

ORDINANCE NO. 21-011

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ACCEPT AN EASEMENT FOR GENERAL UTILITY PURPOSES FROM GRAND COMMUNITITES, LLC.

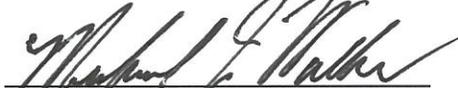
WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to accept an easement for general utility purposes for future utility services to residential properties located along Connor Avenue;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the Mayor be and hereby is, authorized to accept on behalf of the City of Canal Winchester a 0.045 acre easement for general utility purposes, as more fully described in the Easement for attached hereto as Exhibit A and incorporated herein by reference

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED 4-19-21

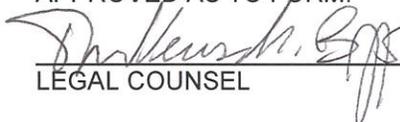

PRESIDENT OF COUNCIL

ATTEST 
CLERK OF COUNCIL


MAYOR

DATE APPROVED 4-21-21

APPROVED AS TO FORM:


LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.


Clerk of Council

EASEMENT

Grand Communities, LLC, a Kentucky limited liability company of 3940 Olympic Boulevard, Suite 400, Erlanger, Kentucky 41018 (“Grantor”), in consideration of \$1.00 and other good and valuable consideration paid by the **City of Canal Winchester**, of 36 S. High Street, Canal Winchester, Ohio 43110 (“Grantee”), the receipt and sufficiency of which is hereby acknowledged, does hereby declare, dedicate, and convey unto Grantee, its successors and assigns a utility easement described in **Exhibit A** and depicted in **Exhibit B** attached hereto (“Easement”) for the construction, operation, use, maintenance, and repair of utility facilities and appurtenances necessary or appropriate for the furnishing of utility systems (“Improvements”) thereto along, through, under, across, and upon the real estate of Grantor known as 0.247 acres, PIDN 184-003515-00 and 0.322 acres, PIDN 184-003516-00 (collectively “Real Estate”).

Grantee shall have the following rights and responsibilities with regard the Easement:

1. The right to lay, construct, operate, inspect, maintain, repair, reconstruct, and remove the Improvements along, through, under, and upon the Real Estate.
2. The right to grade and excavate within the Easement so long as it does not cause physical damage to the adjoining property.
3. The right of ingress and egress, to, upon, and along said Easement area in order to lay, construct, operate, inspect, maintain, repair, reconstruct, and remove the Improvements within the Easement.
4. Neither Grantor nor Grantor’s heirs, successors, and assigns shall use the Real Estate in any manner which will restrict, prohibit, or impede Grantee, its agents, servants, employees, contractors, and subcontractors use of the Easement as specified herein.
5. Any right not specifically granted herein shall be reserved by Grantor as fee simple owner of the Real Estate.

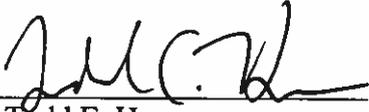
TO HAVE AND TO HOLD the Easement and right-of-way unto the Grantee, its successors and assigns forever.

And the said Grantor for itself and its successors and assigns, hereby covenant(s) with said Grantee, its successors and assigns, that it is the true and lawful owner of said Real Estate as recorded in Instrument No. 201612160173734, and is 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. Such Easement is granted in perpetuity.

The Grantor has executed this instrument on this ____ day of March, 2021.

Grantor: **Grand Communities, LLC**
a Kentucky limited liability company


By: Todd E. Huss
Its: President

STATE OF KENTUCKY
COUNTY OF BOONE ss:

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Todd E. Huss of Grand Communities, LLC, a Kentucky limited liability company, on behalf of said company, who acknowledged that he did sign the foregoing instrument and that the same is the act of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of March, 2021.

DARBI C. DURIK
Notary Public - State of Large, Kentucky
My Commission Expires June 24, 2023
Notary ID# 625690




Notary Public

This instrument prepared by:

Jerralyn K. Burlingham, Esq.
Bradford P. Bury, Esq., M.B.A.
Fischer Homes
3940 Olympic Boulevard, Erlanger, KY 41018
859-341-4709

Exhibit A



Civil & Environmental Consultants, Inc.

DESCRIPTION OF 0.045 ACRE EASEMENT

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, Section 30, Township 15, Range 20, Congress Lands East of the Scioto River and being part of a 13.689 acre tract of land conveyed to Grand Communities, LTD of record in Instrument Number 201612160173734, and being part of Lots 786 and 787 as shown on the subdivision plat of The Villages at Westchester, Section 11, Phase 2, of record in Plat Book 130, Pages 09-11, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 0.045 acre easement being more fully described herein:

BEGINNING at a 5/8" rebar found (CEC INC) at the northwest corner of said Lot 786, being on the south line of Lot 717 of The Villages at Westchester, Section 10, Part 1, of record in Plat Book 123, Page 29 and on the east Right-of-Way line of Connor Avenue (66 feet in width);

Thence, with the north line of said Lots 786 and 787 and the south line of said Lot 717 the following two (2) courses:

1. **North 59°32'44" East**, a distance of **84.00 feet**, to a 5/8" rebar found (CEC INC);
2. **North 36°44'57" East**, a distance of **9.06 feet**, to a point;

Thence, through said Lots 786 and 787 the following three (3) courses:

1. **South 53°15'03" East**, a distance of **20.00 feet**, to a point;
2. **South 36°44'57" West**, a distance of **13.09 feet**, to a point;
3. **South 59°32'44" West**, a distance of **88.03 feet**, to a point on the west line of said Lot 786 and on the east Right-of-Way line of said Connor Avenue;

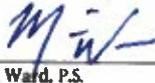
Thence **North 30°27'16" West**, a distance of **20.00 feet**, with the west line of said Lot 786 and with the east Right-of-Way line of said Connor Avenue to the **TRUE POINT OF BEGINNING**, containing 0.045 of an acre, subject to all easements and documents of record.

For the purpose of this description the bearing of **South 04°28'49" West** as determined for an east line of The Villages at Westchester, Section 10, Part 1, of record in Plat Book 123, Pages 29-31.

This document is based from an actual field survey performed by or under my direct supervision.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.




Michael J. Ward, P.S.
Registered Surveyor No. 8808

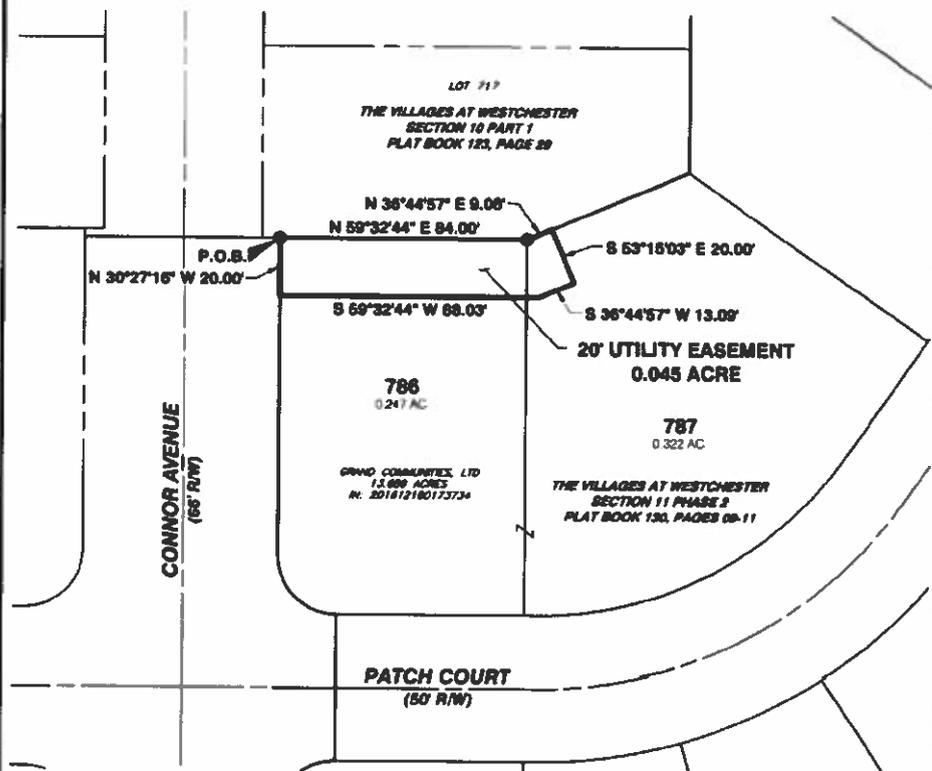

Date

Exhibit B

P:\2018\162-435 - Survey\Draw\162435-501-ESMT_UF.dwg(LAYOUT) LS(2/18/2021 - 8:29 AM) - LP: 2/18/2021 8:29 AM

PLAT OF EASEMENT

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF CANAL WINCHESTER, SECTION 30,
TOWNSHIP 15, RANGE 20, CONGRESS LANDS EAST OF THE SCIOTO RIVER



LEGEND

- 5/8" REBAR FD. "CEC INC" (UNLESS OTHERWISE STATED)

BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF SOUTH 04°28'49" WEST AS DETERMINED FOR AN EAST LINE OF THE VILLAGES AT WESTCHESTER SECTION 10, PART 1, OF RECORD IN PLAT BOOK 123, PAGES 29-31.

PERTINENT DOCUMENTS:

DEEDS OF RECORD, ON FILE AT THE FRANKLIN COUNTY RECORDER'S OFFICE. EXISTING CEC SURVEYS, SURVEYS OF RECORD & TAX MAPS ON FILE AT FRANKLIN COUNTY.

CERTIFICATION:

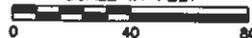
THE FOREGOING EASEMENT WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED BY OR UNDER MY DIRECT SUPERVISION.

MJW 3/19/21
MICHAEL J. WARD DATE
PROFESSIONAL LAND SURVEYOR NO. 6808



NORTH

SCALE IN FEET



CEC
Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road - Suite 250 - Worthington, OH 43085
614-540-0633 688-588-6808
www.cecinc.com

0.045 ACRE EASEMENT
CITY OF CANAL WINCHESTER
COUNTY OF FRANKLIN, OHIO

DRAWN BY: KAS	CHECKED BY: MJW	APPROVED BY: <i>MJW</i>	DRAWING NO.: ESMT
DATE: FEBRUARY 2021	DWG SCALE: 1"=40'	PROJECT NO: 162-435	