

TEMPORARY ORDINANCE NO. 48-21

PERMANENT ORDINANCE NO. 48-21

AN ORDINANCE TO DONATE A 2.054 PARCEL OF LAND TO FAIRFIELD COUNTY TO BE USED FOR HORNS MILL ROAD BRIDGE REPLACEMENT AND ROADWAY IMPROVEMENT

WHEREAS, Fairfield County is in the process of replacing a bridge and improving the curvature of Horns Mill Road in Berne Township; and

WHEREAS, the City of Lancaster owns, but is not currently using, a 2.054 parcel that Fairfield County needs to complete this improvement; and

WHEREAS, this improvement will increase traffic safety and benefit the traveling public, including the citizens of Lancaster;

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

SECTION 1. That the City of Lancaster donates 2.054 acres described in Exhibit A and pictured in Exhibit B, attached hereto.

SECTION 2. That the Mayor shall be authorized to sign the Quit Claim Deed, attached hereto as Exhibit C, and any additional documents that are necessary to effectuate the transfer of this property.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 12/13/21 after 2nd reading. Vote: Yeas 9 Nays 0

Approved: 12/13/21

Clerk: Jessica Spe Bandy

David C. Uee  
President of Council  
David Scheff  
Mayor

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

Second by: D. Hall

Requested by Code Enforcement & Zoning Committee



**EXHIBIT A**

LPA RX 851 WD

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Ver. Date 1-20-2021

PID 104776

**PARCEL 10-WD  
FAI-CR 63-1.038  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
FAIRFIELD COUNTY COMMISSIONERS, FAIRFIELD COUNTY, OHIO**

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 State of Ohio, Fairfield County, Berne Township, Section 28, Township 14, Range 18, and being part of a 34.25 acre tract conveyed to the City of Lancaster, in Deed Volume 619, Page 857 in the Fairfield County Recorder's Office. The below described parcel laying on both sides of the centerline of FAI-C.R. 63-1.038 as platted by 2LMN, Inc., and being more particularly described as follows:

COMMENCING at the northwest corner of said Section 28; Thence, by previous survey and the west line of said section 28, South 86 degrees 35 minutes 11 seconds East 1931.68 feet to a point; Thence, South 03 degrees 24 minutes 49 seconds West 3296.81 feet to a point, said point being the point of beginning to parcel 52WDV1 as conveyed to the Board of County Commissioners in Official Record 1217, page 743; Thence, along said 52WDV1 North 84 degrees 47 minutes 15 seconds East 34.59 feet to a point Thence, along the said 52WDV1, South 05 degrees 12 minutes 45 seconds East 76.03 feet to a point, Thence, along said 52WDV1, South 04 degrees 15 minutes 45 seconds East 292.14 feet to an ODOT pin found, Thence, South 10 degrees 54 minutes 44 seconds East 318.62 feet to an iron pin set, said pin being 51.18 feet left of proposed construction and right of way for C.R. 63 at station 13+25.00 and being the **TRUE POINT OF BEGINNING** for the parcel herein described:

- 1) **Thence**, across the grantor's tract, **South 24 degrees 58 minutes 50 seconds East 155.17 feet** to an iron pin set, said pin being 62.00 feet left of centerline of proposed construction and right of way station C.R. 63 at station 15+00.00;

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- 2) **Thence**, across the grantor's tract, **South 43 degrees 53 minutes 37 seconds East 99.08 feet** to an iron pin set, said pin being 62.00 feet left of centerline of proposed construction and right of way station C.R. 63 at station 16+21.23;
- 3) **Thence**, across the grantor's tract, **South 55 degrees 35 minutes 54 seconds East 528.97 feet** to an iron pin set, said pin being 41.00 feet left of centerline of proposed construction and right of way station C.R. 63 at station 21+70.00;
- 4) **Thence**, across the grantor's tract, **South 81 degrees 17 minutes 51 seconds East 220.71 feet** to an iron pin set on the westerly right of way for the Indiana – Ohio Central Railroad, said pin being 41.00 feet left of centerline of proposed construction and right of way station C.R. 63 at station 23+93.98;
- 5) **Thence**, along the west line of said railroad with a curve to the left having a radius of , 2370.37 feet, a central angle of 02 degrees 06 minutes 47 seconds, an arc length of 87.42 feet, and a chord that bears **South 01 degrees 52 minutes 02 seconds East 87.41 feet** to an iron pin set, said pin being 45.00 feet right of centerline of proposed construction and right of way station C.R. 63 at station 24+09.64;
- 6) **Thence**, across the grantor's tract, **North 81 degrees 23 minutes 50 seconds West 266.04 feet** to an iron pin set, said pin being 48.00 feet right of centerline of proposed construction and right of way station C.R. 63 at station 21+50.00;
- 7) **Thence**, across the grantor's tract, **North 70 degrees 29 minutes 16 seconds West 134.54 feet** to an iron pin set, said pin being 63.00 feet right of centerline of proposed construction and right of way station C.R. 63 at station 20+33.07;
- 8) **Thence**, across the grantor's tract, **North 52 degrees 31 minutes 02 seconds West 191.31 feet** to an iron pin set on the existing Limited Access for U.S. route 33, said pin being 52.72 feet right of centerline of proposed construction and right of way station C.R. 63 at station 18+42.04;
- 9) **Thence**, along the existing Limited Access, **North 48 degrees 48 minutes 07 seconds West 228.65 feet** to an existing iron pin, that will be re-set at the easterly corner of said 52WDV1, said pin being 26.03 feet right of centerline of proposed construction and right of way station C.R. 63 at station 16+16.15;

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- 10) **Thence**, along the said 52WDV1, **North 18 degrees 52 minutes 35 seconds West 168.18 feet** to an existing iron pin, that will be re-set, said pin being 35.67 feet left of centerline of proposed construction and right of way station C.R. 63 at station 14+55.41;
- 11) **Thence**, along the said 52WDV1, **North 11 degrees 13 minutes 00 seconds West 49.49 feet** to an existing iron pin, said pin being 44.95 feet left of centerline of proposed construction and right of way station C.R. 63 at station 14+00.36;
- 12) **Thence**, along the said 52WDV1, **North 10 degrees 54 minutes 44 seconds West, 73.57 feet** to the **TRUE POINT OF BEGINNING**, containing 2.054 acres.

It is understood that the parcel of land described contains, 2.054 acres, more or less, including the present road occupies 0.391 acres, more or less, is located in Fairfield County Auditor's Parcel No. 0040065812.

All iron pins set are 5/8 inch x 30 inch rebar with an orange cap stamped "2LMN".

Description prepared from an actual field survey prepared by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. # 7798, January, 2021.

Grantor claim title by Deed Volume 619, Page 857 on file at the Fairfield County Recorder's Office.

Bearings based on the Ohio State Plane Coordinate System (Ohio South Zone, NAD 83).



Richard F. Mathias, P.S.  
Professional Land Surveyor No. 7798

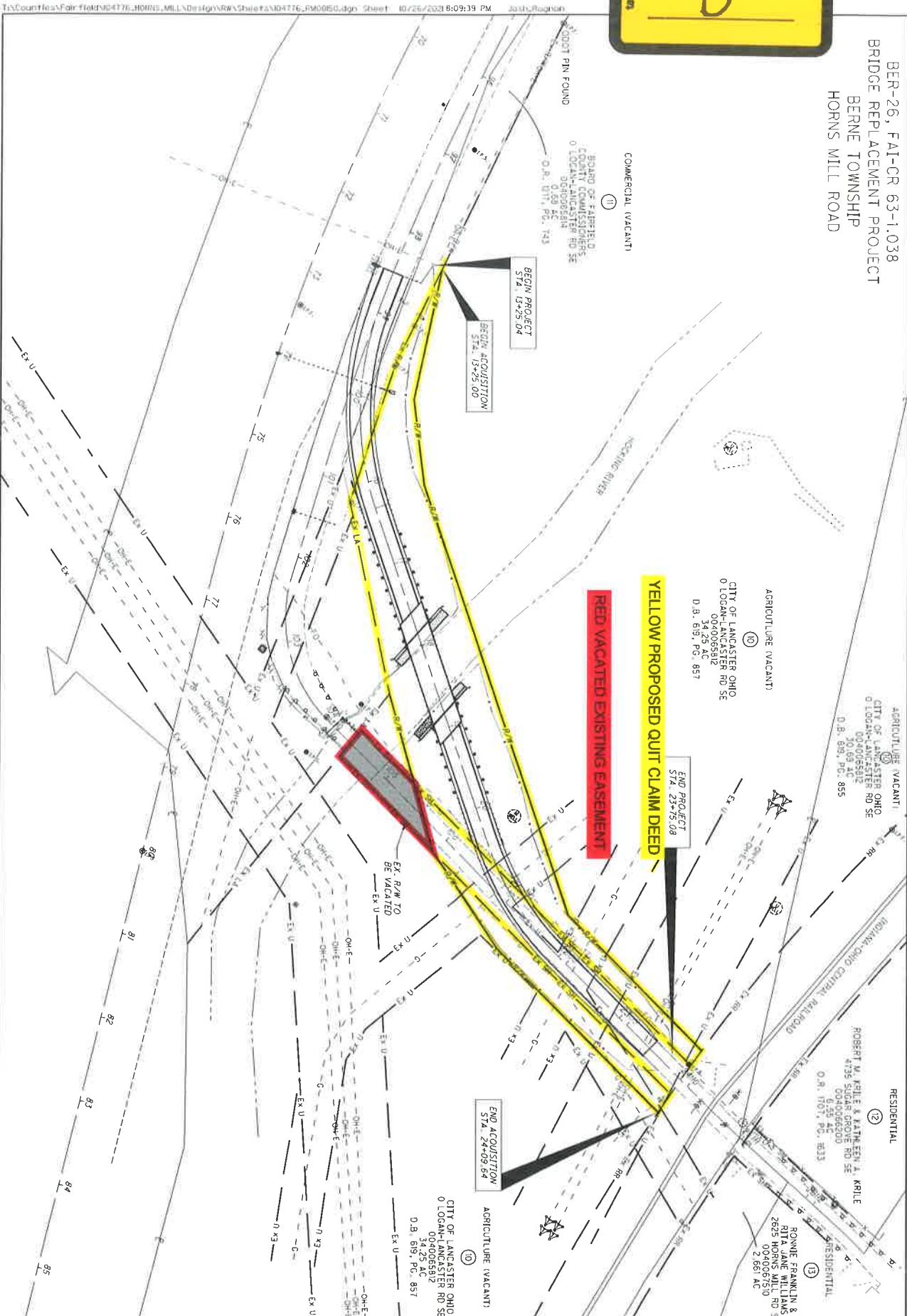


5-19-21

Date



BER-26, FAI-CR 63-1.038  
 BRIDGE REPLACEMENT PROJECT  
 BERNE TOWNSHIP  
 HORNS MILL ROAD





ODOT LPA RE 803  
Rev. 02/2021

QCD  
LPA

## QUIT CLAIM DEED

The City of Lancaster, Ohio, the Grantor(s), as a GIFT/DONATION to the Grantee named, does grant and forever Quit Claim to the Fairfield County Commissioners, Fairfield County, Ohio, the Grantee, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 10-WD  
FAI-CR63-1.038, BER-26  
SEE EXHIBIT A ATTACHED

Fairfield County Current Tax Parcel No. 004-0065812  
Prior Instrument Reference: Vol. 619, Page 857, Fairfield County Recorder's Office.

To have and to hold said parcel(s) unto the Grantee, 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.

The above parcel(s) conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees as follows:

(A) All alternatives to a proposed alignment of the highway project shall be studied and considered pursuant to the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended.

(B) Acceptance of the donation shall not influence the environmental assessment of the highway project, including the decision relative to the need to construct the project or selection of its specific location.

(C) The donated interest shall revert to the grantor or his successors or assigns if the interest is not required for the alignment chosen for the highway project after public hearings, if hearings are required, and adoption of the environmental document.

As consideration for the transfer of property without compensation by Grantor, Grantee, by its acceptance and recordation of this instrument, agrees that if at any time the property granted, or any part thereof, shall cease to be used for the purposes for which granted, namely as and for, or in connection with, a road that shall be open to the public without charge, then Grantee shall vacate its road over the property granted, or the relevant part thereof, to Grantor or Grantor's then current successor in interest of record at no cost.

IN WITNESS WHEREOF, the City of Lancaster, Ohio, by and through \_\_\_\_\_  
\_\_\_\_\_, the \_\_\_\_\_ of The City of Lancaster, Ohio, has  
hereunto subscribed their name on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

THE CITY OF LANCASTER, OHIO

By:

\_\_\_\_\_  
Printed name of signer

\_\_\_\_\_  
Title

STATE OF OHIO, COUNTY OF FAIRFIELD SS:

BE IT REMEMBERED, that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the  
subscriber, a Notary Public in and for said state and county, personally came the above named \_\_\_\_  
\_\_\_\_\_, who acknowledged being the \_\_\_\_\_ of The City of  
Lancaster, Ohio, and who acknowledged the foregoing instrument to be the voluntary act and  
deed of said The City of Lancaster, Ohio. No oath or affirmation was administered to \_\_\_\_\_  
\_\_\_\_\_ with regard to the notarial act.

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 David Rourke, on behalf of the Fairfield County Engineer,  
Jeremiah Upp. For additional information, contact Deputy Engineer Bill Maravy at 3026 West  
Fair Avenue, Lancaster, Ohio 43130 or (740) 652-2300.