

TEMPORARY ORDINANCE NO. 16-16

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AN EASEMENT NECESSARY TO CONSTRUCT, REPAIR, MAINTAIN, OPERATE, INSPECT, REPLACE, OR REMOVE A SANITARY SEWER LINE AND APPURTENANCES

WHEREAS, there exists a real and present need to accept said easement; and

WHEREAS, the City worked with the developer of Roxton Ravine to install a public sewer to serve future development; and

WHEREAS, an easement is necessary to provide for future maintenance of said sewer;

BE IT ORDAINED by the Council of the City of Lancaster, State of Ohio

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

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBIT(S)</u>
Roxton Ravine Common Area	1.050 Acre	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 _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on _____, 20____ the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

(Exhibit A)
Legal Description
30' Wide Sanitary Sewer Easement

Situated in the State of Ohio, Fairfield County, Greenfield Township, Section 3, Township 14, Range 19, Congress Lands and being part of a 29.97 acre tract conveyed to Villas at Roxton Ravines Condominiums by declaration in Official Record 1671, Page 229 in the Fairfield County Recorder's Office and being more particularly described as follows:

COMMENCING for reference at the common corner of "Lenmar Subdivision No. 9" of record in Plat Book 10, Page 66, a 15.482 acre tract conveyed to the City of Lancaster, Ohio by deed of record in Deed Book 381, Page 137, a 44.80 acre tract conveyed to Don C. Claypool and G. Juanita Claypool by deed of record in Deed Book 372, Page 583, and said 29.97 acre tract; Thence, along the grantor's south line, North 85 degrees 36 minutes 18 seconds West, 250.93 feet to a point being the **TRUE POINT OF BEGINNING**:

Thence, along the grantor's south line, North 85 degrees 36 minutes 18 seconds West, 30.00 feet to a point;

Thence, across the grantor's tract, North 03 degrees 40 minutes 22 seconds East, 241.96 feet to a point;

Thence, across the grantor's tract, North 01 degrees 09 minutes 10 seconds East, 287.46 feet to a point;

Thence, across the grantor's tract, North 13 degrees 12 minutes 13 seconds West, 164.79 feet to a point;

Thence, across the grantor's tract, North 17 degrees 42 minutes 55 seconds East, 237.99 feet to a point;

Thence, across the grantor's tract, North 34 degrees 54 minutes 33 seconds West, 213.56 feet to a point;

Thence, across the grantor's tract, North 35 degrees 45 minutes 04 seconds East, 212.07 feet to a point;

Thence, across the grantor's tract, North 38 degrees 33 minutes 50 seconds East, 167.52 feet to a point on the south line of an existing 20 foot wide sanitary sewer easement as recorded in Volume 407, Page 250 in the Fairfield County Recorder's Office;

Thence, along said south easement line, North 89 degrees 05 minutes 09 seconds East, 21.27 feet to a point;

Thence, along said south easement line, **South 49 degrees 15 minutes 21 seconds East, 13.59 feet** to a point;

Thence, across the grantor's tract, **South 38 degrees 33 minutes 50 seconds West, 179.79 feet** to a point;

Thence, across the grantor's tract, **South 35 degrees 45 minutes 04 seconds West, 190.07 feet** to a point;

Thence, across the grantor's tract, **South 34 degrees 54 minutes 33 seconds East, 207.13 feet** to a point;

Thence, across the grantor's tract, **South 17 degrees 42 minutes 55 seconds West, 244.52 feet** to a point;

Thence, across the grantor's tract, **South 13 degrees 12 minutes 13 seconds East, 160.27 feet** to a point;

Thence, across the grantor's tract, **South 01 degrees 09 minutes 10 seconds West, 291.90 feet** to a point;

Thence, across the grantor's tract, **South 03 degrees 40 minutes 22 seconds West, 242.99 feet** to the **TRUE POINT OF BEGINNING**, containing 1.050 acres.

It is understood that the parcel of land described contains, 1.050 acres, more or less, is located in Fairfield County Auditor's Parcel No. 053-13538-09

All iron pins set are 5/8 inch x 30 inch rebar with a orange plastic cap stamped "2LMN".

Description prepared from an actual field survey by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. #7798, January, 2016.

Bearings based on GPS true North.

Richard F. Mathias
Richard F. Mathias, P.S.
Professional Land Surveyor No. 7798



2-1-16
Date

SANITARY SEWER EASEMENT

Know all men by these presents, that Villas at Roxton Ravines Condominium Association, hereinafter referred to as Grantor, for good and valuable considerations received, receipt whereof is hereby acknowledged, does hereby grant, bargain, and convey, to the CITY OF LANCASTER, a municipal corporation whose tax mailing address is 104 East Main Street, Lancaster, Ohio 43130, 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 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 Official Record 1671, page 229, of the records of the office of the Fairfield County Recorder's office.

Signed and acknowledged
in the presence of:

David Boden
David Boden - President

Melinda Jensen
Melinda Jensen

Doug Ingram
Doug Ingram - Vice President

Donna Bush
Donna Bush - Secretary

Angie Nixon
Angie Nixon

Mary Lou Easterling
Mary Lou Easterling

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 _____ a 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 2 day of

March 2016



MOLLY COLOPY
NOTARY PUBLIC
STATE OF OHIO
Commission expires
February 23, 2021

Molly Colopy
Notary Public
Fairfield County, Ohio