

TEMPORARY ORDINANCE NO. 16-22

PERMANENT ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ACCEPT PROPERTY FOR THE DEDICATION OF PUBLIC RIGHT OF WAY ON BEHRENS COURT AND TO DECLARE AN EMERGENCY

WHEREAS, in 1974 three (3) parcels were created at the west end of Behrens Court in the City of Lancaster for the purpose of developing two (2) building lots; and

WHEREAS, because neither building lot had road frontage or ingress/egress without the extension of Behrens Court, the City required the developer to convey the third, smaller parcel, which was situated between the two at the terminus of Behrens Court, to the City for public right of way; and

WHEREAS, the developer deeded .02536 +/- acres to the City of Lancaster in fee simple for the dedication of public right of way and extension of Behrens Court per Exhibit A, but the property was not formally accepted by the City or dedicated as right of way even though it has been paved, used, and maintained accordingly since 1974; and

WHEREAS, there exists a real and present need to accept said property as City right of way in order to correct this error for the impacted parcels;

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

SECTION 1. The Service-Safety Director is hereby authorized to accept the property as described herein and further delineated in Exhibit A attached hereto as dedicated public right of way.

SECTION 2. That in the interests of community welfare and safety, and more specifically to memorialize the extension of Behrens Court as public right of way and to correct this error for the impacted parcels, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Public Works Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council

EXHIBIT  
A

# Know all Men by these Presents

That Ludwig E. Hawk and Rose N. Hawk, husband and wife,

of the City of Lancaster, County of Fairfield  
and State of Ohio Grantors, in consideration of the sum of  
One dollar (\$1.00) and other valuable consideration  
to them paid by The City of Lancaster, Ohio

of the City of Lancaster, County of Fairfield  
and State of Ohio Grantee, the receipt whereof is hereby  
acknowledged, do hereby grant, bargain, sell and convey to the said Grantee  
The City of Lancaster, Ohio

following Real Estate its successors ~~heirs~~ and assigns forever, the  
situated in the County of Fairfield  
in the State of Ohio and in the City of  
Lancaster and bounded and described as follows:

Being a part of the southeast quarter of Section 12, Township 14,  
Range 19, Fairfield County, Ohio, and bounded as follows:  
Starting at the Southwest corner of Smith's Mt. Ida Avenue  
Subdivision on the North line of Mt. Ida Avenue; thence North  
2° 00' West 384.3 feet to an iron pin at the point of beginning  
of the tract to be conveyed, passing an iron pin at 262.3 feet;  
thence North 2° 00' West 23.00 feet to a point on the North side  
of Behren's Court; thence South 88° 00' West 48.02 feet to an  
iron pin; thence South 1° 56' East 23.00 feet to an iron pin;  
thence North 88° 00' East 48.05 feet to the point of beginning,  
containing 1104.8 square feet or 0.02536 acre.

Last Transfer: Deed Record Volume 429 , Page 375.

To have and to hold said premises, with all the privileges and appurtenances  
thereunto belonging, to the said Grantee, The City of Lancaster, Ohio,

And the said Grantors, Ludwig E. Hawk and Rose N. Hawk,  
its successors ~~heirs~~ and assigns forever.

do hereby covenant with the said Grantee, The City of Lancaster, Ohio,  
for themselves and their heirs,

its successors ~~heirs~~ and assigns, that they are lawfully seized of the premises  
aforesaid, that the said premises are Free and Clear from all Incumbrances whatsoever  
except taxes and assessments due and payable after date hereof,  
which Grantee hereby assumes and agrees to pay as part of the  
consideration of this conveyance,

Exempted from Fairfield County Subdivision Regulations.  
MAY 20 1974

and that they will forever **Warrant and Defend** the same, with the appurtenances, unto the said Grantee, The City of Lancaster, Ohio,

its successors --heirs and assigns against the lawful claims of all persons whomsoever, except as hereinbefore stated.

**In Witness Whereof** the said Grantor s, Ludwig E. Hawk and Rose N. Hawk,

who hereby release their rights of dower in the premises, have hereunto set their hands, this 30th day of November in the year of our Lord one thousand nine hundred and seventy-three (1973).

Signed and acknowledged in presence of

*Ludwig E. Hawk*

*Ludwig E. Hawk*  
Ludwig E. Hawk

*Rose N. Hawk*

*Rose N. Hawk*  
Rose N. Hawk

The State of Ohio, Fairfield County ss.

**Be it Remembered** That on this 30th day of November, A.D. 1973, before me, the subscriber, a Notary Public in and for said county, personally came the above named Ludwig E. Hawk and Rose N. Hawk, husband and wife,

the Grantors in the foregoing Deed, and acknowledged the signing of the same to be their voluntary act and deed, for the uses and purposes therein mentioned.

**In Testimony Whereof**, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

*Ruth J. Kern*  
Notary Public

MY COMMISSION EXPIRES ON MAY 15 1977



REAL ESTATE CONVEYANCE

Fee \$ \_\_\_\_\_

Exempt # *A*

*Nell M. Wolshine*  
Auditor, Fairfield County, Ohio

This instrument prepared by John T. Huddle, Attorney at Law  
Lancaster, Ohio

59096  
**Warrant and Defend**

Ludwig E. Hawk and  
Rose N. Hawk, husband  
and wife  
**TO**  
The City of Lancaster, Ohio.

TRANSFERRED 19  
MAY 28 1974  
COUNTY AUDITOR

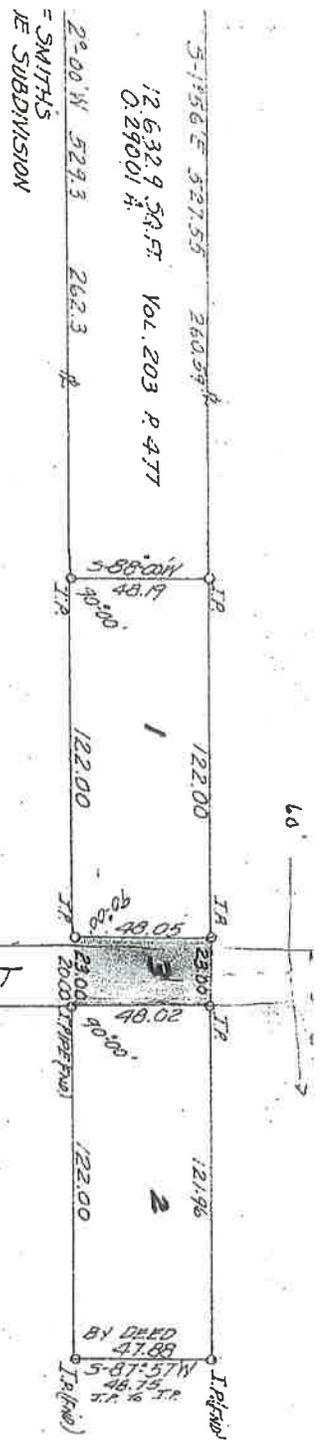
*Nell M. Wolshine*  
County Auditor, Fairfield County, Ohio

RECEIVED IN FAIRFIELD COUNTY, OHIO  
AT 2:45 P.M. 1973  
RECORDED MAY 31 1974  
RECORD DESK VOL. 438 PAGE 159

MAY 28 1974

*Ray M. Zellinger*  
RECORDER - FAIRFIELD COUNTY  
LANCASTER, OHIO 43107

SILBAUGH, REED, LENTZ, HUDDLE  
AND CLARK  
LAWYERS  
309 EAST MAIN STREET  
LANCASTER, OHIO 43130



BEHRENS COURT

SURVEY OF (3) PARCELS SOLD BY LESTER CROOK & MARY E. CROOK  
 SOLD TO LUDWIG E. HAWK & ROSE N. HAWK  
 PARCEL 1 - 5870.6 SQ. FT. 0.13477 ACRES

2 58 48.9 SQ. FT. 0.13427 ACRES  
 3 1104.8 SQ. FT. 0.02536 ACRES FOR EXTENSION OF BEHRENS Ct

SURVEYED BY F.A. DIXON REG. ENG. & 9786  
 SEPT 1973 SURV. 3060  
 SCALE 1" = 50' IRON PINS SHOWN