

RECORD OF ORDINANCES

Ordinance No. 2016-8

August 8, 2016

City of Bellbrook

Ordinance No. 2016-8

An Ordinance Granting an Easement to the State of Ohio, Department of Transportation for Improvements to the State Route 725 Road Embankment along Sackett-Wright Park.

WHEREAS, the City of Bellbrook owns certain parcels of land adjacent to State Route 725; and

WHEREAS, the State of Ohio, Department of Transportation has initiated a project to protect the State Route 725 roadway embankment from erosion created by Sugar Creek; and

WHEREAS, the State of Ohio, Department of Transportation, requires an easement of 0.635 acres to complete this project; and

WHEREAS, the State of Ohio, Department of Transportation, has offered to pay the City of Bellbrook \$6,350 for this easement.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the City of Bellbrook grants the easement, attached hereto, to the State of Ohio, Department of Transportation.

Section 2. That the City Manager is hereby authorized to execute the attached easement and such other related documents as may be required.

Section 3. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney

EASEMENT

Know All Men By These Presents That:City of Bellbrook, Greene County Ohio, the Grantor(s) herein, in consideration of the sum of \$6,350, to be paid by the State of Ohio, Department of Transportation, does hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 001 SH

GRE 725 2.80

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Greene County Current Tax Parcel No. L32000200180002800
Prior Instrument Reference: OR. 136 PG 6, Greene County Recorder's Office.

And the said Grantor(s), for its self and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated.

IN WITNESS WHEREOF City of Bellbrook, Greene County Ohio by and through _____, the _____ of City of Bellbrook, Greene County Ohio, has hereunto subscribed his name on the _____ day of _____, _____.

CITY OF BELLBROOK, GREENE COUNTY
OHIO

By: _____

STATE OF OHIO, COUNTY OF

ss:

BE IT REMEMBERED, that on the _____ day of _____, _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ of City of Bellbrook, Greene County Ohio, and who acknowledged the foregoing instrument to be the voluntary act and deed of said City of Bellbrook, Greene County Ohio.

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

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by or for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

EXHIBIT A

Page 1 of 4

RX 270 SH

Rev. 06/09

Ver. Date 12/11/2014

PID 94632

**PARCEL 1-SH
GRE-725-2.80
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the State of Ohio, Department of Transportation, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the Township of Sugar Creek, County of Greene, and State of Ohio, being part of the south half of Section 31, Township 3, Range 6, Between the Miami Rivers Survey, and being part of a 22.221 acre tract of land conveyed to the City of Bellbrook by Official Record 136, Page 6, all references being to the Greene County Recorder's Office, Greene County, Ohio, and being bounded and more particularly described as follows:

Being a parcel of land lying on the west side of the centerline of existing right-of-way of State Route 725, as shown and delineated upon the centerline plat of the right-of-way plans designated as GRE-725-2.80 prepared for the State of Ohio, Department of Transportation by Carpenter Marty Transportation Inc., as recorded in Plat Book ____, Page ____ (made a part hereof by reference), and being more particularly described as follows:

Beginning, for reference, at an iron pin found in a centerline monument box at a point of curvature, said point being Station 170+49.62 in said centerline as shown and delineated upon

EXHIBIT A

Page 2 of 4

RX 270 SH

Rev. 06/09

the centerline plat with the right-of-way plans designated as GRE-725-2.90 for the State of Ohio, Department of Transportation, District 8;

Thence along said centerline the following three courses:

- 1) North 35° 42' 04" West a distance of 684.22 feet to Station 163+65.40 in said centerline;
- 2) With a curve to the right having a radius of 654.81 feet, a central angle of 40' 11" 50", an arc length of 459.40 feet, a chord bearing North 15° 36' 08" West, and a chord distance of 450.03 feet to Station 159+06.01 in said centerline;
- 3) North 4° 29' 47" West a distance of 0.53 feet to Station 159+05.48 in said centerline;

Thence leaving said centerline along a new line North 85° 30' 13" West a distance of 25.00 feet to a point on the easterly line of a 11.578 acre tract conveyed to Kevin M. and Lisa A. Mosher by Official Record 3063, Page 176, said point being 25.00 feet right of Station 159+05.48 in said centerline;

Thence along said easterly line North 2° 42' 51" West a distance of 110.98 feet to the Grantor's southeasterly corner, said point being 38.94 feet right of Station 157+95.37 in said centerline, said point also being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the Grantor's southerly line North 61° 15' 20" West a distance of 12.14 feet to an iron pin set in the proposed westerly right-of-way line of said State Route 725, said pin being 50.00 feet right of Station 157+90.39 in said centerline;

Thence along said westerly line the following seven courses:

EXHIBIT A

RX 270 SH

- 1) North 20° 00' 09" West a distance of 48.23 feet to an iron pin set 70.00 feet right of Station 157+46.50 in said centerline;
- 2) North 49° 47' 49" West a distance of 59.11 feet to an iron pin set 118.00 feet right of Station 157+12.00 in said centerline;
- 3) North 40° 12' 11" East a distance of 39.41 feet to an iron pin set 95.00 feet right of Station 156+80.00 in said centerline;
- 4) South 85° 30' 13" East a distance of 25.00 feet to an iron pin set 70.00 feet right of Station 156+80.00 in said centerline;
- 5) North 4° 29' 47" East a distance of 455.00 feet to an iron pin set 70.00 feet right of Station 152+25.00 in said centerline;
- 6) North 17° 59' 31" East a distance of 128.55 feet to an iron pin set 40.00 feet right of Station 151+00.00 in said centerline;
- 7) South 85° 30' 13" East a distance of 15.00 feet to an iron pin set in the said existing westerly right-of-way line of said State Route 725, said pin being 25.00 feet right of Station 151+00.00 in said centerline;

Thence along said existing line South 4° 29' 51" West a distance of 238.93 feet to a point in the Grantor's easterly line, said point being 25.00 feet right of Station 153+38.69 in said centerline;

Thence along said easterly line South 6° 14' 39" West a distance of 456.66 feet to the TRUE POINT OF BEGINNING, containing 0.635 acres, of which the present road occupies 0.000 acres.

EXHIBIT A

Page 4 of 4

RX 270 SH

Rev. 06/09

The above described tract is located in Auditor's Parcel Number L32000200180002800.

Grantor claims title by O.R. 136, Pg. 6, Greene County Recorder's Office.

This description is based on a survey performed for the State of Ohio, Department of Transportation in September of 2014 by Carpenter Marty Transportation Inc. This description was prepared and reviewed on December 11, 2014 by Kevin P. Carpenter, Registered Surveyor Number 8124.

The bearings found herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). Control for the bearings shown herein were determined by GPS observations. Bearings are shown to indicate angle only and are for project use only.

Monuments referred to as iron pins set are 3/4" x 30" topped by a 2" diameter aluminum cap stamped "ODOT R/W, P.S. 8124". Right of way monuments called for as set herein will be set upon completion of the acquisition process.



12/11/2014