

TEMPORARY ORDINANCE NO. 25-17

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AN EASEMENT NECESSARY TO CONSTRUCT, MAINTAIN, OPERATE, TAP INTO, REPLACE OR REMOVE ONE OR MORE MUNICIPAL GAS LINES

WHEREAS, there exists a real and present need to accept said easement for the construction, maintenance, operation, tap into, replacement and/or removal of one or more municipal gas lines;

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>
Claude P. Marshall & Carla J. Marshall	2.927 Acres +/-	A

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 Service Committee

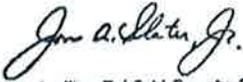
I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2017 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

201700013655
Filed for Record in
FAIRFIELD COUNTY, OH
GENE WOOD, COUNTY RECORDER
07-27-2017 At 11:47 am.
EASEMENT 64.00
OR Book 1743 Page 3291 - 3294

**TRANSFER
NOT NECESSARY**

JUL 27 2017



County Auditor, Fairfield County, Ohio

MUNICIPAL GAS LINE EASEMENT

Claude P. Marshall and Carla J. Marshall, Husband and Wife, of Fairfield County, Ohio, hereinafter called the "Grantors," for good and valuable consideration, do hereby GRANT with general warranty covenants to the City of Lancaster, Ohio, "Grantee," whose tax mailing address is 104 E. Main Street, Lancaster, Ohio, a perpetual easement to construct, maintain, operate, tap into, repair or replace one or more municipal gas lines through the following described real property, as recorded in OR 1732, Page 2024, Fairfield County Recorder's Office; upon the real estate described as follows: (the "Easement Area")

See "Exhibit A" attached hereto.

This Easement is granted subject to the following terms and conditions:

1. Grantee shall be responsible for the entire cost of the installation of said gas lines and said gas lines shall be repaired and maintained by Grantee.
2. **Additional Use:** No other pipes, lines or cables of any nature may be buried or placed on or above said easement area "without Grantors' specific written authority regardless of whether such additional use of the easement is deemed to result in any additional burden or damage to Grantors' property."



3. **Other Consistent Uses**: Grantors reserve the right to use the Easement Area for any purposes not inconsistent with rights granted by this Easement.

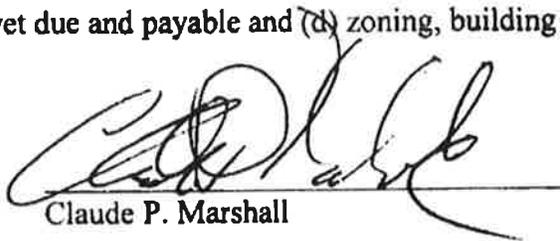
4. **Indemnification, Restoration or Property**: Grantee by its acceptance of this Easement shall indemnify, defend and hold Grantors harmless against any claims, damages, losses or expenses, arising as a result of Grantee's exercise of the rights granted by this Easement, but excepting any claims, damages, losses or expenses caused by the negligence or wrongful actions of Grantors or Grantors' agents, employees or contractors, or others for whom Grantors are responsible.

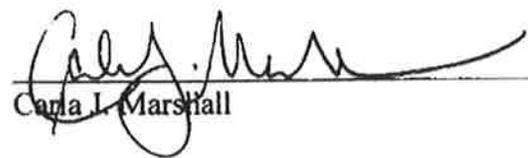
If any damage to Grantors' property is caused by Grantee's exercise of its rights under this Easement, Grantee at its expense, shall promptly restore any disturbed areas, including fences and field tiles, as nearly as possible to the condition existing prior to the occurrence of the damage.

5. **Building Restriction**: No buildings or other structures shall be constructed in the Easement Area by Grantors, nor shall Grantors cause any excavating or filling to be done which, in the reasonable judgment of Grantee, would impair Grantee's exercise of the rights granted by this Easement or its ability to maintain its utility facilities. Grantors reserve the right, however, to construct driveways, sidewalks, surface roads and similar improvements across the Easement Area.

6. **Title**. Grantors covenant with Grantee that Grantors are the owners of the Easement Area described above and have full power to convey the rights conveyed by this Easement. Grantors warrant and will defend the same against the claims of all persons,

subject, however, to (a) all legal highways, (b) easements, covenants and restrictions of record, (c) real estate taxes and assessments not yet due and payable and (d) zoning, building and other applicable laws, codes and regulations.


Claude P. Marshall


Carla J. Marshall

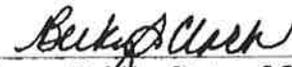
State of Ohio,
County of Fairfield ss.

BE IT REMEMBERED, That on the 26th day of July, 2017, before me, the subscriber a Notary Public in and for said state, personally came, Claude P. Marshall and Carla J. Marshall, Husband and Wife, Grantors, in the foregoing easement, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notary seal on the day and year last aforesaid.



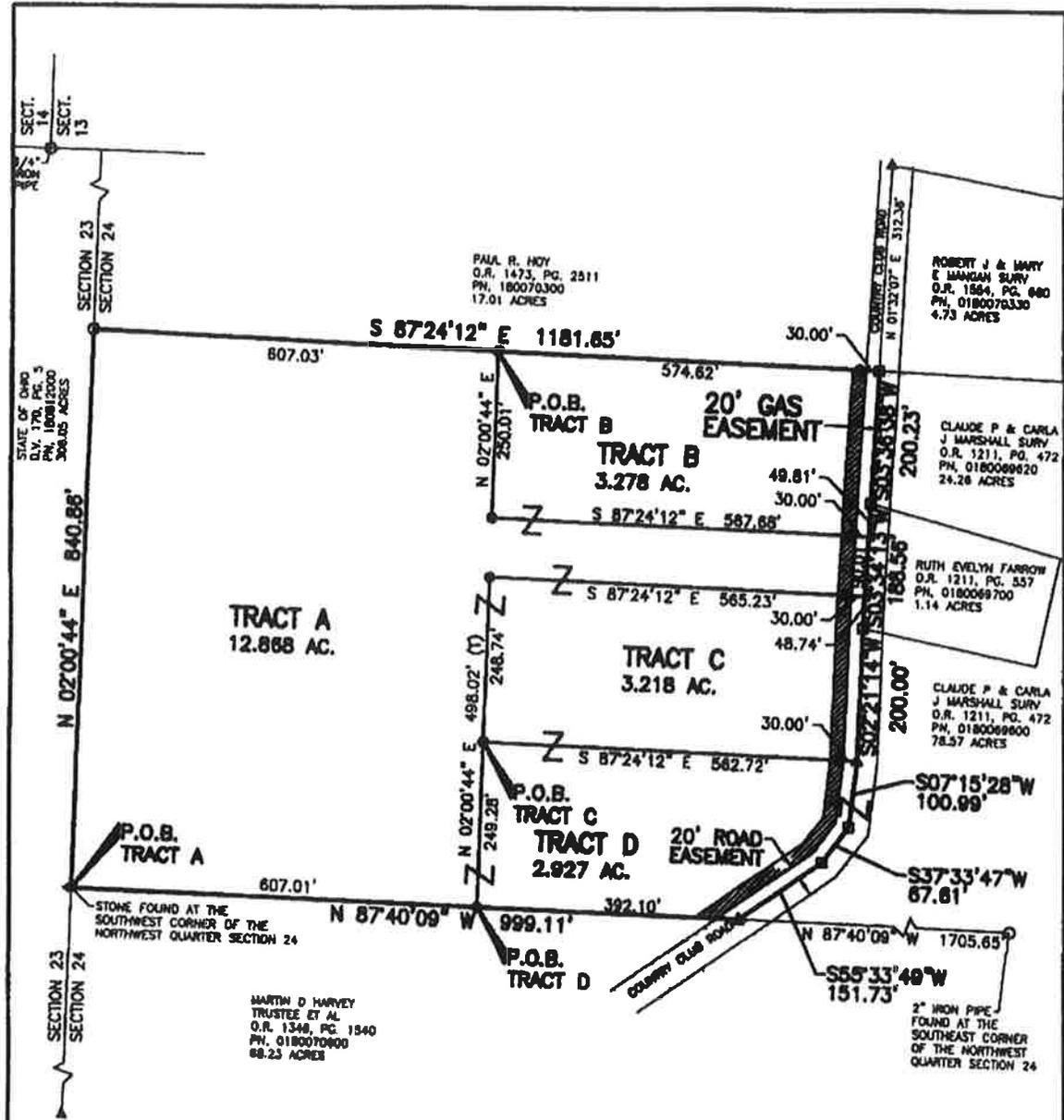
BECKY S. CLARK
Notary Public, State of Ohio
My Commission Expires 7-17 22


Notary Public, State of Ohio

This instrument prepared by: G. Brian Boltz, Attorney at Law

"EXHIBIT A"

OR BK 1743 PG 3294



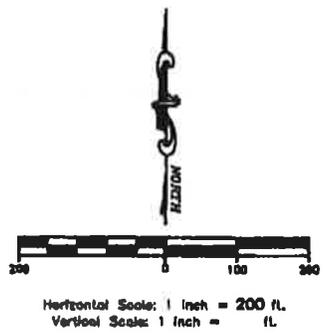
PERTINENT DOCUMENTS USED:
 SURVEY NUMBER - 14737
 OFFICIAL RECORD 1211, PAGE 472

BEARINGS BASED ON
 NAD83 OHIO SOUTH ZONE

- 30" LONG, 5/8" REBAR WITH PLASTIC 1-1/4" CAP STAMPED "LOCKWOOD, LARNER, MATHIAS, HOLLAND" (SET)
- IRON MONUMENT (FOUND)
- ▲ RAILROAD SPIKE (SET)
- △ RAILROAD SPIKE (FOUND)
- CONCRETE MONUMENT (SET)
- CONCRETE MONUMENT (FOUND)
- P.K. NAIL (SET)
- P.K. NAIL (FOUND)
- BOLT (FOUND)
- ◆ STONE (FOUND)
- × REFERENCE POINT

THIS SURVEY PERFORMED UNDER THE SUPERVISION OF
 RICHARD F. MATHIAS, PROFESSIONAL SURVEYOR No. 7788
 IN NOVEMBER, 2016

Richard F. Mathias 6-29-17
 RICHARD F. MATHIAS DATE
 PROFESSIONAL SURVEYOR No. 7788



<p>PLAT OF SURVEY</p> <p>SECT. 24, TWP. 14, RANGE 19 HOCKING TOWNSHIP FAIRFIELD COUNTY, OHIO NOVEMBER, 2016</p>	<p>PLANS PREPARED FOR:</p> <p>PAT MARSHALL 3502 COUNTRY CLUB RD. SW LANCASTER, OHIO 43130 740-808-5559</p>	 <p>2LMN, Inc. Civil Engineers & Land Surveyors 3673 Sugar Grove Road, SE - Lancaster, Ohio 43130 (740) 687-5542 Phone - (740) 687-8086 Fax - www.2LMN.com</p> <p><small>This work product was prepared to meet the specific expressed needs of our client and is not to be signed or relied upon by any person who is not a party of interest with our company, nor is it to be used for any other purpose than that for which it was expressly provided. Copyright © 2014 by Lockwood, Larner, Mathias & Holland, Inc. All rights reserved.</small></p>
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201700012856
Filed for Record in
FAIRFIELD COUNTY, OH
GENE WOOD, COUNTY RECORDER
07-18-2017 At 02:32 PM.
DEED 36.00
OR Book 1742 Page 3774 - 3776

REAL ESTATE CONVEYANCE **TRANSFERRED**

FEE \$ 216

JUL 18 2017

EXEMPT #

LH
Jim A. Slater, Jr.

17-14-24

Jim A. Slater, Jr.
County Auditor, Fairfield County, Ohio
County Auditor, Fairfield County, Ohio **SURVIVORSHIP DEED**

Claude P. Marshall and Carla J. Marshall, Husband and Wife, of Fairfield County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to Tricia Fisher and Anthony Fisher, for their joint lives, remainder to the survivor of them, whose tax-mailing address is Tricia Fisher and Anthony Fisher, 6758 LAGRANGE DRIVE CANAL WINCHESTER, OH 43110, the following real property:

See Attached Exhibit "A"

Parcel No. **018-00696.60**
Known as: **0 Country Club Road SW Lot 4, Lancaster, OH 43130**

Prior Instrument Reference: Official Record 1732, page 2024, of the records of Fairfield County, Ohio.

Subject to the following: The lien of any taxes and assessments not now due and payable; zoning ordinance and regulations; legal highways; restrictions, conditions, reservations and easements, if any, contained in prior instruments of record, and all coal, oil and other mineral rights and interests previously transferred or reserved of record.

WILSON LAND TITLE AGENCY BOX
516 148 428

(Signatures and acknowledgments continued on next page)

Exhibit "A"
Legal Description
For File: 56148428

Situated in the State of Ohio, Fairfield County, Hocking Township, part of Section 24, Township 14, Range 19, and being part of a 78.57 acre tract conveyed to Claude P. & Carla J. Marshall in Official Record 1211, Page 472, as recorded in the Fairfield County Recorder's Office and being more particularly described as follows:

COMMENCING at a stone found at the southwest corner of the northwest quarter of Section 24; Thence, along the grantor's south line, South 87 degrees 40 minutes 09 seconds East, 607.01 feet to a 5/8 inch rebar set and being the TRUE POINT OF BEGINNING for the parcel herein described:

Thence, across the grantor's tract, North 02 degrees 00 minutes 44 seconds East, 249.28 feet to a 5/8 inch rebar set;

Thence, across the grantor's tract, South 87 degrees 24 minutes 12 seconds East, passing a 5/8 inch rebar at 532.72 feet for a total distance of 562.72 feet to a point in Country Club Road;

Thence, across the grantor's tract and in Country Club Road, South 07 degrees 15 minutes 28 seconds West, 100.99 feet to a P.K. Nail found;

Thence, across the grantor's tract and in Country Club Road, South 37 degrees 33 minutes 47 seconds West, 67.61 feet to a P.K. Nail found;

Thence, across the grantor's tract and in Country Club Road, South 55 degrees 33 minutes 49 seconds West, 151.73 feet to a railroad spike found on the grantor's south line;

Thence, along the grantor's south line, North 87 degrees 40 minutes 09 seconds West, 392.10 feet to the TRUE POINT OF BEGINNING, containing 2.927 acres.

It is understood that the parcel of land described contains, 2.927 acres, more or less, in Fairfield County Auditor's Parcel No. 018-00696-00.

All iron pins set are 5/8 inch x 30 inch rebar with an 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, November, 2016.

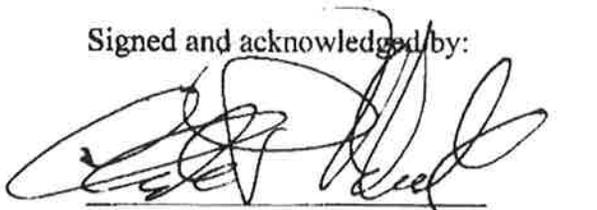
Bearings based on true GPS north.

DESCRIPTION REVIEWED AND APPROVED
FOR TRANSFER ONLY, FAIRFIELD COUNTY
AUDITOR/ENGINEER TAX MAPS
BY AA DATE 7/18/17
018-00696.60

Parcel No: 018-00696.60

Known As: 0 Country Club Road SW Lot 4, Lancaster, OH 43130

Signed and acknowledged by:



Claude P. Marshall

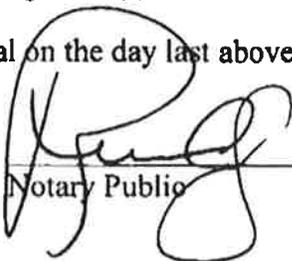


Carla J. Marshall

State of Ohio
County of Fairfield, SS:

The foregoing instrument was acknowledged before me this 13th day of July, 2017, by Claude P. Marshall and Carla J. Marshall, the grantor(s).

Witness my official signature and seal on the day last above mentioned.



Notary Public

This instrument prepared by:
Rhett A. Plank, Esq.
540 Officecenter Place, Suite 150
Gahanna, OH 43230
File No. 56148428



REBECCA S. MCANESPIE
NOTARY PUBLIC
In and for the State of Ohio
My Commission Expires
December 21, 2020