

TEMPORARY ORDINANCE NO. 27-13*

PERMANENT ORDINANCE NO. 24-13

AN ORDINANCE ACCEPTING AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF MUNICIPAL GAS LINES, AND TO DECLARE AN EMERGENCY

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

SECTION 1. The following easements be accepted as shown in the attachment:

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBIT</u>
Kenneth R. Kerr, et al	0.630 Acres	A

SECTION 2. 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 begin gas line construction, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

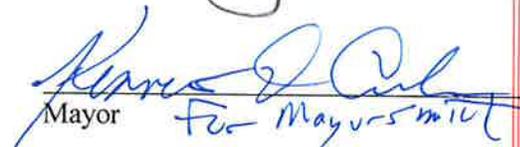
Passed: 11/18/13 after 2nd reading. Vote: Yeas 7 Nays 1

Date Approved: 11/18/13



President of Council

Clerk: Teresa Lee Sandy



Mayor

Offered by: Jonathan

Second by: Melody L. Bobbitt

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2013 and _____, 2013 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

MUNICIPAL GAS LINE EASEMENT

Kenneth R. Kerr, Calista Kerr Strickmaker, and Smith Family Real Estate, Ltd., of Fairfield County, Ohio, hereinafter called "Grantors", for good and valuable consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, do hereby GRANT with general warranty covenants to the City of Lancaster, OH, "Grantee", whose mailing address is 104 East Main Street, Lancaster, OH 43130, a perpetual non-exclusive easement to construct, maintain, operate, tap into, repair, or replace one or more municipal gas lines through the following described real property, Deed reference vol. ____, page ____, Fairfield County Recorder's Office; upon the real estate described as follows on the Plat of Easement.

See Exhibit A.

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 utility lines and said utility lines shall be repaired and maintained by Grantee.
2. Other Consistent Uses: Grantor reserves the right to use the Easement Area for any purposes not inconsistent with rights granted by this Easement.
3. Indemnification: Restoration or Property: Grantee by its acceptance of this Easement shall indemnify, defend and hold Grantor 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 Grantor or Grantor's agents, employees or contractors, or others for whom Grantor is responsible.

If any damage to Grantor's 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.

4. Building Restriction: No buildings or other structures shall be constructed in the Easement Area by Grantor, nor shall Grantor 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. Grantor reserves the right, however, to construct driveways, sidewalks, surface roads and similar improvements across the Easement Area.
5. Title: Grantor covenants with Grantee that Grantor is the owner of the Easement Area described above and has full power to convey the rights conveyed by this Easement. Grantor warrants 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.



IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names this ____ day of _____, 2013.

Smith Family Real Estate, Ltd.

BY: _____

State of Ohio, County of Fairfield, ss.

Before me, a Notary Public, in and for said county and state, personally, _____, Owner, who represents he/she is duly authorized in the premises, and who acknowledged that he/she did sign the foregoing instrument and that the same is his/her free act and deed as such owner.

In Testimony Whereof, I have hereunto set my hand and official seal at Lancaster, Ohio this ____ day of _____, 2013

Notary Public

Kenneth R. Kerr, III

BY: _____

State of Ohio, County of Fairfield, ss.

Before me, a Notary Public, in and for said county and state, personally, Kenneth R. Kerr, III, Owner, who represents he is duly authorized in the premises, and who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed as such owner.

In Testimony Whereof, I have hereunto set my hand and official seal at Lancaster, Ohio this ____ day of _____, 2013

Notary Public

Calista Kerr Strickmaker

BY: _____

State of Ohio, County of Fairfield, ss.

Before me, a Notary Public, in and for said county and state, personally, Calista Kerr Strickmaker, Owner, who represents she is duly authorized in the premises, and who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed as such owner.

In Testimony Whereof, I have hereunto set my hand and official seal at Lancaster, Ohio this _____ day of _____, 2013

Notary Public



TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors

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

Description of Gas Line Easement

Situated in the State of Ohio, Fairfield County, City of Lancaster, Township 15, Range 19, Section 27.

Beginning at a point on the west line of Lot 270 in River Valley Highlands Subdivision Section 4, Phase 3, as recorded in Plat Cabinet 1, Slot 190, and being the southeast corner of a 69.69 acre tract (Parcel No. 1) described in Official Record 1619, Page 381;

thence with the south line of the aforementioned 69.69 acre tract North 89°11'08" West a distance of 1006.40 feet to a point being the northeast corner of a 0.361 acre tract described in Deed Volume 616, Page 881;

thence continuing with the south line of the 69.69 acre tract and the north line of the aforementioned 0.361 acre tract North 89°04'34" West a distance of 239.50 feet to a point on the east right-of-way line of Election House Road;

thence with said right-of-way line North 00°22'07" East a distance of 15.00 feet to a point;

thence South 89°04'34" East a distance of 239.65 feet to a point;

thence South 89°11'08" East a distance of 991.38 feet to a point;

thence North 00°49'35" East a distance of 582.82 feet to a point;

thence South 89°10'25" East a distance of 15.00 feet to a point on the east line of the 69.69 acre tract, on the west line of Fernwood Avenue (60 feet) and being the west line of River Valley Highlands Subdivision Section 6, Phase 3, as recorded in Plat Cabinet 1, Slot 199;

thence South 00°49'35" West a distance of 597.82 feet to the point of beginning, containing 0.630 acres in easement.

Bearings are based on the west line of the River Valley Highlands Subdivision Sections 4, 6, 7 & 8, being South 00°49'35" West. 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 October of 2013 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

S-168 Smith_Gas Line



Thomas M. Tobin 10-7-13
Thomas M. Tobin, P.S. Date
October 7, 2013 originals are signed in blue ink



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Description of Temporary Construction Easement

Situated in the State of Ohio, Fairfield County, City of Lancaster, Township 15, Range 19, Section 27.

Beginning at a point, said point is located North 00°49'35" East a distance of 597.82 feet and North 89°10'25" West a distance of 15.00 feet from the southeast corner of a 69.69 acre tract (Parcel No. 1) described in Official Record 1619, Page 381;

thence South 00°49'35" West a distance of 582.82 feet to a point;
thence North 89°11'08" West a distance of 991.38 feet to a point;
thence North 89°04'34" West a distance of 239.65 feet to a point on the east right-of-way line of Election House Road;

thence with said right-of-way line North 00°22'07" East a distance of 10.00 feet to a point;
thence South 89°04'34" East a distance of 239.72 feet to a point;
thence South 89°11'08" East a distance of 981.38 feet to a point;
thence North 00°49'35" East a distance of 572.82 feet to a point;
thence South 89°10'25" East a distance of 10.00 feet to the point of beginning, containing 0.414 acres in easement.

Bearings are based on the west line of the River Valley Highlands Subdivision Sections 4, 6, 7 & 8, being South 00°49'35" West. 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 October of 2013 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

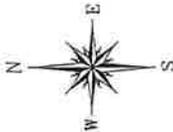
S-168 Smith_TempEase



Thomas M. Tobin 10-7-13
Thomas M. Tobin, P.S. Date
October 7, 2013 originals are signed in blue ink

PLAT OF EASEMENT

STATE OF OHIO, FAIRFIELD COUNTY, CITY OF LANCASTER
TOWNSHIP 15, RANGE 19, SECTION 27



ELECTION HOUSE ROAD

Parcel No. 014-00986.00 = 0.66 ac.
Parcel No. 063-00100.00 = 41.93 ac.
City of Lancaster Corp. Line
& Right-of-Way Line

DEED REFERENCE: Smith Family Real Estate, Ltd.
Vol. 843, Pg. 276

R. Kenneth Kerr III
Callista Kerr Strickmaker
OR 1619, Page 381

Parcel No. 1, 69.69 ac.
(42.59 ac. remaining per Auditor)

Parcel No. 014-00986.00 = 0.66 ac.
Parcel No. 063-00100.00 = 41.93 ac.

City of Lancaster Corporation Line
Bob-Boyd Company II
Vol. 604, Pg. 239
13.22 ac

10' Temporary Construction Easement
589°17'08"E 981.39'
589°17'08"E 981.39'
15' Gas Line Easement
N89°17'08"W 1006.40'
James E. & Sharon Kay Hachtel, Trustees
OR 1365, Pg. 3019
13 ac.
(excepting 1.12 ac.)

0.630 AC.
(Gas Line Easement)

0.414 AC.
(Temporary Const. Easement)

BEGIN GAS LINE EASEMENT
Rosemary Groza
Vol. 505, Pg. 70
Parcel One, 8.06 ac

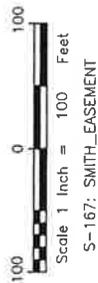
BEGIN TEMPORARY CONST. EASEMENT

10.00'

FERNWOOD AVE.

Lot 430
Lot 429
River Valley Highlands
Section 6, Phase 3
Plat Cabinet 1, Slot 199
Lot 486
Lot 487
River Valley Highlands
Section 7, Phase 3
Plat Cabinet 2, Slot 89
Lot 488
Lot 489
Lot 269
River Valley Highlands
Section 4, Phase 3
Plat Cabinet 1, Slot 190
Lot 270
River Valley Highlands
Section 7, Phase 3
Plat Cabinet 2, Slot 89

For: Mike Pettit
Lancaster Gas Department
Date: October 7, 2013



Bearings are based on the west line of the River
Valley Highlands Subdivision Sections 4, 6, 7 & 8,
being South 00°49'35" West.



BY: *Thomas M. Tobin* 10-7-13
Thomas M. Tobin
Registered Surveyor No. 7674

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