of Lancaster and Lancaster Glass Corporation failed to have the collateral property transferred back upon satisfaction of the industrial revenue/development bonds and just recently discovered this fact, and;

WHEREAS, Lancaster Glass Corporation, a subsidiary of Lancaster Colony Corporation, has requested the property be deeded back to the company with the exception of any and all easements granted to the City;

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

SECTION 1. That the Mayor is authorized to deed 20.771 acres, more or less, of property situated in Sections 5 and 8, Township 14 North, Range 18, Berne Township, (Parcel Nos. 0535007400, 0535031500, and 0535031420) back to Lancaster Glass Corporation, a subsidiary of Lancaster Colony Corporation for One Dollar (\$1.00) excepting any and all easements granted to the City as fully described in the Quitclaim Deed attached hereto as Exhibit "B."

SECTION 2. That the Mayor is authorized and directed to protect any and all easements granted to the City.

SECTION 3. As a condition of this sale, Lancaster Glass Corporation and/or Lancaster Colony Corporation shall pay all costs associated with the sale of this property. This shall include, but shall not be limited to, costs of a property survey if needed, costs of preparing a survey plot plan and legal description, costs for preparing a deed of conveyance, costs for preparing all documents, costs of closing, and all property transfer fees.

SECTION 4. 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: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee 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

WARRANTY DEED

Lancaster Glass Corporation (the "Grantor"), in consideration of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY to The City of Lancaster, Ohio (the "Grantee"), its successors and assigns forever, the real property (the "Premises") described in the attached Exhibit "A," which Exhibit A is incorporated herein by this reference.

TO HAVE AND TO HOLD the Premises, with all the privileges and appurtenances thereunto belonging, to the Grantee, its successors and assigns forever. And the Grantor, for itself and its successors, does hereby covenant that it is lawfully seized of the Premises and that the Premises are FREE AND CLEAR FROM ALL INCUMBRANCES WHATSOEVER except: public streets and highways; zoning ordinances and governmental regulations; conditions, restrictions, and easements of record; and the lien of real estate taxes and assessments not yet due and payable; and that it will forever WARRANT AND DEFEND the same, with the appurtenances, unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever except as noted above.

IN WITNESS WHEREOF, the Grantor executed this deed on the 23rd day of June, 1977.

Signed and acknowledged in the presence of:

LANCASTER GLASS CORPORATION

Susan S. Mohlen
Robert E. Banker

By Joseph Edward

STATE OF OHIO
COUNTY OF Lancaster, SS:

Before me, the subscriber, a notary public in and for said county, personally appeared Joseph Edward the President of Lancaster Glass Corporation, the Grantor in the foregoing instrument, who acknowledged the signing of the foregoing instrument to be his free act and deed on behalf of the Grantor for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the 23rd day of June, 1977.

600
90694
RECEIVED IN FAIRFIELD COUNTY, OHIO
AT 11:00 O'CLOCK P.M. Rosa Lee Clark
RECORDED June 29 1977
RECORDED VOL 471 PAGE 227
Notary Public
ROSA LEE CLARK, Notary Public
FAIRFIELD COUNTY, OHIO
MY COMMISSION EXPIRES OCT. 25, 1978

APPROVED BY THE CITY OF LANCASTER, PLANNING COMMISSION, NO PLAT REQUIRED
DATE 6-28-77 JUN 28 1977
RECORDED - FAIRFIELD COUNTY LANCASTER, OHIO 43130

TRANSFERRED

Mass A. Hardy CITY ENGINEER
James P. Reid County Auditor, Fairfield County, Ohio



This instrument prepared Kim L. Swanson, attorney at law, 250 East Broad Street, Columbus, Ohio.

REAL ESTATE CONVEYANCE
Fee \$ 703.20
Exempt 1/4

James P. Reid
Auditor, Fairfield County, Ohio



EVOL 471 PAGE 227

EXHIBIT A

Situated in the City of Lancaster, Township of Berne, County of Fairfield, State of Ohio, being a part of sections 5 and 8, T - 14, R - 18, and more particularly described as follows:

Beginning at an iron pin in the South line of Section 5, 920.00 feet due East of the intersection of said line by the centerline of Ewing Street; thence due North 530.00 feet to an iron pin; thence due East 968.00 feet to an iron pin; thence due South 900.00 feet to an iron pin; thence due West 128.00 feet to an iron pin; thence due South 80.00 feet to an iron pin; thence due West 420.00 feet to an iron pin; thence due North 80.00 feet to an iron pin; thence due West 420.00 feet to an iron pin; thence due North 370.00 feet to the place of beginning, containing 20.771 acres.

Together with the following easements and rights of way over premises situate in Section 5, Township 14, Range 18, Fairfield County, Ohio, as described and delineated below and for the uses and purposes set forth below:

ROADWAY AND UTILITY EASEMENT:

A right of way on, over and through a certain tract of land for the use and benefit of the grantee or tenant, as the case may be, and for their heirs, executors, administrators, successors and assigns and their agents, servants, tenants, visitors and licensees to freely pass and repass on foot or with animals and vehicles of every description to and fro, and to lay, maintain, operate, repair and remove utility lines of all kinds, over, under and through said certain tract of land. The tract of land is forty feet in width, the center line of which is described as follows:

Beginning at a point in the east line of Ewing Street, 311.3 ft. north of its intersection by the south line of Section 5; thence east, parallel with Section line 891.02 ft. more or less to the west line of a 20.0 acre tract.

GAS LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove gas line or lines over and through the following described tract of land, to wit:

Beginning at a point in west line of 20 acre tract, 920.0 ft. east and 181.9 ft. north of the intersection of the south line of Sec. 5 and the center line of Ewing St.; thence north 388.1 ft. to a point; thence west 102.24 ft. to a point; thence south 81.0 ft. to a point; thence east 72.24 ft. to a point; thence south 307.1 ft. to a point; thence east 30.0 feet to the place of beginning.

EXHIBIT A

(continued on second sheet)

WATER LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove a water line or lines over and through the following described tract of land, to wit:

Said tract to be 20 ft. wide, the center line described as follows: Beginning at a point in the north line of 20 acre tract 1108 ft. east and 530.0 ft. north of the intersection of the south line of Sec. 5 by the centerline of Ewing Street; thence north 295.0 ft. to a point; thence east 530.0 ft. to a water line junction; thence South 295.0 ft. more or less to the north line of 20.0 acre tract; also a tract 20.0 ft. wide the center line of which begins at water line junction 825.0 ft. north and 1738. ft. east of the intersection of South line of Sec. 5 by the center line of Ewing St. and extends north and northwesterly 670.0 ft. more or less to a junction with Lancaster City water main at south right of way line of Penn Railroad.

SEWER LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove a sewer line or lines over and through the following described tract of land, to wit:

Said tract to be 20 ft. wide, the center line of which is described as follows: Beginning at a point 530.0 ft. north of the south line of Sec. 5 and 1139 ft. east of the center line of Ewing St.; thence N. 6 deg. 57' W. 217.0 ft. to a manhole; thence N. 11 deg. 03' W. 251.0 ft. to manhole in Lancaster City Trunk Sewer.

Along with the other rights granted by the above easements and rights of way there shall pass to the grantee or tenant, as the case may be, the right to tap into water and gas lines, if any, now lying in said rights of way, to the extent the grantor or landlord, as the case may be, has the right to grant such permission.

EXHIBIT A
(continued)

*Approved 6/21/77
John P. ...
Quality Engineer*

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the **City of Lancaster, Ohio**, a municipal corporation in the State of Ohio, whose tax mailing address is 104 East Main Street, Lancaster, Ohio, 43130, **Grantor**, a political subdivision of the State of Ohio, claiming title by or through instrument recorded in Official Record 471, Page 227, Fairfield County, Ohio, Recorder's Office, for good and valuable consideration to them in hand paid, the receipt of which is hereby acknowledged, from the **Lancaster Glass Corporation, a subsidiary of Lancaster Colony Corporation**, whose tax mailing address is 37 West Broad Street, Columbus, Ohio, 43215, does hereby:

GIVE, GRANT, BARGAIN, SELL, AND CONVEY unto said Grantee, the **Lancaster Glass Corporation, a subsidiary of Lancaster Colony Corporation**, its successors and assigns, the following described premises:

Situated in the City of Lancaster, Township of Berne, County of Fairfield, State of Ohio, being part of sections 5 and 8, T - 14, R -18, and more particularly described as follows:

Beginning at an iron pin in the South line of Section 5, 420.00 feet due East of the intersection of said line by the centerline of Ewing Street; thence due North 530.00 feet to an iron pin; thence due East 968.00 feet to an iron pin; thence due South 900.00 feet to an iron pin; thence due West 128.00 feet to an iron pin; thence due South 80.00 feet to an iron pin; thence due West 420.00 feet to an iron pin; thence due North 80.00 feet to an iron pin; thence due West 420.00 feet to an iron pin, thence due North 370.00 feet to the place of beginning, containing 20.771 acres.
(Deed Reference: Deed Volume 471, Page 227)

Said premises being known and described as 411 Ewing Street, 0 Ewing Street, and 0 Ewing Street, Lancaster, Ohio and being further identified as Parcel Nos. 053-50074-00, 053-50315-00, and 053-50314-20, respectively.

These premises were conveyed by the Lancaster Glass Corporation to the City of Lancaster, Ohio by Warranty Deed recorded on June 29, 1977 in Volume 471, Page 227 as collateral for the issuance of industrial revenue bonds.

EXCEPTING AND RESERVING unto Grantor, its legal representative, successors and assigns, **the following easements and rights-of-way** over the premises as follows:

ROADWAY AND UTILITY EASEMENT:

A right-of-way on, over and through a certain tract of land for the use and benefit of the Grantor, as the case may be, and for their heirs, executors, administrators, successors and assigns and their agents, servants, tenants, visitors and licensees to freely pass and repass on foot or with animals and vehicles of every description to and fro, and to lay, maintain, operate, repair and remove utility lines of all kinds, over, under and through said certain tract of land. The tract of land is forty feet in width; the center line of which is described as follows:

Beginning at a point in the east line of Ewing Street, 511.3 ft. north of its Intersection by the south line of Section 5; thence east, parallel with Section



line 891.02 ft. more or less to the west line of a 20.0 more tract.

GAS LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove gas line or lines over and through the following described tract of land, to wit:

Beginning at a point in west line of 20 acre tract, 920.0 ft. east and 181.9 ft. north of the intersection of the south line of Sec. 5 and the center line of Ewing St.; thence north 388.1 ft. to a point; thence west 102.34 ft. to a point; thence south 81.0 ft. to a point; thence east 72.24 ft. to a point; thence south 307.1 ft. to a point; thence east 30.0 feet to the place of beginning.

WATER LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove a water line or lines over and through the following described tract of land, to wit:

Said tract to be 20 ft. wide, the center line described as follows: Beginning at a point in the north line of 20 acre tract 1108 ft. east and 530.0 ft. north of the intersection of the south line of Sec. 5 by the centerline of Ewing Street; thence north 295.0 ft. to a point; thence east 630.0 ft. to a water line junction; thence South 295.0 ft. more or less to the north line of 20.0 acre tract; also a tract 20.0 ft. wide the center line of which begins at water line junction 825.0 ft. north and 1738. ft. east of the intersection of South line of Sec. 5 by the center line of Ewing St. and extends north and northwesterly 670.0 ft. more or less to a junction with Lancaster City water main at south right of way line of Penn Railroad.

SEWER LINE EASEMENT:

The right and easement to lay, maintain, operate, repair and remove a sewer line or lines over and through the following described tract of land, to wit:

Said tract to be 20 ft. wide, the center line of which is described as follows: Beginning at a point 530.0 ft. north of the south line of Sec. 5 and 1139 ft. east of the center line of Ewing St.; thence N. 6 deg. 57' W. 217. Ft. to a manhole; thence N. 11 deg. C3' W. 251.0 ft. to manhole in Lancaster City Trunk Sewer.

Along with the other rights granted by the above easements and rights-of-way there shall pass to the Grantor, as the case may be, the right to tap into water and gas lines, if any, now lying in said rights-of-way.

SAVE AND EXCEPT, any other easements and restrictions of record, zoning ordinances, real estate taxes and assessments which Grantee herein assumes and hereby agrees to pay.

TO HAVE AND TO HOLD the above premises, with the privileges and appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever. Grantee shall have all rights of fee simple ownership of the property subject to public streets and highways, zoning ordinances and governmental regulations, conditions, restrictions, reservations, easements of record including, but not limited to the easements and rights-of-way set forth in this document, and the lien of real estate taxes and assessments now due or not yet due and payable.

Grantor claims title by instrument of record in Deed Volume 471, Page 227, as found in the records of the Office of the County Recorder, Fairfield County, Ohio.

IN WITNESS WHEREOF, the Grantor, **City of Lancaster, Ohio**, by Mayor David S. Smith, pursuant to ordinance duly adopted by the Lancaster City Council, hereunto set his hand the ____ day of _____, 2014.

City of Lancaster, Ohio

David S. Smith, Mayor

State of Ohio)
) ss.
Fairfield County)

Personally appeared before me, a Notary Public, in and for said County and State, David S. Smith, Mayor of the City of Lancaster, Ohio, who acknowledged that the signing of the foregoing instrument is authorized pursuant to Ordinance passed by Lancaster City Council and is his free act and deed and the free act and deed of said City Council.

In witness whereof, I have hereunto set my hand and affixed my seal this ____ day of _____, 2014:

(affix seal)

Notary Public, State of Ohio
Commission Expiration: _____

This Instrument Prepared By:

Randall T. Ullom
Law Director & City Prosecutor
123 E. Chestnut Street
P.O. Box 1008
Lancaster, Ohio 43130
(740) 687-6616