

TEMPORARY ORDINANCE NO. 26-22

PERMANENT ORDINANCE NO. 26-22

AN ORDINANCE TO ACCEPT A STORM SEWER EASEMENT IN CONJUNCTION WITH A RIGHT-OF-WAY (ROW) VACATION REQUESTED BY THE CREED OF RECOVERY LLC, AND TO DECLARE AN EMERGENCY

WHEREAS, the City currently has storm sewer improvements in the public ROW of the Wheeling Street Extension that The Creed of Recovery LLC is requesting be vacated in Temporary Ordinance 27-22; and

WHEREAS, although a permanent easement is statutorily provided by Ohio Revised Code when the City vacates ROW, the location of the storm sewer improvements in the present ROW would not allow sufficient room to service that infrastructure; and

WHEREAS, to remedy this issue, the Planning Commission approved the requested vacation of ROW provided that an easement is granted by The Creed of Recovery LLC to the City to construct, install, repair, maintain, rebuild, replace, relocate, and/or remove, storm sewer lines and appurtenances; and

WHEREAS, as this easement must be accepted prior to vacating the ROW pursuant to Temporary Ordinance 27-22, there exists a real and present need to accept said storm sewer easement attached hereto as Exhibit A, including Exhibits B and C, the legal description and plat;

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 easement for storm sewer lines under terms and conditions substantially similar to Exhibit "A" attached hereto:

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBITS</u>
The Creed of Recovery LLC	+/- 0.1660	A, B, & C

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of this City and is required to be immediately effective to ensure access to City storm sewer infrastructure in a timely manner, wherefore this Ordinance shall be in full force and effect immediately upon its passage.

Passed: 9/26/22 after 1st reading. Vote: Yeas 8 Nays 0

Approved: 9/26/22

Clerk: Jessica Lee Vandy

Second by: Thomas A. James

Offered by: Cory Johnson

David A. Miller

President of Council

David W. Scheffel
Mayor



EASEMENT FOR STORM SEWERS AND APPURTENANCES
FROM
THE CREED OF RECOVERY, LLC.
TO
CITY OF LANCASTER, OHIO,
AN OHIO MUNICIPAL CORPORATION

Know all men by these presents, that The Creed of Recovery, LLC, hereinafter referred to as Grantor, does hereby grant and convey, to the CITY OF LANCASTER, OHIO, a Municipal Corporation, hereinafter referred to as Grantee, its successors and assigns, a permanent easement and right-of-way for storm sewer lines and appurtenances in and along the property described in Exhibits B and C, attached hereto and incorporated herein as if fully re-written:

This easement grants the Grantee the right and easement to enter and re-enter upon the above-described property to construct, install, repair, maintain, rebuild, replace, relocate, and/or remove, storm sewer lines and appurtenances, and forever to have and to hold such right for the purposes and under the conditions herein set forth.

A description of the easement and a drawing showing the exact location of the easement are attached hereto as Exhibit B (legal description) and Exhibit C (plat).

Grantor hereby agrees to restrict the use of said property within the limits of the easement, from the construction thereon of any buildings of a permanent or temporary type. Grantor also agrees to restrict its use from the storing or placing of any materials, equipment or other obstructions thereon, or otherwise interfering with the access to, or the maintenance of said storm sewer lines and appurtenances.

Grantor reserves the right to use the property within the limits of the easement for such uses not expressly prohibited or inconsistent with the rights and easement hereby granted.

It is the intent of this conveyance that neither the filing of this easement, its acceptance by the Grantee, nor any other circumstance, shall be construed as a dedication of the property described for public use as a street.

Grantor hereby warrants that Grantor has full power and authority to grant this easement and has a 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.

This easement 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 easement, rights, and privileges conveyed in this instrument, Grantee shall have the right to use as much of the surface of the property of the Grantor as may be reasonably necessary to construct and install within the right of way granted hereby the facilities contemplated by this grant. Upon completion of the construction, installation, repair, maintenance, rebuilding, replacing, relocating, and/or removing of said storm sewers or appurtenances, Grantee shall replace and restore the surface to the condition it was in prior to said construction, installation, repair, maintenance, rebuilding, replacing, relocating, and/or removing of said storm sewers and appurtenances, with the exception of trees felled for necessary access.

The Grantee shall also have the right to use any portion of the Grantor's property, including private streets, roadways, paved areas, and unpaved areas, insofar as necessary for the sole purpose to access the storm sewer easement with its equipment, personnel, and materials, or by Grantee's agents and contractors for the same purpose(s). The Grantee agrees to repair any damages to paved and/or unpaved areas to the extent its operations caused the damage.

Grantor claims title by Instrument 202100033099 (referencing deed volume 522, page 28), of the records of the office of the Fairfield County Recorder's office.

This instrument prepared by The Creed of Recovery, LLC 551 E. Main Street, situated in the City of Lancaster, County of Fairfield, State of Ohio; (614)404-6008.

With intent to be legally bound, the parties have entered into this agreement this _____ day of _____, 20____.

Grantor:

Andria D. Entingh, Managing Member
The Creed of Recovery, LLC

State of Ohio
Fairfield County SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Andria D. Entingh, the Managing Member of The Creed of Recovery, LLC, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this _____ day of _____, 20____.

[insert name of notary]
Notary Public, State of Ohio
My commission expires _____

Grantee:

City of Lancaster, Ohio
An Ohio Municipal Corporation

David Scheffler, Mayor

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named David A. Scheffler, the Mayor of the City of Lancaster, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this _____ day of _____, 20____.

[insert name of notary]

Notary Public, State of Ohio

My commission expires _____



Description of a 0.1660-acre storm sewer easement

Situated in the State Ohio, County of Fairfield, City of Lancaster, and being part of Section 5, Township of Berne No. 14, Range 18, part of lots 25-26 of subdivision of East of Lancaster (Survey # 642, Volume 2), and being a 30.00' wide storm sewer easement centered along an existing underground storm sewer line through the property conveyed to The Creed of Recovery LLC (Instr.202100033099) and being more particularly and described as follows:

Beginning for reference at a 1-inch pipe found at intersection of the northerly right-of-way of East Main Street with the easterly right-of-way of Baldwin Drive, also being the southwesterly corner of land conveyed to The City of Lancaster (Deed Vol. 189 Page 544);

thence with the northerly right-of-way of East Main Street, N 84°38'07" E 139.55 feet to the southeasterly corner of said City of Lancaster tract;

thence N 02°46'46" E 359.51 feet with the easterly line of said City of Lancaster tract, also being the westerly line of said The Creed of Recovery LLC tract, to the **TRUE POINT OF BEGINNING** of the easement described herein;

thence N 02°46'46" E 30.45 feet continuing with the westerly line of said The Creed of Recovery LLC;

thence N 82°56'39" E 168.35 feet to the easterly line of said The Creed of Recovery LLC tract;

thence S 02°39'01" W 24.04 feet with said easterly line of said The Creed of Recovery LLC tract to an angle point therein;

thence S 02°43'05" W 6.40 feet with said easterly line of said The Creed of Recovery LLC tract;

thence S 82°56'39" W 168.42 feet to the **TRUE POINT OF BEGINNING**.

Containing 0.1660 acres of land, more or less, as surveyed under the direct supervision of Matthew L. Campbell, P.S. 8546 of Campbell and Associates, Inc. in February 2022.

Bearings are based on N 84°36'05" E for the northerly right-of-way of E. Main Street as derived from GPS observations, utilizing ODOT VRS, being based on Grid North of the Ohio State Plane Coordinate System, South Zone, NAD83(2011).

Part of Fairfield County PPN 053-40047-00

All documents referenced herein are Fairfield County Recorder's records.



CORPORATE OFFICE
3485 Fortuna Drive
Suite 100
Akron, OH 44312
PH: 330-945-4117
FX: 330-945-4117



COLUMBUS OFFICE
77 East Wilson Bridge Road
Suite 205
Worthington, OH 43085
PH: 614-785-9340
FX: 614-785-9342



0 40'
SCALE: 1"=40'

Job: C0185288
CAMPBELL & ASSOCIATES, INC.
and Surveyors
(800)233-4117
www.campbellsurvey.com

BASIS OF BEARINGS

BEARINGS ARE BASED ON N 84°36'05" E FOR THE NORTHERLY RIGHT-OF-WAY OF E. MAIN STREET AS DERIVED FROM GPS OBSERVATIONS, UTILIZING ODOT VRS. BEING BASED ON GRID NORTH, OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2011)

EASEMENT

STATE OF OHIO, COUNTY OF FAIRFIELD, CITY OF LANCASTER
SECTION NO. 5, TOWNSHIP OF BERNE NO. 14, RANGE NO. 18, PART OF
LOTS 25-26 OF SUBDV. EAST OF LANCASTER (SUR.#642 VOL.2)

1511-1513 E. MAIN ST., LANCASTER, OH 43130
FAIRFIELD CO. PPN 053-40047-00

BALDWIN DRIVE

R/W

REFERENCE POINT OF BEGINNING

139.55'
N 84°38'07" E

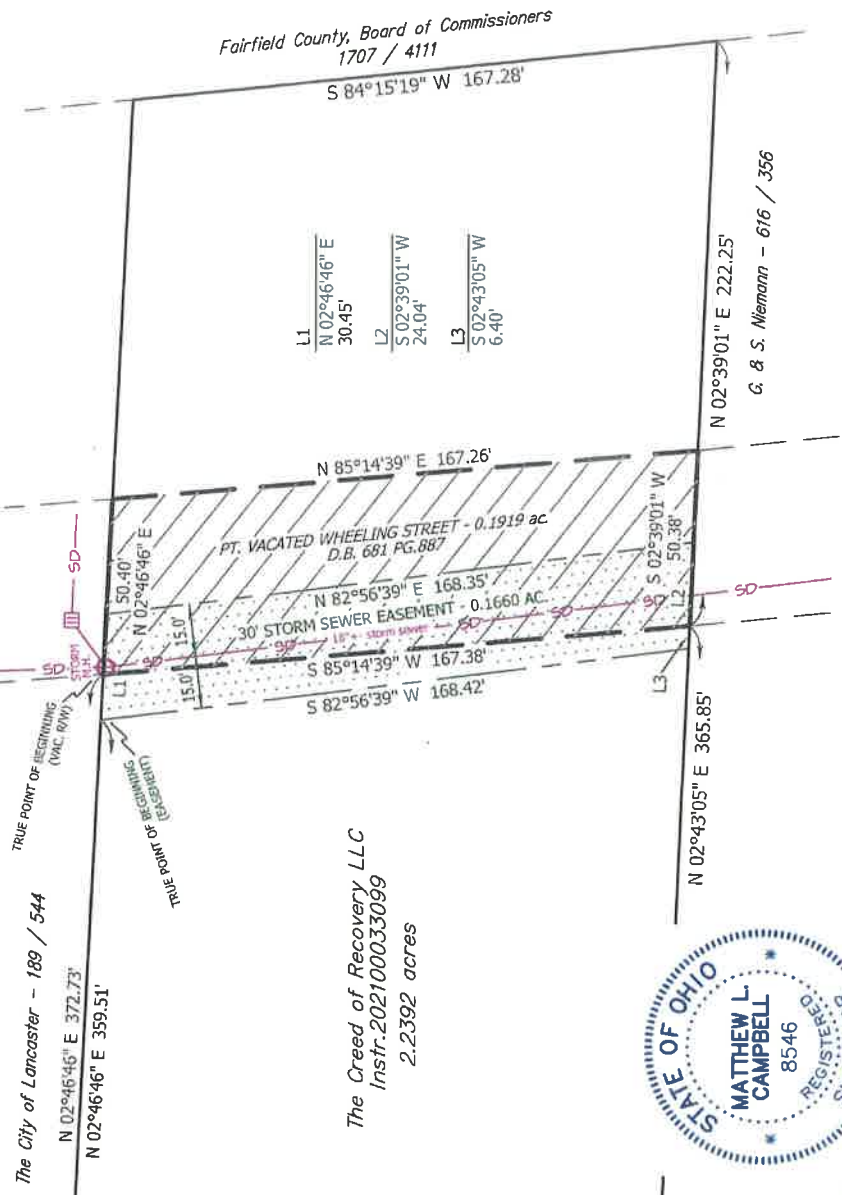
5.05'

N 84°36'05" E 168.04'
E. MAIN STREET



9/6/2022
DATE

Matthew L. Campbell
MATTHEW L. CAMPBELL
REG. NO. 8546
CAMPBELL & ASSOCIATES, INC.



Fairfield County, Board of Commissioners
1707 / 4111
S 84°15'19" W 167.28'

L1 N 02°46'46" E 30.45'
L2 S 02°39'01" W 24.04'
L3 S 02°43'05" W 6.40'

N 02°39'01" E 222.25'
G. & S. Niemann - 616 / 356

The Creed of Recovery LLC
Instr. 202100033099
2.2392 acres

