

TEMPORARY ORDINANCE NO. 8-17

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AN EASEMENT NECESSARY FOR A SANITARY SEWER

WHEREAS, a sanitary sewer was constructed by the developer of the Moo Moo Car Wash to serve a 4.334 acres property at the northwest corner of Pierce Avenue and River Valley Boulevard; and

WHEREAS, the City agreed to accept said sanitary sewer as a public improvement, contingent upon the granting of all necessary easement(s);

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 attachment;

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBIT</u>
Moo Moo Lancaster, LLC	0.090 Acre	C of ordinance Exhibit A
Renkas Properties, LLC	0.012 Acre	D of ordinance Exhibit A

SECTION 2. As a condition, the grantor(s) of the easement shall pay all costs associated with the acceptance of this property. This shall include, but shall not be limited to, costs for preparing the easement document, costs for all necessary surveys, and the recording fees.

SECTION 3. 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 _____, 2017 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EASEMENT FOR SANITARY SEWER
FROM
MOO MOO LANCASTER, LLC; JOHN PIZZATO, TRUSTEE OF THE JOHN F. PIZZATO
REVOCABLE TRUST; and MARK C. PIZZATO, MARRIED TO AIHUA ZHOU
TO
CITY OF LANCASTER, OHIO,
AN OHIO MUNICIPAL CORPORATION

Know all men by these presents, that MOO MOO LANCASTER, LLC; and JOHN PIZZATO, TRUSTEE OF THE JOHN F. PIZZATO REVOCABLE TRUST; and MARK C. PIZZATO, MARRIED TO AIHUA ZHOU, hereinafter referred to as Grantor, for good and valuable consideration to them in hand paid, receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey, to the CITY OF LANCASTER, OHIO, 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 of said Moo Moo Lancaster, LLC which property is described in Exhibit A and of said John Pizzato, Trustee of the John F. Pizzato Revocable Trust, and Mark C. Pizzato, Married To Aihua Zhou, which property is described 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, install, repair, maintain, rebuild, replace, relocate, and/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.

A description of the easement and a drawing showing the exact location of the easement are attached hereto as Exhibit C, describing the part of the easement which lies on the property of said Moo Moo Lancaster, LLC, and Exhibit D, describing the part of the easement that lies on the property of said John Pizzato, Trustee of the John F. Pizzato Revocable Trust, and Mark C. Pizzato, Married to Aihua Zhou.

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 easement, 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.

Grantor hereby warrants that Grantor has full power and authority to grant this easement and has a good and indefeasible fee simple title to the above described easement premises, free and clear of all liens and encumbrances, except those of record which do not unreasonably interfere with the uses herein described, and agrees to forever defend the above described easements and rights unto Grantee, Grantee's successors and assigns, against every person or entity lawfully claiming or to claim the easement property or any part of it, except as noted above.

This easement shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto. Where the term Grantor or Grantee is used herein, the term shall be deemed to include the successors and assigns of that party.

This easement may be executed in any number of counterparts, all of which will be deemed an original and construed together as one document.

In addition to the easement, rights, and privileges conveyed in this instrument, Grantee shall have the right to use as much of the surface of the property of Grantor as may be reasonably

necessary to construct and install within the right of way granted hereby the facilities contemplated by this grant. Upon completion of the construction, installation, repair, maintenance, rebuilding, replacing, relocating, and/or removing of said sewer, Grantee shall replace and restore the surface to the condition it was in prior to said construction, installation, repair, maintenance, rebuilding, replacing, relocating, and/or removing of said sewer, with the exception of trees fell for necessary access.

The Grantee shall also have the right to use the private streets, roadways and paved areas within the developed tract insofar as necessary for the sole purpose to access the sewer easement with its equipment, personnel and materials, or by Grantee's agents and contractors for the same purpose(s). The Grantee agrees to repair any damaged paved area to the extent its operations caused the damage.

Moo Moo Lancaster, LLC, claims title by instrument of record in deed volume 1719 page 1452, of the records of the office of the Fairfield County Recorder's office.

John Pizzato, Trustee of The John F. Pizzato Revocable Trust; and Mark C. Pizzato, Married to Aihua Zhou, claims title by instrument of record in deed volume 1468 page 2891, of the records of the office of the Fairfield County Recorder's office.

This instrument was prepared by Michael J. O'Reilly, Attorney at Law, 30 Hill Road South, Pickerington, Ohio 43147, utilizing a form provided by the Department of Engineering, City of Lancaster, Ohio.

[Signature Pages Follow]

DRAFT

Signature Page of Mark Pizzato

By: _____
Mark Pizzato

ACKNOWLEDGMENT

State of _____ :
County of _____ :

SS.

The foregoing instrument was acknowledged before me this ___ day of _____, 2017 by Mark Pizzato.

Notary Public, State of Ohio

Notary Public
Commission Exp.: _____

DRAFT



Exhibit A

Description of Moo Moo Lancaster, LLC's Parcel

Situate in the State of Ohio, County of Fairfield, in the City of Lancaster, lying in Section 36, Township 15, Range 19, Congress Lands and being part of a 4.334 acre tract being conveyed to John F. Pizzato, Et al., by deed of record in Official Record 1468, Page 2891, all records hereon are from the Recorder's Office, Fairfield County, Ohio, said 1.070 acre tract being more particularly described as follows:

Beginning for reference at a 3/4" iron pin found at the northeast corner of River Valle Complex Easement Dedication Plat of record in Plat Cabinet 1, Slot 83, (the northerly right-of-way line of River Valley Boulevard), the southeast corner of a 4.722 acre tract being conveyed to V Clew LLC, by deed of record in Official Record 1703, Page 3634, and in the west line of River Valley Boulevard (100' R/W) by the Lancaster City Ordinance 17-86 on May 19, 1986;

Thence North 02°46'01" East, a distance of 10.00' along the east line of said 4.722 acre tract to a 3/4" iron pin found at the TRUE POINT OF BEGINNING;

Thence North 02°46'01" East a distance of 150.00 feet, along the line common to said 4.334 acre tract and said 4.722 acre tract to an iron rebar set;

Thence South 86°19'12" East a distance of 320.00 feet, over and across said 4.334 acre tract to an iron rebar set in the westerly right-of-way line of North Pierce Avenue (106' R/W);

Thence South 03°47'33" West a distance of 75.13 feet, along the westerly right-of-way line of said North Pierce Avenue, to an iron rebar set;

Thence along the arc of a curve turning to the right, an arc length of 117.66 feet, a radius of 75.00 feet, a chord bearing of South 48°44'10" West, and a chord length of 105.96 feet, to an iron rebar set in the northerly right-of-way line of said River Valley Boulevard;

Thence North 86°19'12" West a distance of 242.46 feet, along the northerly right-of-way line of said River Valley Boulevard, to the TRUE POINT OF BEGINNING, containing 1.070 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The basis of bearing is based the bearing of North 86°19'12" West, for the northerly right-of-way line of River Valley Boulevard, by GPS observations using the Ohio VRS Network Ohio South Coordinate Zone.



Exhibit B

Description of the Pizzato Parcel

Being all of the following 4.334 acres:

Situate in the State of Ohio, County Fairfield, City of Lancaster, lying in Section 36, Township 15, Range 19, Congress Lands being part of the original 7.290 acre tract conveyed to John F. Pizzato, Trustee by deed of record in Official Record 672, Page 628, (all references refer to the records of the Recorder's Office, Fairfield County, Ohio) being more particularly described as follows:

Beginning for reference, at an iron pin set at an angle point in the southerly line of Colonial Heights Addition Block 2, and the northerly right-of-way line of North Memorial Drive (State Route 33, variable right-of-way width);

Thence South 01° 16' 53" East, a distance of 158.99 feet across the right-of-way of said North Memorial Drive to ¾ inch iron pipe found at the northwesterly corner of said original 7.290 acre tract, the TRUE POINT OF BEGINNING;

Thence South 78° 40' 21" East, at a distance of 344.15 feet, with the northerly line of said original 7.290 acre tract, to an iron pin set in the westerly right-of-way line of North Pierce Avenue (106 feet wide);

Thence with said westerly right-of-way line and the easterly line of said original 7.290 acre tract, the following course and distances:

South 12° 09' 09" West, at a distance of 108.4 feet, to an iron pin set;

South 79° 00' 21" East, at a distance of 14.92 feet, to an iron pin set;

South 00° 15' 21" East, at a distance of 370.54 feet, to an iron pin set at a point of curvature at the northeasterly corner of River Valley Boulevard, as recorded in City of Lancaster Ordinance No. 17-86;

Thence with said curve to the right, having a central angle of 89° 53' 15", a radius of 75.00 feet, an arc length of 117.66 feet, and a chord which bears South 44° 41' 16" West, a chord distance of 105.96 feet, with the northerly right-of-way line of said River Valley Boulevard and across said original 7.290 acre tract, to an iron pin set at a point of tangency;

South 89° 37' 54" West, at a distance of 242.46 feet, continuing with the northerly right-of-way line of said River Valley Boulevard and across said original 7.290 acre tract to an iron pin set in the easterly line of the original 4.722 acre tract conveyed to V Clew, LLC by deed of record in Official Record 1352, Page 3181;

Thence North $01^{\circ} 16' 53''$ West, at a distance of 624.00 feet with the westerly line of said original 7.290 acre tract and the easterly lines of said original 4.722 acre tract and the 1.456 acre tract conveyed to Zane Properties, Inc. by deed of record in Official Record 669, Page 60, to the TRUE POINT OF BEGINNING, containing 4.334 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set where indicated, are iron pipes, thirteen sixteenths ($13/16$) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the same meridian as the bearings shown on the subdivision plat entitled "Misty Meadows Section 1" of record in Cabinet 2, Slot 98, Recorder's Office, Fairfield County, Ohio, in which a portion of Sun Ridge Street has a bearing North of $00^{\circ} 10' 07''$ West.

The above description is based on documents of record, prior plats of survey and observable filed evidence obtained through a field survey performed in June, 2006.

Less: The Moo Moo Lancaster, LLC Parcel described in Exhibit A.

BLUE-J SURVEYING, LLC
14450 St. Rt. 56 W
Mt. Sterling, OH 43143
PH. 614-774-8577

Description of a 0.090 acre Sanitary Sewer Easement

Situate in the State of Ohio, County of Fairfield, in the City of Lancaster, lying in Section 36, Township 15, Range 19, Congress Lands and being part of a 1.070 acre tract being conveyed to Moo Moo Lancaster, LLC by deed of record in Official Record 1719, Page 1452, all records hereon are from the Recorder's Office, Fairfield County, Ohio, said 0.090 acre Sanitary Sewer Easement being more particularly described as follows:

Beginning for reference at a 3/4" iron pin found at the northeast corner of River Valle Complex Easement Dedication Plat of record in Plat Cabinet 1, Slot 83, (the northerly right-of-way line of River Valley Boulevard), the southeast corner of a 4.722 acre tract being conveyed to V Clew LLC, by deed of record in Official Record 1703, Page 3634, and in the west line of River Valley Boulevard (100' R/W) by the Lancaster City Ordinance 17-86 on May 19, 1986;

Thence North 02°46'01" East, a distance of 10.00 feet, along the east line of said 4.722 acre tract to a 3/4" iron pin found at southwest corner of said 1.070 acre tract at the TRUE POINT OF BEGINNING of said Sanitary Sewer Easement;

Thence North 02°46'01" East, a distance of 15.00 feet, along the west line of said 1.070 acre tract, to a point;

Thence the following two (2) courses and distances over and across said 1.070 acre tract:

1. South 86°19'12" East a distance of 60.41 feet, to a point;
2. North 01°45'23" East, a distance of 135.06 feet, to a point in the northerly line of said 1.070 acre tract;

Thence South $86^{\circ}19'12''$ East a distance of 20.01 feet, along the northerly line of said 1.070 acre tract, to a point;

Thence South $01^{\circ}45'23''$ West, a distance of 150.07 feet, over and across said 1.070 acre tract, to a point in the northerly right-of-way line of said River Valley Boulevard;

Thence North $86^{\circ}19'12''$ West a distance of 80.69 feet, along the northerly right-of-way line of said River Valley Boulevard, to the TRUE POINT OF BEGINNING, containing 0.090 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The basis of bearing is based the bearing of North $86^{\circ}19'12''$ West, for the northerly right-of-way line of River Valley Boulevard, by GPS observations using the Ohio VRS Network Ohio South Coordinate Zone.

The description is based on an actual field survey as performed by Blue-J Surveying LLC in January, 2017.

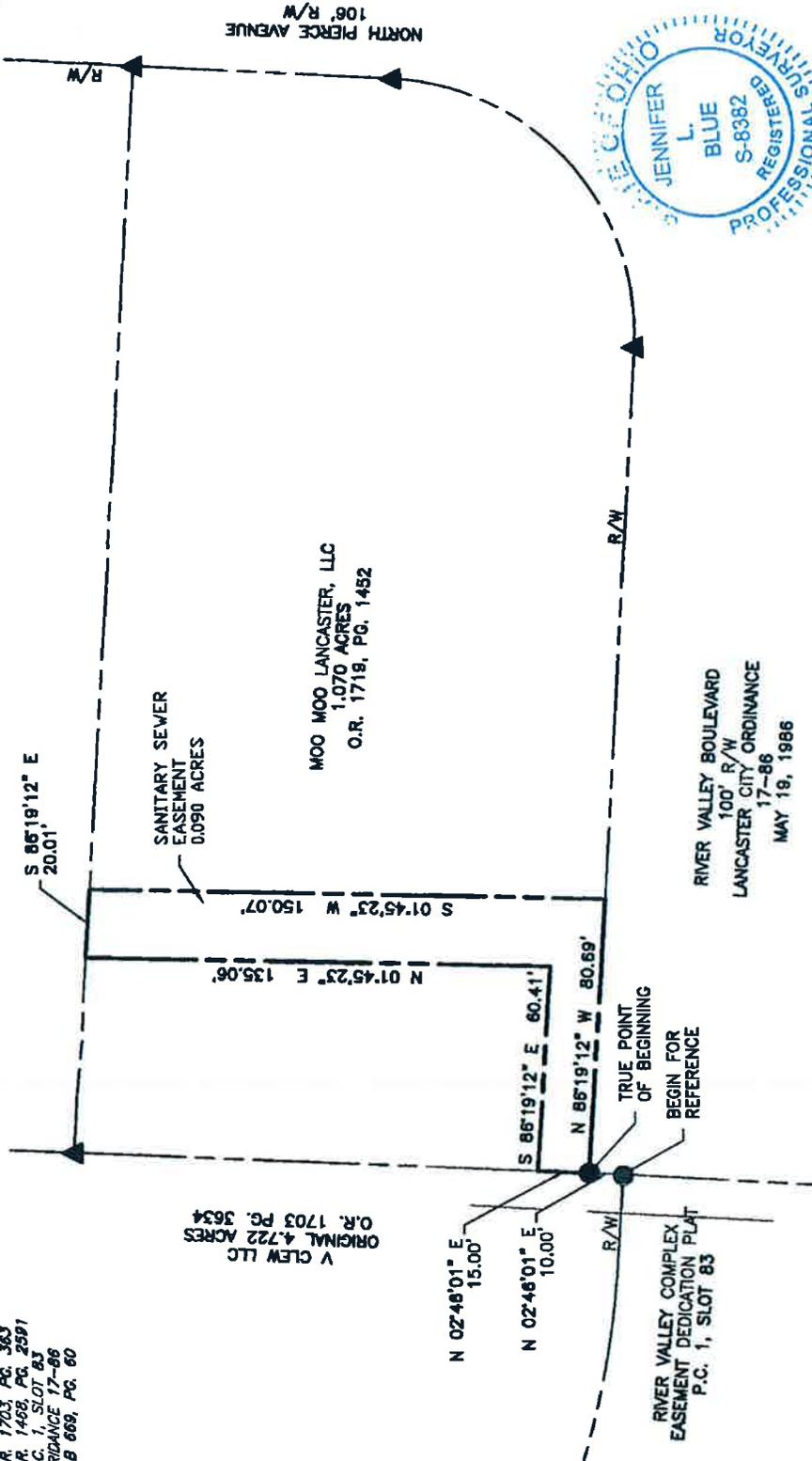
BLUE-J SURVEYING, LLC



JLB 1-23-17
Jennifer L. Blue, P.S. 8382 Date

PERTINENT DOCUMENTS

O.R. 1703, PG. 363
 O.R. 1468, PG. 2591
 P.C. 1, SLOT 83
 ORDINANCE 17-86
 D.B. 689, PG. 60



V CLEW LLC
 O.R. 1703 PG. 3634
 ORIGINAL 4.722 ACRES

MOO MOO LANCASTER, LLC
 1.070 ACRES
 O.R. 1718, PG. 1452

RIVER VALLEY COMPLEX
 EASEMENT DEDICATION PLAT
 P.C. 1, SLOT 83

RIVER VALLEY BOULEVARD
 100' R/W
 LANCASTER CITY ORDINANCE
 17-86
 MAY 18, 1986

NORTH PIERCE AVENUE
 106' R/W



SITUALITE

Situata in the State of Ohio, County of Fairfield, in the City of Lancaster, lying in Section 36, Township 15, Range 19, Congress Lands and being part of a 4.334 acre tract being conveyed to John F. Pizzato, Et al., by deed of record in Official Record 1468, Page 2891, all records hereon are from the Recorder's Office, Fairfield County, Ohio

BASIS OF BEARINGS

The basis of bearing is based the bearing of North 86°19'12" West, for the northerly right-of-way line of River Valley Boulevard, by GPS observations using the Ohio NRS Network Ohio South Coordinate Zone.

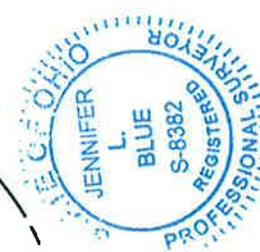
SURVEYOR'S CERTIFICATE

THIS EXHIBIT WAS BASED ON AN ACTUAL FIELD SURVEY BY BLUE SURVEYING, LLC IN MARCH, 2016

JENNIFER L. BLUE
 REGISTERED LAND SURVEYOR NO. 8382
 DATE: 1-23-17



MOO MOO CARVASE
 100' R/W
 LANC. COUNTY, OHIO



NORTH



LEGEND

- ▲ 5/8" IRON REBAR 30" LENGTH SET
- YELLOW CAP "BLUE 8382"
- 3/4" IRON PIN FOUND

BOUNDARY SURVEY NOTE
 THIS PLAT CONSTITUTES A BOUNDARY SURVEY AS SET FORTH IN THE MINIMUM STANDARDS FOR BOUNDARY SURVEYING IN THE STATE OF OHIO, ADMINISTRATIVE CODE CHAPTER 4733-37 AND PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF OHIO PURSUANT TO CHAPTER 4733.

BLUE-J SURVEYING, LLC
14450 St. Rt. 56 W
Mt. Sterling, OH 43143
PH. 614-774-8577

Description of a 0.012 acre Sanitary Sewer Easement

Situate in the State of Ohio, County of Fairfield, in the City of Lancaster, lying in Section 36, Township 15, Range 19, Congress Lands and being part of a 4.334 acre tract being conveyed to John F. Pizzato, Et al., by deed of record in Official Record 1468, Page 2891, all records hereon are from the Recorder's Office, Fairfield County, Ohio, said 0.012 acre Sanitary Sewer Easement being more particularly described as follows:

Beginning for reference at a 3/4" iron pin found at the northeast corner of River Valle Complex Easement Dedication Plat of record in Plat Cabinet 1, Slot 83, (the northerly right-of-way line of River Valley Boulevard), the southeast corner of a 4.722 acre tract being conveyed to V Clew LLC, by deed of record in Official Record 1703, Page 3634, and in the west line of River Valley Boulevard (100' R/W) by the Lancaster City Ordinance 17-86 on May 19, 1986;

Thence North 02°46'01" East, a distance of 160.00 feet, along the east line of said 4.722 acre tract to a 5/8" iron rebar found at the northwest corner of a 1.070 acre tract conveyed to Moo Moo Lancaster, LLC, by deed of record in Official Record 1719, Page 1452;

Thence South 86°19'12" East, a distance of 58.04 feet, to the TRUE POINT OF BEGINNING of said Sanitary Sewer Easement;

Thence the following 3 courses and distances over and across said original 4.334 acre tract:

1. North 01°45'23" East a distance of 24.61 feet, to a point;
2. South 86°14'37" East a distance of 20.00 feet, to a point;

3. South $01^{\circ}45'23''$ West, a distance of 25.28 feet, to a point in the northerly line of said 1.070 acre tract;

Thence North $86^{\circ}19'12''$ West a distance of 20.01 feet, along the northerly line of said 1.070 acre tract, to the TRUE POINT OF BEGINNING, containing 0.012 acres more or less. Being subject to all easements, restrictions and rights-of-way of record.

The basis of bearing is based the bearing of North $86^{\circ}19'12''$ West, for the northerly right-of-way line of River Valley Boulevard, by GPS observations using the Ohio VRS Network Ohio South Coordinate Zone.

The description is based on an actual field survey as performed by Blue-J Surveying LLC in January, 2017.



BLUE-J SURVEYING, LLC

JLB 1-23-17

Jennifer L. Blue, P.S. 8382 Date

