

TEMPORARY ORDINANCE NO. 13-22

PERMANENT ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND PAY ANY FEES NECESSARY TO ACCEPT $.775 \pm$ ACRES OF VACANT LAND FROM TABLE MOUNTAIN INDUSTRIES, LLC

WHEREAS, Table Mountain Industries, LLC, recently purchased and is improving Fairfield County Auditor Parcel Number 0571000230 on the west side of Whiley Road in the City of Lancaster; and

WHEREAS, in order to provide City utilities for this improvement, an additional thirty-five (35) feet of right of way from the center line is required along portions of Whiley Road; and

WHEREAS, Table Mountain Industries, LLC, is willing to convey $.775 \pm$ acres from the parent parcel above to the City for right of way pursuant to a general warranty deed attached hereto as Exhibit 1, which includes the legal descriptions and plats for the $.161 \pm$ acreage and $.614 \pm$ acreage parcels (marked as Exhibits A, B, C & D);

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

SECTION 1. That the Mayor is hereby authorized to accept $.775 \pm$ acres along the west side of Whiley Road from Table Mountain Industries, LLC, on behalf of the City of Lancaster as described in Exhibit 1.

SECTION 2. The General Warranty Deed (Exhibit 1) in the form presently on file with the Clerk of Council is hereby approved and authorized with changes therein not inconsistent with this Ordinance and not substantially adverse to the City. The Mayor for and in the name of the City, is hereby authorized to accept the General Warranty Deed in this matter and to execute any amendments or changes to the final documents, which amendments are not inconsistent with this Ordinance and not substantially adverse to the City.

SECTION 3. That the Mayor is also authorized to execute any additional documents and pay any fees necessary to facilitate the transfer of this property.

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 Economic Development



GENERAL WARRANTY DEED

TABLE MOUNTAIN INDUSTRIES, LLC, a Delaware Limited Liability Corporation, the Grantor, whose tax mailing address is: 2801 Centerville Road, 1st Fl. PMB 811, Wilmington, Delaware 19808, for valuable consideration paid, grants with general warranty covenants to THE CITY OF LANCASTER, OHIO, an Ohio municipal corporation, the Grantee, whose tax mailing address is: 104 E. Main Street, Lancaster, Ohio 43130, the following REAL PROPERTY:

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

See Exhibits "A", "B", "C", and "D" attached hereto and made a part hereof.

Property Address: .775 ± Acres of vacant land, 0 Whiley Road, Lancaster, Ohio 43130

Parent Parcel Number: 0571000230

Prior Instrument Reference: Official Records Instrument Number 202100021422 of the Fairfield County, Ohio records.

Subject to easements, restrictions, and conditions of record, real estate taxes and assessments, if any, and all zoning laws and legal highways.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the Grantor, by its duly authorized representative, hereby executes this instrument this ____ day of _____, 2022.

TABLE MOUNTAIN INDUSTRIES, LLC
a Delaware corporation

By: _____

Print Name: _____

Its: _____

State of _____,

County of _____ ss.

BE IT REMEMBERED, that on this ____ day of _____, 2022, before me, the subscriber, a notary public in and for said state, personally came, _____, _____ of **Table Mountain Industries, LLC, a Delaware corporation**, the Grantor in the foregoing deed, and acknowledged the signing thereof to be **his/her and its** 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.

Notary Public Signature

My commission expires: _____

This instrument prepared by:
Stephanie L. Hall
Law Director
City of Lancaster
Law Director & City Prosecutor's Office
136 W. Main Street, P. O. Box 1008
Lancaster, Ohio 43130
Tel.: (740) 687-6616

97-20422

0.161 ACRE

Situated in the State of Ohio, County of Fairfield, City of Lancaster, in Section 5, Township 14, Range 19, Congress Lands, being part of that 122.320 acre tract of land conveyed to Table Mountain Industries, LLC by deed of record in Instrument Number 202100021422, (all references are to the records of the Recorder's Office, Fairfield County, Ohio), and more particularly bounded and described as follows:

BEGINNING at a railroad spike set at the northeast corner of the northwest quarter of said Section 5, the northeast corner of said 122.320 acre tract, in the southerly line of that 146.05 acre tract conveyed to Tracy T. Kraner, Trustee by deed of record in Official Record 1679, Page 1844, the northwesterly corner of that 1.639 acre tract conveyed to Margarito Aguado Garcia and Brittany Garcia by deed of record in Official Record 1800, Page 4032, in the centerline of Whiley Road (Township Road #185);

Thence South 03° 52' 16" West, with said centerline, a distance of 200.00 feet to a magnetic nail found at the northeasterly corner of that 4.00 acre tract conveyed to Jeffrey W. Frazier and Joni Frazier by deed of record in Official Record 1687, Page 56;

Thence North 86° 21' 44" West, with the northerly line of said 4.00 acre tract (passing a 5/8 inch rebar found at a distance of 30.26 feet) a total distance of 35.00 feet to an iron pin set;

Thence North 03° 52' 16" East, crossing said 122.320 acre tract, a distance of 200.01 feet to an iron pin set in the southerly line of said 146.05 acre tract;

Thence South 86° 20' 25" East, with said southerly line (passing a 5/8 inch rebar found at a distance of 4.96 feet) a total distance of 35.00 feet to the POINT OF BEGINNING, containing 0.161 acre of land, more or less, of which 0.092 acre falls within the presently occupied right of way of Whiley Road.

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 Ohio State Plane Coordinate System, North Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation's Ohio Real Time Network. The portion of the centerline of Whiley Road, having a bearing of South 03° 52' 16" West and monumented as shown hereon, is designated the basis of bearings for this description.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

BY Eian DATE 3/10/22

Matthew A. Kirk

1 MARCH 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:smh
0_161 ac 20220193-VS-BNDY-01.docx

APPROVED BY THE CITY OF LANCASTER PLANNING COMMISSION BY RESOLUTION.
Michael Sahel
CITY ENGINEER
3-21-22
DATE



DESCRIPTION REVIEWED AND APPROVED FOR TRANSFER ONLY, FAIRFIELD COUNTY AUDITORS NEED TAX MAPS.

BY SAK DATE 03/10/22

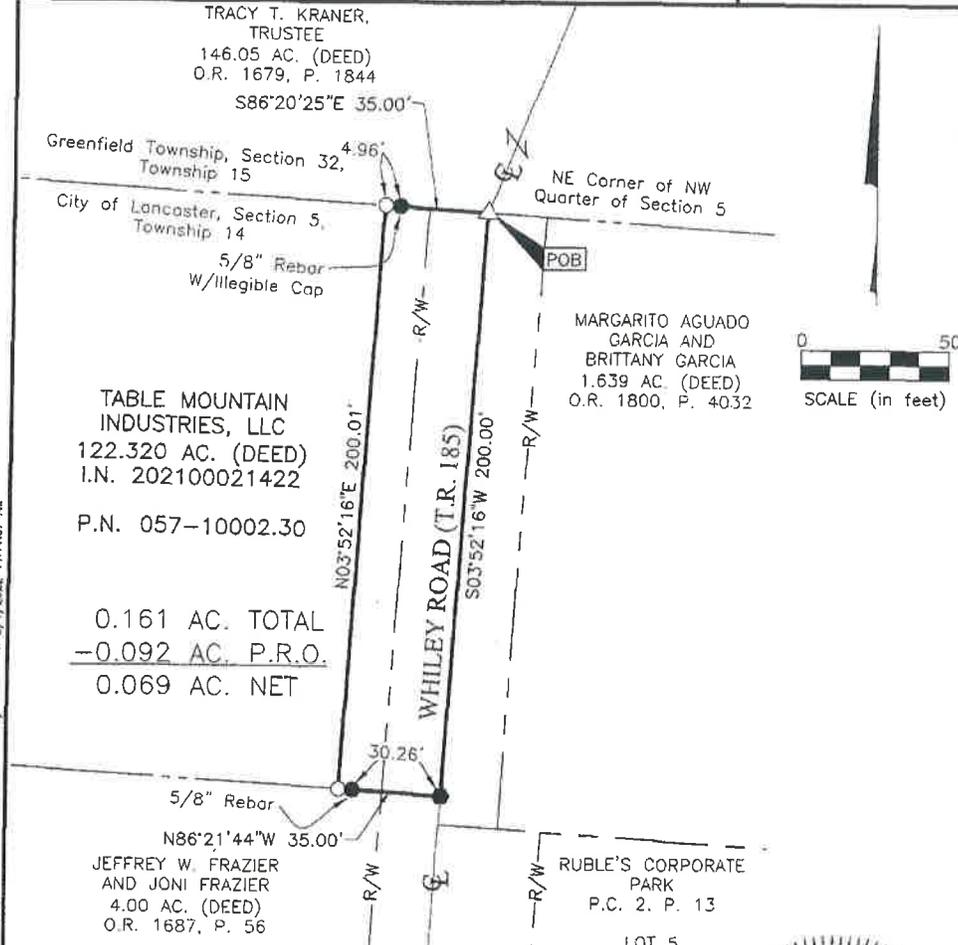
97/20422



Evans, Machwart, Hamblen & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.3648
 emht.com

SURVEY OF ACREAGE PARCEL
 SECTION 5, TOWNSHIP 14, RANGE 19
 CONGRESS LANDS
 CITY OF LANCASTER, COUNTY OF FAIRFIELD, STATE OF OHIO

Date: March 1, 2022 Scale: 1" = 50' Job No: 2022-0193 Sheet No: 1 of 1



BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation's Ohio Real Time Network. The portion of the centerline of Whiley Road, having a bearing of South 03° 52' 16" West and monumented as shown hereon, is as designated the "basis of bearings" for this survey.



SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

- = STONE FND.
- = MON. FND.
- = I.P. FND.
- = I.P. SET
- = MAG. NAIL FND.
- = MAG. NAIL SET
- △ = R.R. SPK. SET
- ◆ = P.K. NAIL FND.

By Matthew A. Kirk | MARCH 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.

20220193.DWG (4 SHEETS) BOUNDARY, 20220193-YS-BNDY-01.DWG Plotted by MKRK, MATTHEW on 3/8/2022 2:51:10 PM last saved by MKRK on 3/1/2022 11:11:07 AM

89 / 2 / 22

0.614 ACRE

Situated in the State of Ohio, County of Fairfield, Township of Hocking & City of Lancaster, in Section 5, Township 14, Range 19, Congress Lands, being part of that 122.320 acre tract of land conveyed to Table Mountain Industries, LLC by deed of record in Instrument Number 202100021422, (all references are to the records of the Recorder's Office, Fairfield County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at a railroad spike set at the northeast corner of the northwest quarter of said Section 5, the northeast corner of said 122.320 acre tract, in the southerly line of that 146.05 acre tract conveyed to Tracy T. Kraner, Trustee by deed of record in Official Record 1679, Page 1844, the northwesterly corner of that 1.639 acre tract conveyed to Margarito Aguado Garcia and Brittany Garcia by deed of record in Official Record 1800, Page 4032, in the centerline of Whiley Road (Township Road #185);

Thence South 03° 52' 16" West, with said centerline, a distance of 895.00 feet to a railroad spike set at the southeasterly corner of that 2.007 acre tract conveyed to Jeffrey W. Frazier and Joni Frazier by deed of record in Official Record 1205, Page 112, the TRUE POINT OF BEGINNING for this description;

Thence South 03° 52' 16" West, with said centerline, a distance of 763.67 feet to a railroad spike set at the northeasterly corner of that 64.944 acre tract conveyed as Parcel One to Eddie E. Ruble and Jonie M. Frazier, Co- Trustees by deed of record in Instrument Number 202200004187;

Thence North 86° 07' 44" West, with the northerly line of said 64.944 acre tract, a distance of 35.00 feet to an iron pin set;

Thence North 03° 52' 16" East, crossing said 122.320 acre tract, a distance of 763.53 feet to an iron pin set in the southerly line of said 2.007 acre tract;

Thence South 86° 21' 44" East, with said southerly line, a distance of 35.00 feet to the TRUE POINT OF BEGINNING, containing 0.614 acre of land, more or less, of which 0.350 acre falls within the presently occupied right of way of Whiley Road. Of said 0.350 acre, 0.216 acre is out of Parcel Number 057-10002.30 and 0.224 acre is out of Parcel number 017-00003.70.

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 Ohio State Plane Coordinate System, North Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation's Ohio Real Time Network. The portion of the centerline of Whiley Road, having a bearing of South 03° 52' 16" West and monumented as shown hereon, is designated the basis of bearings for this description.

This description was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

Date



APPROVED BY THE CITY OF LANCASTER
PLANNING COMMISSION
Math Nidal
CITY ENGINEER
3-21-22
DATE

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

BY *EMM* DATE *3/16/22*

DESCRIPTION REVIEWED AND APPROVED
FOR TRANSFER ONLY, FAIRFIELD COUNTY
AUDITOR/REGISTERED TAX MAPS

BY *SAM* DATE *03/10/22*
97 / 20422



EMHT
 Evans, Mechtwald, Hamblison & Tillon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.3586
 emht.com

SURVEY OF ACREAGE PARCEL

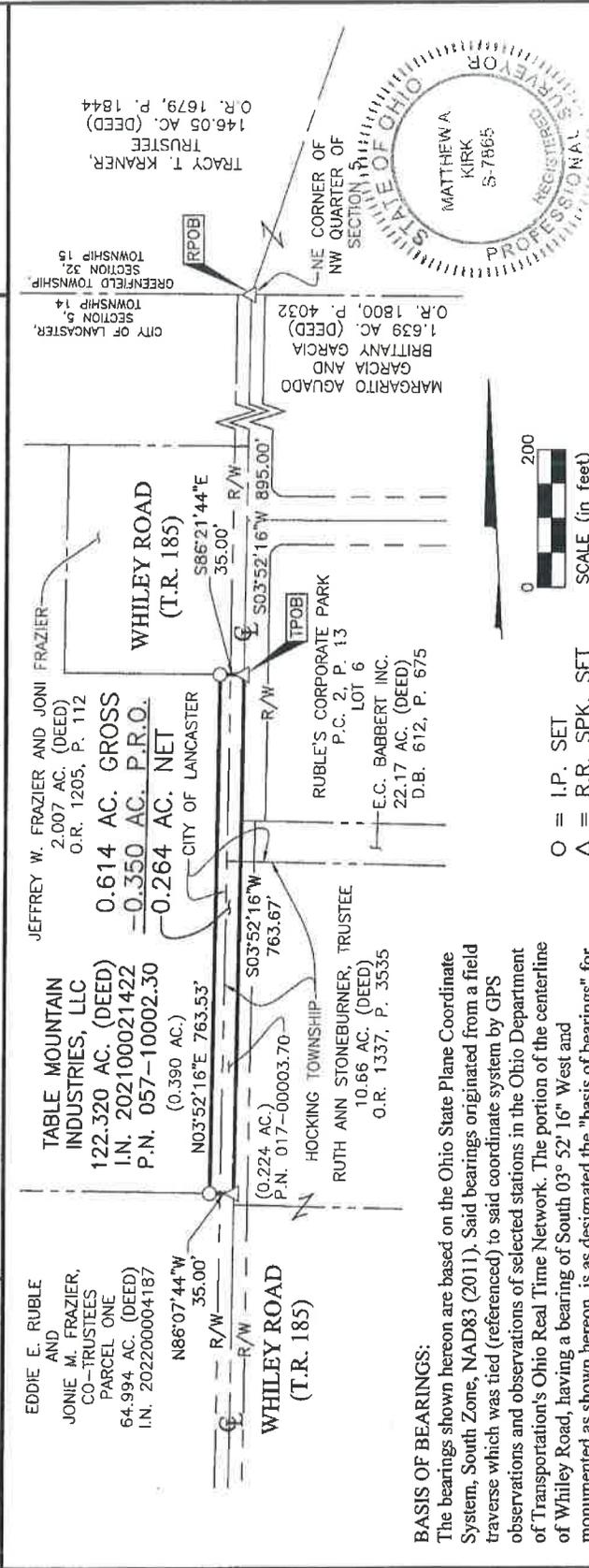
SECTION 5, TOWNSHIP 14, RANGE 19
 CONGRESS LANDS
 CITY OF LANCASTER AND TOWNSHIP OF HOCKING,
 COUNTY OF FAIRFIELD, STATE OF OHIO

Date: March 1, 2022

Scale: 1" = 200'

Job No: 2022-0193

Sheet No: 1 of 1



BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation's Ohio Real Time Network. The portion of the centerline of Whiley Road, having a bearing of South 03° 52' 16" West and monumented as shown hereon, is as designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

O = I.P. SET
 Δ = R.R. SPK. SET

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.




SCALE (in feet)

By Matthew A. Kirk | March 22, 2022

Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Date