

TEMPORARY ORDINANCE NO. 31-21

PERMANENT ORDINANCE NO. 30-21

AN ORDINANCE TO ACCEPT EASEMENTS NECESSARY TO CONSTRUCT, INSTALL, REPAIR, MAINTAIN, REBUILD, REPLACE, RELOCATE, OPERATE, INSPECT AND/OR REMOVE CITY SANITARY SEWER AND TO DECLARE AN EMERGENCY

WHEREAS, there exists a real and present need to accept said easements for the construction, installation, repair, maintenance, rebuilding, replacement, relocating, operation, inspection and/or removal of City sanitary sewer lines;

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 following easements for sanitary sewer lines under terms and conditions substantially similar to Exhibit "A" attached hereto:

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBIT</u>
Lancaster Port Authority	+/- 2.935 Acres	A
<u>PROPERTY OWNER</u>	<u>TEMPORARY EASEMENT</u>	<u>EXHIBIT</u>
Lancaster Port Authority	+/- .273	B
Lancaster Port Authority	+/- 2.343	C
Lancaster Port Authority	+/- 1.736	D
Lancaster Port Authority	+/- .781	E
Lancaster Port Authority	+/- .173	F

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of this City and is required to be immediately effective to ensure economic development in a timely manner, wherefore this Ordinance shall be in full force and effect immediately upon its passage by City Council and approval by the Mayor.

Passed: 9/27/21 after 3rd reading. Vote: Yeas 9 Nays 0

Approved: 9/27/21

Clerk: Jessica Lee Dandy

[Signature]
President of Council


Mayor

Offered by: Thomas A. James

Second by: A. Hall

Requested by Water/Water Pollution Control Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2021 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



**EASEMENT FOR SANITARY SEWER
FROM
THE LANCASTER PORT AUTHORITY
TO
CITY OF LANCASTER, OHIO,
AN OHIO MUNICIPAL CORPORATION**

It is hereby agreed that THE LANCASTER PORT AUTHORITY, herein after called "Grantor" for One Dollar (\$1.00) and other valuable consideration paid by THE CITY OF LANCASTER, OHIO, AN OHIO MUNICIPAL CORPORATION, hereinafter called "Grantee" grants to Grantee the following:

a permanent easement and right of way over, under, upon and across the following described 2.935 acre tract of real property of Grantor (see Exhibit A which is attached hereto and hereby incorporated herein),

and

a temporary construction easement and right of way, over, under, upon and across the following described .273 acre tract of real property of Grantor (see Exhibit B which is attached hereto and hereby incorporated herein),

and

a temporary construction easement and right of way over, under, upon, and across the following 2.343 acre tract of real property of Grantor (see Exhibit C which is attached hereto and hereby incorporated herein),

and

a temporary construction easement and right of way over, under, upon, and across the following 1.736 acre tract of real property of Grantor (see Exhibit D which is attached hereto and hereby incorporated herein),

and

a temporary construction easement and right of way over, under, upon, and across the following .781 acre tract of real property of Grantor (see Exhibit E which is attached hereto and hereby incorporated herein),

and

a temporary construction easement and right of way over, under, upon, and across the following .173 acre tract of real property of Grantor (see Exhibit F which is attached hereto and hereby incorporated herein),

The easements granted in this agreement shall be used solely for entering and re-entering said premises for the purpose of the construction, installation, operation, repair, maintenance, inspection, rebuilding, replacing, relocating, and/or removing of pipeline(s) for sanitary sewers and appurtenances.

The easement described in Exhibit A shall be permanent.

The easements described in Exhibits B, C, D, E, and F shall be for a period of twenty-four (24) months after construction begins.

A drawing showing the exact location of the permanent easement and the temporary construction easements is attached hereto as Exhibit G.

Grantor hereby warrants that Grantor has full power and authority to grant these easements and has good and indefeasible fee simple title to the above described easement premises, free and clear of all liens and encumbrances, except those of record which do not unreasonably interfere with the uses herein described, and agrees to forever defend the above described easements and rights unto Grantee, Grantee's successors and assigns, against every person or entity lawfully claiming or to claim the easement property or any part of it, except as noted above.

These easements shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto. Where the term Grantor or Grantee is used herein, the term shall be deemed to include the successors and assigns of that party.

In addition to the easements, rights, and privileges conveyed in this instrument, Grantee shall have the right to use as much of the surface of the property of Grantor as may be reasonably necessary to construct and install within the right of way granted hereby the facilities contemplated by this grant. Upon the completion of the construction, installation, repair, maintenance, rebuilding, replacing, relocating, or removing of said sanitary sewer pipeline(s), Grantee shall replace and restore the surface to the condition it was in prior to said construction, installation, operation, repair, maintenance, inspection, rebuilding, replacing, relocating, and/or removing of said sanitary sewer pipeline(s).

Grantor also retains, reserves, and shall continue to enjoy use of the surface of the property for any and all purposes that do not interfere with or prevent the use by Grantee of the easements.

With intent to be legally bound, the parties have entered into this agreement this ____ day of _____, 2021.

Grantor:
Lancaster Port Authority

Grantee:
City of Lancaster, Ohio
An Ohio Municipal Corporation

By: R. Michael Petit
Executive Director

By: Paul Martin
Services Safety Director

State of Ohio
County of Fairfield SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named R. Michael Petit, Executive Director, Lancaster Port Authority, who represented that he/she is duly authorized in the premises, and who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed on behalf of said Lancaster Port Authority.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this ____ day of _____, 2021.

Notary Public, State of Ohio

State of Ohio
County of Fairfield SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named Paul Martin, Service Safety Director of the City of Lancaster, Ohio, an Ohio Municipal Corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed on behalf of said Municipal Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this ____ day of _____, 2021.

Notary Public, State of Ohio

Prepared by:
Stephanie L. Hall
Assistant Law Director
City of Lancaster Law Director & City Prosecutor's Office
123 East Chestnut Street
P.O. Box 1008
Lancaster, Ohio 43130

EXHIBIT A

DESCRIPTION FOR A 2.935 ACRE EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 2.935 acre easement being more particularly bounded and described as follows:

Commencing at a 3/4-inch iron pipe found at the intersection of the northerly line of said 43.056 acre tract and the westerly right of way line of Campground Road;

Thence along the westerly right of way line of Campground Road, South 4° 04' 15" West, 340.31 feet to a point and being the **Point of Beginning** for the easement herein described;

Thence continuing along the westerly right of way line of Campground Road, South 4° 04' 15" West, 50.32 feet to a point;

Thence leaving said right of way line, South 87° 37' 40" West, 31.90 feet to a point;

Thence South 79° 34' 29" West, 1492.14 feet to a point;

Thence South 52° 07' 44" West, 356.46 feet to a point in the westerly line of said 43.056 acre tract and being North 4° 09' 57" East, 54.18 feet from a 5/8-inch iron pin found at the southwesterly corner of said 43.056 acre tract;

Thence along the westerly line of said 43.056 acre tract, North 4° 09' 57" East, 67.32 feet to a point;

Thence leaving said property line, North 52° 07' 44" East, 305.26 feet to a point;

Thence North 0° 00' 02" West, 352.77 feet to a point;

Thence North 89° 59' 58" East, 50.00 feet to a point;

Thence South 0° 00' 02" East, 334.98 feet to a point;

Thence North 79° 34' 29" East, 1149.16 feet to a point;

DESCRIPTION FOR A 2.935 ACRE EASEMENT

Thence North 0° 00' 02" West, 344.18 feet to a point;

Thence North 89° 59' 58" East, 50.00 feet to a point;

Thence South 0° 00' 02" East, 334.98 feet to a point;

Thence North 79° 34' 29" East, 271.74 feet to a point;

Thence North 87° 37' 40" East, 41.07 feet to the Point of Beginning and containing 2.935 acres, more or less, according to a survey made by Hull & Associates in July of 2020.

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

Subject to all valid and existing easements, restrictions, and conditions of record.

July 7, 2021

F:\Clients\Active\JMC\JMC010\survey\legals\0.0134ac description




Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

EXHIBIT B

T-1 DESCRIPTION FOR A 0.273 ACRE TEMPORARY EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 2.935 acre temporary easement being more particularly bounded and described as follows:

Commencing at a capped iron pin found at the southwesterly corner of said 43.056 acre tract;

Thence along the westerly line of said 43.056 acre tract, North 4° 09' 57" West, 121.50 feet to a point and being the **Point of Beginning** for the temporary easement herein described;

Thence continuing along the westerly line of said 43.056 acre tract, North 4° 09' 57" East, 53.86 feet to a point;

Thence North 52° 07' 44" East, 37.62 feet to a point;

Thence North 77° 23' 40" East, 69.52 feet to a point;

Thence North 33° 48' 47" East, 187.82 feet to a point;

Thence North 67° 17' 10" East, 37.94 feet to a point;

Thence South 0° 00' 02" East, 75.29 feet to a point;

Thence South 52° 07' 44" West, 305.26 feet to the Point of Beginning and containing 0.273 acre, more or less, according to a survey made by Hull & Associates in July of 2020.

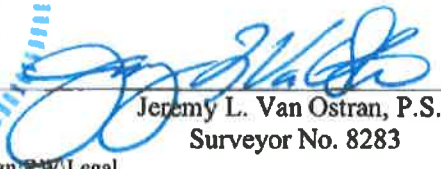
The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

DESCRIPTION FOR A 0.273 ACRE TEMPORARY EASEMENT

Subject to all valid and existing easements, restrictions, and conditions of record.



August 9, 2021



Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

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EXHIBIT C

T-2 DESCRIPTION FOR A 2.343 ACRE TEMPORARY EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 2.343 acre temporary easement being more particularly bounded and described as follows:

Beginning at a capped iron pin found at the southwesterly corner of said 43.056 acre tract;

Thence along the westerly line of said 43.056 acre tract, **North 4° 09' 57" East, 54.18 feet** to a point;

Thence **North 52° 07' 44" East, 356.46 feet** to a point;

Thence **North 79° 34' 29" East, 1492.14 feet** to a point;

Thence **North 87° 37' 40" East, 31.90 feet** to a point in the westerly right of way line of Campground Road;

Thence along the westerly right of way line of Campground Road, **South 4° 04' 15" West, 38.77 feet** to a point;

Thence **South 67° 50' 09" West, 132.11 feet** to a point;

Thence **South 82° 58' 52" West, 456.95 feet** to a point;

Thence **South 74° 10' 17" West, 282.53 feet** to a point;

Thence **South 85° 20' 57" West, 196.53 feet** to a point;

Thence **South 79° 18' 29" West, 457.13 feet** to a point;

Thence **South 40° 52' 05" West, 138.86 feet** to a point;

DESCRIPTION FOR A 2.343 ACRE TEMPORARY EASEMENT

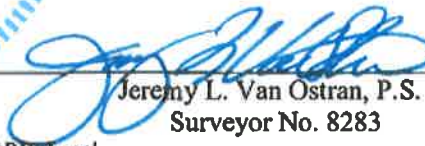
Thence **South 59° 27' 22" West, 230.27 feet** to the Point of Beginning and containing **2.343 acres**, more or less, according to a survey made by Hull & Associates in July of 2020.

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

Subject to all valid and existing easements, restrictions, and conditions of record.



August 9, 2021



Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

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EXHIBIT D

T-3 DESCRIPTION FOR A 1.736 ACRE TEMPORARY EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 1.736 acre temporary easement being more particularly bounded and described as follows:

Commencing at a 3/4-inch iron pipe found at the intersection of the northerly line of said 43.056 acre tract and the westerly right of way line of Campground Road;

Thence along the westerly right of way line of Campground Road, South 4° 04' 15" West, 30.02 feet to a point and being the **Point of Beginning** for the easement herein described;

Thence continuing along the westerly right of way line of Campground Road, South 4° 04' 15" West, 30.02 feet to a point;

Thence North 89° 19' 53" West, 286.54 feet to a point;

Thence South 0° 00' 02" East, 132.67 feet to a point;

Thence South 74° 04' 43" West, 41.60 feet to a point;

Thence North 0° 00' 02" West, 168.66 feet to a point;

Thence South 89° 59' 58" West, 50.00 feet to a point;

Thence South 0° 00' 02" East, 177.47 feet to a point;

Thence South 83° 00' 22" West, 40.30 feet to a point;

Thence North 0° 00' 02" West, 151.16 feet to a point;

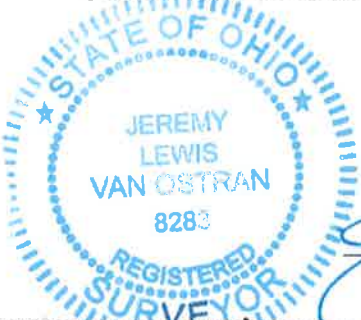
Thence South 79° 04' 37" West, 1069.57 feet to a point;

DESCRIPTION FOR A 1.736 ACRE TEMPORARY EASEMENT

Thence South 0° 00' 02" East, 109.66 feet to a point;
Thence South 82° 26' 30" West, 40.35 feet to a point;
Thence North 0° 00' 02" West, 131.71 feet to a point;
Thence South 89° 59' 58" West, 50.00 feet to a point;
Thence South 0° 00' 02" East, 138.34 feet to a point;
Thence South 82° 26' 30" West, 40.35 feet to a point;
Thence North 0° 00' 02" West, 183.65 feet to a point;
Thence North 89° 59' 58" East, 130.00 feet to a point;
Thence South 0° 00' 02" East, 26.19 feet to a point;
Thence North 79° 04' 37" East, 1069.57 feet to a point;
Thence North 0° 00' 02" West, 40.66 feet to a point;
Thence North 89° 59' 58" East, 130.00 feet to a point;
Thence South 0° 00' 02" East, 34.58 feet to a point;
Thence South 89° 19' 32" East, 288.67 feet to the Point of Beginning and containing 1.736 acres, more or less, according to a survey made by Hull & Associates in July of 2020.

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

Subject to all valid and existing easements, restrictions, and conditions of record.



August 9, 2021

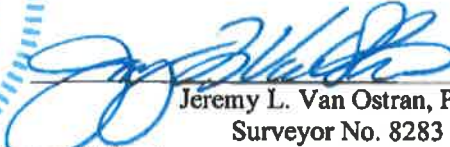

Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

EXHIBIT E

T-4 DESCRIPTION FOR A 0.781 ACRE TEMPORARY EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 0.781 acre temporary easement being more particularly bounded and described as follows:

Commencing at a 3/4-inch iron pipe found at the intersection of the northerly line of said 43.056 acre tract and the westerly right of way line of Campground Road;

Thence along the westerly right of way line of Campground Road, South 4° 04' 15" West, 340.31 feet to a point;

Thence South 79° 34' 29" West, 322.58 feet to a point, and being the **Point of Beginning** for the easement herein described;

Thence South 79° 34' 29" West, 1149.16 feet to a point;

Thence North 0° 00' 02" West, 68.57 feet to a point;

Thence North 87° 37' 40" East, 40.03 feet to a point;

Thence South 0° 00' 02" East, 32.71 feet to a point;

Thence North 79° 18' 29" East, 387.94 feet to a point;

Thence North 85° 20' 57" East, 165.79 feet to a point;

Thence North 75° 33' 55" East, 323.88 feet to a point;

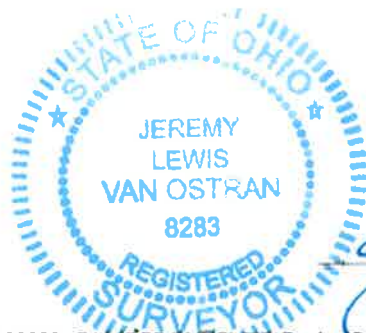
Thence North 82° 33' 42" East, 232.04 feet to a point;

Thence South 0° 00' 02" East, 25.77 feet to the Point of Beginning and containing 0.781 acres, more or less, according to a survey made by Hull & Associates in July of 2020.

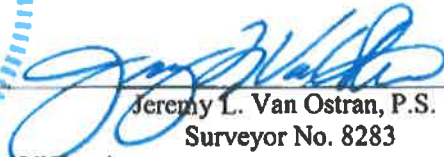
DESCRIPTION FOR A 0.781 ACRE TEMPORARY EASEMENT

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

Subject to all valid and existing easements, restrictions, and conditions of record.



August 9, 2021


Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

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EXHIBIT F

T-5 DESCRIPTION FOR A 0.173 ACRE TEMPORARY EASEMENT

Situated in the State of Ohio, County of Fairfield, City of Lancaster, and being a part of Section 33, Township 15, Range 19, Congress Lands East of the Scioto River, and being a part of that 43.056 acre tract (Parcel Number 0531004003) conveyed to Lancaster Port Authority in Instrument Number 202000025607, all references being to those of record in the Recorder's Office, Fairfield County, Ohio, said 0.173 acre temporary easement being more particularly bounded and described as follows:

Commencing at a 3/4-inch iron pipe found at the intersection of the northerly line of said 43.056 acre tract and the westerly right of way line of Campground Road;

Thence along the westerly right of way line of Campground Road, South 4° 04' 15" West, 300.06 feet to a point, and being the **Point of Beginning** for the easement herein described;

Thence continuing along the westerly right of way line of Campground Road, South 4° 04' 15" West, 40.25 feet to a point;

Thence South 87° 37' 40" West, 41.07 feet to a point;

Thence South 79° 34' 29" West, 271.74 feet to a point;

Thence North 0° 00' 02" West, 18.40 feet to a point;

Thence North 79° 45' 45" East, 174.88 feet to a point;

Thence North 67° 50' 09" East, 105.60 feet to a point;

Thence North 87° 37' 40" East, 41.29 feet to the Point of Beginning and containing 0.173 acres, more or less, according to a survey made by Hull & Associates in July of 2020.

The bearings in the above description are based on the Ohio State Plane Coordinates System, South Zone, NAD83.

DESCRIPTION FOR A 0.173 ACRE TEMPORARY EASEMENT

Subject to all valid and existing easements, restrictions, and conditions of record.



August 9, 2021

A handwritten signature in blue ink, appearing to read "Jeremy L. Van Ostran".

Jeremy L. Van Ostran, P.S.
Surveyor No. 8283

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EXHIBIT G

SITUATED IN THE STATE OF OHIO, FAIRFIELD COUNTY,
CITY OF LANCASTER, AND BEING PART OF
SECTION 33, TOWNSHIP 15, RANGE 19,
CONGRESS LANDS EAST OF THE SCIOTO RIVER

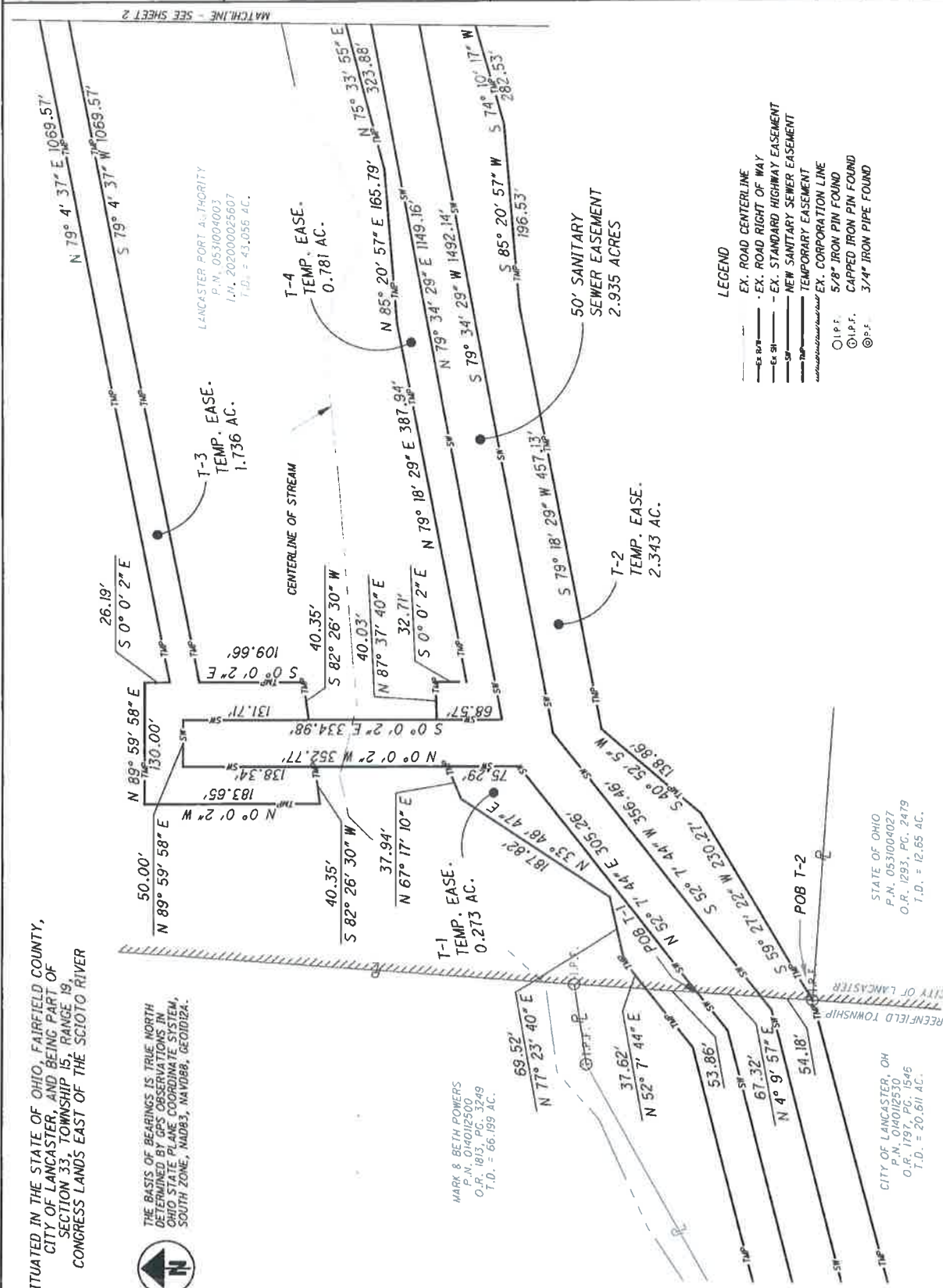
THE BASIS OF BEARINGS IS TRUE NORTH
DETERMINED BY GPS OBSERVATIONS AT
GREENFIELD TOWNSHIP, OHIO, STATE OF OHIO,
SOUTH ZONE, NAD83, NAVD88, GEOD12A.



MARK & BETH POWERS
P.N. 014012500
O.R. 1813, PG. 3249
T.D. = 66,199 AC.

CITY OF LANCASTER, OH
P.N. 014012510
O.R. 1787, PG. 1546
T.D. = 20,611 AC.

STATE OF OHIO
P.N. 0531004027
O.R. 1293, PG. 2479
T.D. = 12,65 AC.



SANITARY SEWER EASEMENT EXHIBIT

HULL
Environment / Energy / Infrastructure
59 Grant Street
Hull, Ohio 43005
Tel: 740-344-4551
Fax: 740-344-0659
www.hullinc.com

JOB NUMBER: CIL 080	DATE: 8/02/21	SHEET: 1 OF 2
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- LEGEND**
- EX. ROAD CENTERLINE
 - EX. ROAD RIGHT OF WAY
 - EX. STANDARD HIGHWAY EASEMENT
 - NEW SANITARY SEWER EASEMENT
 - TEMPORARY EASEMENT
 - EX. CORPORATION LINE
 - I.P.F. 5/8" IRON PIN FOUND
 - ⊙ I.P.F. CAPPED IRON PIN FOUND
 - ⊙ P.F. 3/4" IRON PIPE FOUND

MATCHLINE - SEE SHEET 2

