

TEMPORARY ORDINANCE NO. 6-14

PERMANENT ORDINANCE NO. 6-14

AN ORDINANCE TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ACCEPT 0.678 ACRES, MORE OR LESS, OF PROPERTY SITUATED IN THE STATE OF OHIO, FAIRFIELD COUNTY, CITY OF LANCASTER, ZANE'S ORIGINAL TOWN PLAT, SEVENTH SQUARE, PLAT BOOK 1, PAGE 2, AND DECLARING AN EMERGENCY

WHEREAS, the City is pursuing construction of a new Fairfield County Municipal Courthouse in the Columbian building located on Main Street in downtown Lancaster, and;

WHEREAS, Fairfield County owns and operates a parking lot located on Chestnut Street in downtown Lancaster which is located directly behind and across the alley from the Columbian building more specifically described as 0.678 acres, more or less, of property situated in the State of Ohio, Fairfield County, City of Lancaster, Zane's Original Town Plat, Seventh Square, Plat Book 1, Page 2, and;

WHEREAS, the Fairfield County Commissioners have agreed to donate the parking lot to the City of Lancaster as their contribution in furtherance of the new Fairfield County Municipal Courthouse project, and;

WHEREAS, the Fairfield County Commissioners pursuant to resolution on March 25, 2014 unanimously voted to transfer the Chestnut Street parking lot to the City and executed the quitclaim deed attached hereto as Exhibit A.

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

SECTION 1. That the Service-Safety Director is authorized to accept 0.678 acres, more or less, of property situated in the State of Ohio, Fairfield County, City of Lancaster, Zane's Original Town Plat, Seventh Square, Plat Book 1, Page 2 of the records of the Fairfield County Recorder and further described in Exhibit A.

SECTION 2. Council hereby finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with applicable law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to further the new Fairfield County Municipal Courthouse project, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 4/14/14 after 1st reading. Vote: Yeas 9 Nays 0

Approved: 4/14/14

Clerk: Jeresa Lee Sandy

Offered by: Jon E. Hales

Second by: James W. Beatty

Requested by Law Committee

Christy J. Butler
President of Council

William H. Smith
Mayor

TRANSFERRED

MAR 27 2014

County Auditor, Fairfield County, Ohio

REAL ESTATE CONVEYANCE

FEE \$.....

EXEMPT # A

County Auditor, Fairfield County, Ohio

201400004260
Filed for Record in
FAIRFIELD COUNTY, OH
GENE WOOD, COUNTY RECORDER
03-27-2014 At 10:57 am.
DEED NO FEE .00
OR Book 1657 Page 2057 - 2060

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the **Fairfield County Board of Commissioners**, whose tax mailing address is 210 East Main Street, Room 301, Lancaster, Ohio, 43130, **Grantor**, a political subdivision of the State of Ohio, claiming title by or through instrument recorded in Official Record 567, Page 641, 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 **City of Lancaster, Ohio**, a municipal corporation in the State of Ohio, **Grantee**, whose tax mailing address is 104 East Main Street, Lancaster, Ohio, 43130, does hereby:

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto said Grantee, the **City of Lancaster, Ohio**, a municipal corporation, its successors and assigns, the following described property:

Situated in the City of Lancaster, County of Fairfield, State of Ohio, bounded and described as follows:

For certainty of description see Exhibit A attached hereto and hereby incorporated herein.

Being Auditor's Parcel No. _____

TOGETHER WITH AN EASEMENT and right of way for the purpose of pedestrian and vehicular access, ingress and egress over and across the 0.0574 acre property described in Exhibit B attached hereto to and from the property conveyed in Exhibit A, attached hereto, and the streets and alleys adjacent to said property for the use of Grantee and its employees, invitees, customers, successors and assigns.

EXCEPTING AND RESERVING unto Grantor, its legal representative, successors and assigns, **an easement** and right-of-way over and across the property described in Exhibit A, attached hereto, for the purpose of pedestrian and vehicular access, ingress and egress over and across the property described in Exhibit A, attached hereto, to the drive-thru building and real property located on Grantor's adjacent property described on Exhibit "B" attached hereto and the streets and alleys adjacent to said property for use by Grantor and Grantor's employees, invitees, and customers.

TO HAVE AND TO HOLD the above property, with the appurtenances thereunto belonging, unto the said Grantee so long as Grantee uses said property for a public purpose in conjunction with its operation and/or construction of a municipal courthouse and administrative offices located on Main Street, between Memorial Drive and Broad Street in Lancaster, Ohio ("the Downtown Area"). Upon the Grantee's abandonment, relocation, or removal of said municipal courthouse outside of the Downtown Area then the property described in Exhibit A herein conveyed and all improvements made thereto shall revert to and be vested in Grantor, its successors and assigns. Other than as set forth above, Grantee shall have all other rights of fee simple ownership of the property.



IN WITNESS WHEREOF, the Grantor, **Fairfield County Board of Commissioners**, by Mike Kiger, President, Board of Commissioners, pursuant to resolution duly adopted by the Fairfield County Board of Commissioners, hereunto set his hand the day of March 25, 2014.

Fairfield County Board of Commissioners
Mike Kiger
Mike Kiger, President

State of Ohio)
Fairfield County) ss.

Personally appeared before me, a Notary Public, in and for said County and State, Mike Kiger, the President of the Fairfield County Board of Commissioners, who acknowledged that the signing of the foregoing instrument is authorized pursuant to Resolution passed by the Fairfield County, Ohio Board of Commissioners and is his free act and deed and the free act and deed of said Board.

In witness whereof, I have hereunto set my hand and affixed my seal this 25th day of March, 2014:



STACI A. KNISLEY
Notary Public, State of Ohio
My Commission Expires 8/21/17

Staci A. Knisley
Notary Public, State of Ohio
Commission Expiration: 8/21/17

This Instrument Prepared By:

Judith L. Edwards
Sitterley & Vandervoort
123 S. Broad Street, Suite 211
Lancaster, Ohio 43130
(740) 687-5803

86/18774



TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

**Description of 0.678 Acres
(29552 Square Feet)**

Situated in the State of Ohio, Fairfield County, City of Lancaster, Zane's Original Town Plat, Seventh Square, Plat Book 1, Page 2.

Being all of Lot 63 (Old Lot 10) and 0.310 acres of Lot 64 (Old Lot 11) as described in Deed Volume 567, Page 641, and being more fully described as follows:

Beginning at a mag spike set on the south line of Lot 64 and the north line of Chestnut Street (66'), said spike is located North 89°57'17" West a distance of 49.61 feet from a mag spike set at the southeast corner of Lot 64;

thence with the north line of Chestnut Street, North 89°57'17" West a distance of 114.96 feet to a point being the southwest corner of Lot 63, said point is located North 00°14'22" East a distance of 2.87 feet from a mag spike set;

thence North 00°14'22" East a distance of 194.18 feet to a 5/8 inch rebar previously set on the south line of Zane Alley (12'), said rebar being the northwest corner of Lot 63;

thence North 89°54'22" East a distance of 165.19 feet to a mag spike set at the southwest corner of the intersection of Zane Alley (12') and Center Alley (12'), said spike being the northeast corner of Lot 64;

thence with the west line of Center Alley and the east line of Lot 64, South 00°25'12" West a distance of 144.19 feet to a mag spike set;

thence South 89°58'14" West a distance of 49.56 feet to a mag spike set;

thence South 00°28'43" West a distance of 50.34 feet to the point of beginning, containing **0.678 acres** (29552 square feet).

Bearings are based on the survey filed in Survey Book 86, Page 18617. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in March of 2014 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.



Rodney McFarland 3/14/14
Rodney McFarland, P.S. Date

March 14, 2014 Originals are signed in blue ink

G:2014:FCMCourt2

RECORDED & INDEXED
BY AS DATE 3/15/14
86/18774

EXHIBIT A

LEGAL DESCRIPTION AND PLAT
MEETS MINIMUM STANDARDS FOR
BOUNDARY SURVEYS, FAIRFIELD
COUNTY ENGINEER.

BY [Signature] DATE 3/15/14

APPROVED BY THE CITY OF LANCASTER
PLANNING COMMISSION. NO PLAT REQUIRED.
Asst. CE Mike McFarland
CITY ENGINEER
3-18-14
DATE

*Description of 0.057 Acres
(2498 Square Feet)*

Situated in the State of Ohio, Fairfield County, City of Lancaster, Zane's Original Town Plat, Seventh Square, Plat Book 1, Page 2.

Being 0.057 acres of Lot 64 (Old Lot 11) as described in Deed Volume 567, Page 641, and being more fully described as follows:

Beginning at a mag spike set at the southeast corner of Lot 64, and being the northwest corner of the intersection of Center Alley (12') and Chestnut Street (66');

thence with the south line of Lot 64 and the north line of Chestnut Street, North 89°57'17" West a distance of 49.61 feet to a mag spike set;

thence North 00°28'43" East a distance of 50.34 feet to a mag spike set;

thence North 89°58'14" East a distance of 49.56 feet to a mag spike set on the east line of Lot 64 and the west line of Center Alley;

thence South 00°25'12" West a distance of 50.40 feet to the point of beginning, containing 0.057 acres (2498 square feet).

Bearings are based on the survey filed in Survey Book 86, Page 18617. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in March of 2014 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

EXHIBIT B