

ORDINANCE NO. 33-16

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN EASEMENT AGREEMENT WITH MARK D. AND EILEEN ROBERTS RELATING TO THE DRIVE OVER AND THROUGH A 24.639 ACRE PARCEL OF LAND OWNED BY THE CITY OF ASHLAND, OHIO.

WHEREAS, Mark D. and Eileen Roberts are the owners of land located at 1414 Sandusky Street and adjacent to a 24.639 acre parcel of land now owned by the City of Ashland, Ohio; and

WHEREAS, the City acquired the 24.639 acre parcel through the OPWC Clean Ohio Green Space Conservation Program for the purpose of increasing the City's existing nature reserve, immediately adjacent, east of the property; and

WHEREAS, the previous owner of the 24.639 acre parcel also owned the parcel of land and the residential home located at 1414 Sandusky Street and as such had provided a driveway that encroached on the 24.639 acre parcel; and

WHEREAS, the City of Ashland, Ohio has agreed to provide Mark D. and Eileen Roberts with the driveway easement; now therefore,

BE IT ORDAINED by the Council of the City of Ashland, State of Ohio, 5 members thereto concurring:

Section 1. That the Mayor, Director of Public Service be, and hereby is, authorized and directed to enter into an easement with Mark D. and Eileen Roberts; a copy of which easement plat and agreement are attached hereto and made a part hereof.

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

Passed: April 19th, 2016

Ruth G. Detrow
Ruth G. Detrow, President of Council

Attest: Jody M. Toms
Jody M. Toms, Clerk of Council

Approved: Glen P. Stewart
Glen P. Stewart, Mayor

Approved as to form and correctness:

Richard P. Wolfe
Richard P. Wolfe, Director of Law

Date: April 19th, 2016

The City of Ashland
PROPOSED LEGISLATION
Ordinance – Driveway Easement (Strine Property)

DATE: April 13, 2016

TO: Honorable Mayor Glen P. Stewart & City Council

FROM: Shane Kremser, P.E., City Engineer

LEGISLATION SUMMARY: This Ordinance authorizes the Mayor to enter into an Easement Agreement to allow for the continued use of an existing residential driveway located at 1414 Sandusky Street that encroaches on the 24+ acre parcel that the City purchased

LEGISLATIVE HISTORY: None

LEGISLATIVE PURPOSE: The City purchased the former Strine property off SR-96 through the OPWC Clean Ohio Fund several years ago. Strine also owned the residential property adjacent to the land that was purchased and as such allowed for an existing residential driveway to encroach on the 24+ acre parcel he also owned. Since that time, there is a new owner of the residential property who is requesting the easement in order to ensure that have a right to use all of their existing driveway.

FISCAL IMPACT: None

DIRECTOR'S RECOMMENDATION: After reviewing with the Mayor, it is recommended that this Ordinance be passed so that we can forward with implementing this Project.

DRIVE EASEMENT

THE CITY OF ASHLAND, Grantor, of Ashland County, Ohio, for valuable consideration paid and the agreements set forth below, grants to Mark D. and Eileen Roberts, grantee, 1414 Sandusky Street, Ashland, Ohio 44805, a non-exclusive easement for driveway purposes over and through the following property of Grantor as more fully described and shown on the attached "Exhibit A" which is incorporated herein;

Situated in the City of Ashland, Township of Milton, County of Ashland and State of Ohio and known as being a part of the Northeast Quarter of Section Number 12, Township 24 North, Range 17 West and being the land owned by City of Ashland, Ohio who claims title by deed recorded in Official Records Volume 671, Page 879 of the Ashland County Deed Records and more fully described as follows:

Commencing at a P.K. Nail found at the point of intersection of the centerline of Sandusky Street, 60 feet wide and the East line of the Southeast Quarter of Section No. 12 of Milton Township, said nail being located South $02^{\circ} 23' 53''$ East, a distance of 345.42 feet from the Southeast corner of said Northeast Quarter of Section No. 12;

Thence North $68^{\circ} 13' 45''$ West, along the centerline of Sandusky Street and the City of Ashland Corporation Line, a distance of 355.02 feet to a P. K. Nail found;

Thence continuing along said centerline and the City of Ashland Corporation Line and on a curve to the right ($R = 2864.93$ feet, $\Delta = 04^{\circ} 55' 01''$, $L = 245.86$ feet) a chord bearing of North $65^{\circ} 46' 14''$ West and a chord distance of 245.78 feet to a P.K. Nail found;

Thence North $63^{\circ} 18' 45''$ West, along the centerline of Sandusky Street and the City of Ashland Corporation Line and passing thru a railroad spike found at 14.76 feet, a total distance of 137.42 feet to a Mag Nail set, the true place of beginning for the easement herein described, said Mag Nail also being the Southwest corner of land now or formerly owned by Jessie L. Poulson, as recorded in Official Records Volume 692, Page 288 of the Ashland County Deed Records;

Thence continuing North $63^{\circ} 18' 45''$ West, along the centerline of Sandusky Street and the City of Ashland Corporation Line, a distance of 40.00 feet to a point;

Thence North $23^{\circ} 42' 18''$ East, a distance of 248.68 feet to a point;

Thence South $74^{\circ} 53' 37''$ East, a distance of 2.00 feet to an iron pin found at the Northwest corner of said Poulson land;

Thence South $15^{\circ} 06' 19''$ West, along the West line of said Poulson land, a distance of 253.92 feet to the true place of beginning, containing 0.120 Acres more or less, but subject to all legal highways and easements of record.

I hereby certify that this description was prepared from the notes of a survey made July, 2010 and April, 2011 by the office of Grindle and Bender, Architecture-Engineering-Surveying, Ashland, Ohio and Lowell E. Bender, Registered Surveyor No. 4978. All bearings are assumed and are for the determination of angles only. All distances are in feet and decimals thereof. All iron pins set are $5/8'' \times 30''$ rebar with an orange plastic cap stamped "BENDER - 4978".

As part of the consideration for this easement, Grantee and Grantor covenant and agree as follows:

1. Grantee shall indemnify and hold harmless Grantor from all damages, caused by or arising from Grantee's use of this easement, to the Grantor's building, fences, trees, roads, driveways and walks which are existing, or may be hereafter erected, constructed or placed on the subservient real estate.
2. Grantee shall have at all times the right to enter upon the tract herein described to construct, inspect, repair, maintain, reconstruct, or use improvements upon said land for the purpose of access.
3. Grantor reserves the right to use the land within the boundaries of the easement for all purposes not inconsistent with the rights and privileges herein conveyed.
4. The Grantor hereby covenants for itself, his heirs, administrators, executors, guardians, assigns and any and all other successors in interests, at the time and sealing of these presents, that it is seized of a good and marketable title to the interest herein conveyed, that said title is free and clear of any clouds, defects, liens and encumbrances, save and except easements and restriction of record and zoning ordinances, and said Grantor will warrant and defend said premises unto the Grantee, its successors and assigns, against all lawful claims and demands whatsoever except as above excepted.

This grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

The parties have signed this instrument on _____, 2016.

The City of Ashland, Ohio

By _____
Mark D. Roberts

By _____
Glen P. Stewart, Mayor

By _____
Eileen Roberts

By _____
Larry Paxton, Director of Finance

The State of Ohio

County of _____

Before me, a Notary Public in and for said County and State, personally appeared Mark D. and Eileen Roberts, who acknowledged that he and she did sign the foregoing instrument and that the same is his and her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, this _____ day of _____, 2016.

Notary Public

The State of Ohio

County of _____

Before me, a Notary Public in and for said County and State, personally appeared the above named, the City of Ashland, Ohio, a municipal corporation, by Glen P. Stewart, its Mayor and Director of Public Service, as attested by Larry Paxton, its Director of Finance, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed of said corporation and their free act and deed personally and as such officers.

In Testimony Whereof, I have hereunto set my hand and official seal, this _____ day of _____, 2016.

Notary Public

This instrument Prepared By:
Shane A. Kremser, P.E. City Engineer
City of Ashland, Ohio

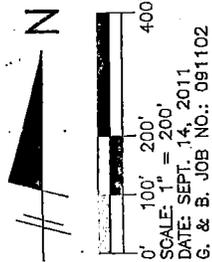
PRIOR DEED REFERENCE: OR. Vol 671, Page 879
PPN: P43-150-0-0004-00

ATTACHMENT A



DRIVEWAY EASEMENT FOR CITY OF ASHLAND, OHIO

SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF ASHLAND AND STATE OF OHIO AND KNOWN AS BEING A PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP-24-NORTH, RANGE-17-WEST.



T.M.P. "M"
MAG INVESTMENTS, INC.
O.R. VOL. 232, PG. 261

T.M.P. "E"

BEARING AND DISTANCE CHART

LINE	BEARING	DISTANCE
L1	N-63°18'45"-W	40.00'
L2	N-23°42'18"-E	248.68'
L3	S-74°53'37"-E	2.00'
L4	S-15°06'19"-W	253.92'

CURVE DATA
 RAD. = 2864.93'
 Δ = 04°55'01"
 LEN. = 245.86'
 CH. BRG. = N-65°46'14"-W
 245.78'

LEGEND

- = 5/8" X 30" IRON PIN WITH CAP MARKED "BENDER-4978" SET
- = IRON PIN FOUND AND ACCEPTED
- ⊗ = MAG NAIL SET
- ⊗ = P.K. NAIL FOUND AND ACCEPTED
- ▲ = RAILROAD SPIKE FOUND AND ACCEPTED
- ▨ = CITY OF ASHLAND CORPORATION LINE

PERTINENT DOCUMENTS
 - DEEDS AS SHOWN
 - TAX MAPS

ASHLAND RAILWAY, INC.
O.R. VOL. 462, PG. 637

CITY OF ASHLAND CORPORATION LINE

CITY OF ASHLAND, OHIO
O.R. VOL. 671, PG. 879
(24.639 ACRE PARCEL)

SEEN BY
ASHLAND COUNTY TAX MAP OFFICE
ASHLAND COUNTY ENGINEER

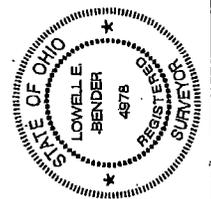
* EASEMENT = 0.120 ACRES

JESSIE L. POULSON
O.R. VOL. 692, PG. 288

CITY OF ASHLAND
O.R. VOL. 305, PG. 640

S.E. COR., N.E. QTR., SEC. NO. 12

E. LINE, S.E. QTR., SEC. NO. 12



SURVEYOR'S CERTIFICATION:
 I hereby certify that this plat was prepared from the notes of a survey made July, 2010 & April, 2011 by the office of Grindle and Bender, Architecture - Engineering - Surveying, Ashland, Ohio and Lowell E. Bender, Registered Surveyor No. 4978, All bearings are assumed and are for the determination of angles only. All distances are in feet and decimals thereof. All iron pins set are 5/8" x 30" with cap.

PREPARED BY
GRINDLE AND BENDER
 ARCHITECTURE-ENGINEERING-SURVEYING
 42 W. MAIN ST., ASHLAND, OHIO 44805
 PHONE 419-289-6600 FAX 419-281-3431

Lowell E. Bender
 Lowell E. Bender
 Registered Surveyor No. 4978