

ORDINANCE NO. 93-16

ACCEPTING CERTAIN REAL PROPERTY FOR STORMWATER MANAGEMENT PURPOSES LOCATED IN THE CITY OF ASHLAND, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the owner of certain property in the City of Ashland, Ohio desires to transfer, to the City of Ashland, by a deed of dedication, said certain property, as hereafter described; and

WHEREAS, this property currently serves as a stormwater management facility for multiple residential subdivisions within the City; and

WHEREAS, this Council desires to accept said property in order that said property may be properly maintained for stormwater management purposes; and

WHEREAS, in order that said property may be properly maintained for stormwater management purposes, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare; 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 be and he is hereby authorized and directed to accept certain property for detention pond purposes from Sutton Bank, for the City of Ashland, Ohio, the premises together with all the rights and appurtenances thereto and more fully described as follows:

Situated in the City of Ashland (South Ashland), Township of Montgomery, County of Ashland, State of Ohio and being known as a part of the Northwest Quarter of Section No. 18, Township 22 North, Range 16 West and being a part of the land described in a deed to Sutton Bank as recorded in Official Records Volume 698, Page 741 of the Ashland County Deed Records and more fully described as follows:

Commencing for reference at a railroad spike found at the point of intersection of the South right-of-way line of West Main Street and the centerline of Abbie Lane;

Thence North 72° 02' 47" East, along the South right-of-way line of West Main Street and passing thru iron pins found at 50.00 feet and 155.00 feet, a total distance of 316.88 feet to an iron pin found, the true place of beginning for the parcel herein described, said iron pin also being at the Northeast corner of land now or formerly owned by Aaron J. Jackson, as recorded in Official Records Volume 860, Page 298 of the Ashland County Deed Records;

Thence continuing North 72° 02' 47" East, along the South right-of-way line of West Main Street, a distance of 245.71 feet to an iron pin found;

Thence North 71° 51' 52" East, along the South right-of-way line of West Main Street, a distance of 354.02 feet to an iron pin found on the centerline of vacated Greendale Drive, said Greendale Drive being vacated by Ordinance No. 99-03;

Thence South 18° 08' 08" East, along the centerline of vacated Greendale Drive, a distance of 28.90

feet to an iron pin found;

Thence Southerly, along the centerline of vacated Greendale Drive and on a curve to the right (R = 324.80 feet, $\Delta = 19^\circ 59' 12''$, L = 113.30 feet) a chord bearing of South $08^\circ 08' 41''$ East and a chord distance of 112.73 feet to an iron pin found on the North line of Lot No. 4383, South Ashland of Abbie Creek Phase 1 as recorded in Plat Cabinet No. 1, Page 358 of the Ashland County Plat Records;

Thence North $85^\circ 30' 08''$ West, along the North line of said Lot No. 4383, a distance of 60.85 feet to an iron pin found;

Thence South $61^\circ 10' 38''$ West, along the North line of Lot No. 4383, a distance of 120.80 feet to an iron pin found;

Thence South $46^\circ 27' 36''$ West, along the North line of Lot No. 4383 and Lot No. 4384, a distance of 179.76 feet to an iron pin found;

Thence South $14^\circ 16' 17''$ West, along the West line of Lot No. 4384, a distance of 85.00 feet to an iron pin found at the Westerly corner of Lot No. 4384;

Thence South $84^\circ 40' 26''$ West, a distance of 296.01 feet to an iron pin found at the Southeast corner of the aforesaid Aaron J. Jackson land;

Thence North $04^\circ 07' 48''$ East, along the East line of said Aaron J. Jackson land, a distance of 240.90 feet to the true place of beginning, containing 2.944 Acres but subject to all legal highways and easements of record.

Prepared from the notes of a survey made July 2007 and July 2016 by the office of Grindle and Bender, 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.

Section 2. That the Mayor, Director of Public Service and Public Safety, be and he is hereby authorized and directed to accept said real estate as provided for in Section 1, herein, according to further terms and conditions as he shall deem necessary and proper and in the best interests of the City of Ashland, including but not limited to the following:

- a. Any existing leases, easements, and options adversely affecting the interest of the City of Ashland in acquisition and development of the aforesaid property shall be resolved to the satisfaction of the City of Ashland prior to acceptance of deed.
- b. All taxes incurred pertaining to said property shall be paid by Grantor to the date of transfer, including any CAUV recovery costs which may result from this transfer of ownership.

Section 3. For the reason, aforesaid, it is immediately necessary to acquire said property, and therefore, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare.

Section 4. That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

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Passed: October 4, 2016

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

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

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

Approved as to form & correctness:

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

Date: October 4, 2016

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: Sutton Bank, an Ohio Corporation, in consideration of Ten and more-----DOLLARS, to it in hand paid by City of Ashland, whose address is 206 Claremont Ashland, Ohio 44805, does hereby **Remise, Release and Forever Quitclaim** to the said City of Ashland, its heirs and assigns forever, the following described **Real Estate**:

Situated in the City of Ashland (South Ashland), Township of Montgomery, County of Ashland, State of Ohio and being known as a part of the Northwest Quarter of Section No. 18, Township 22 North, Range 16 West and being a part of the land described in a deed to Sutton Bank as recorded in Official Records Volume 698, Page 741 of the Ashland County Deed Records and more fully described as follows:

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SURVEYOR'S CERTIFICATION:

I hereby certify that this plat was prepared from the notes of a survey made July 2007 and July 2016 by the office of Grindle and Bender, 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.

Prior Deed Reference: OR Book 698, Page 741, Ashland County Deed Records
Permanent Parcel No. P44-169-0-0001-01

and all the **Estate, Right, Title and Interest** of the said Grantor in and to said premises;
To Have and To Hold the same, with all the privileges and appurtenances thereunto belonging, to said Grantee, City of Ashland, its heirs and assigns forever.

Executed this ____ day of _____, 2016.

SUTTON BANK

By: _____
John R. Augenstein, Vice President

STATE OF OHIO)
COUNTY OF ASHLAND) ss.

On this ____ day of _____, 2016, before me, a Notary Public in and for said county, personally came Sutton Bank by John R. Augenstein, Vice President, the Grantor in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

WITNESS my official signature and seal on the day last above mentioned.

Notary Public

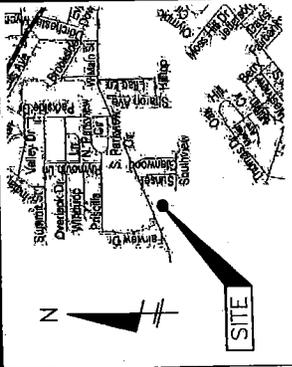
This instrument prepared by:
Andrew N. Bush, LLC
46 West Main Street
Ashland, Ohio 44805

PLAT OF SURVEY
FOR

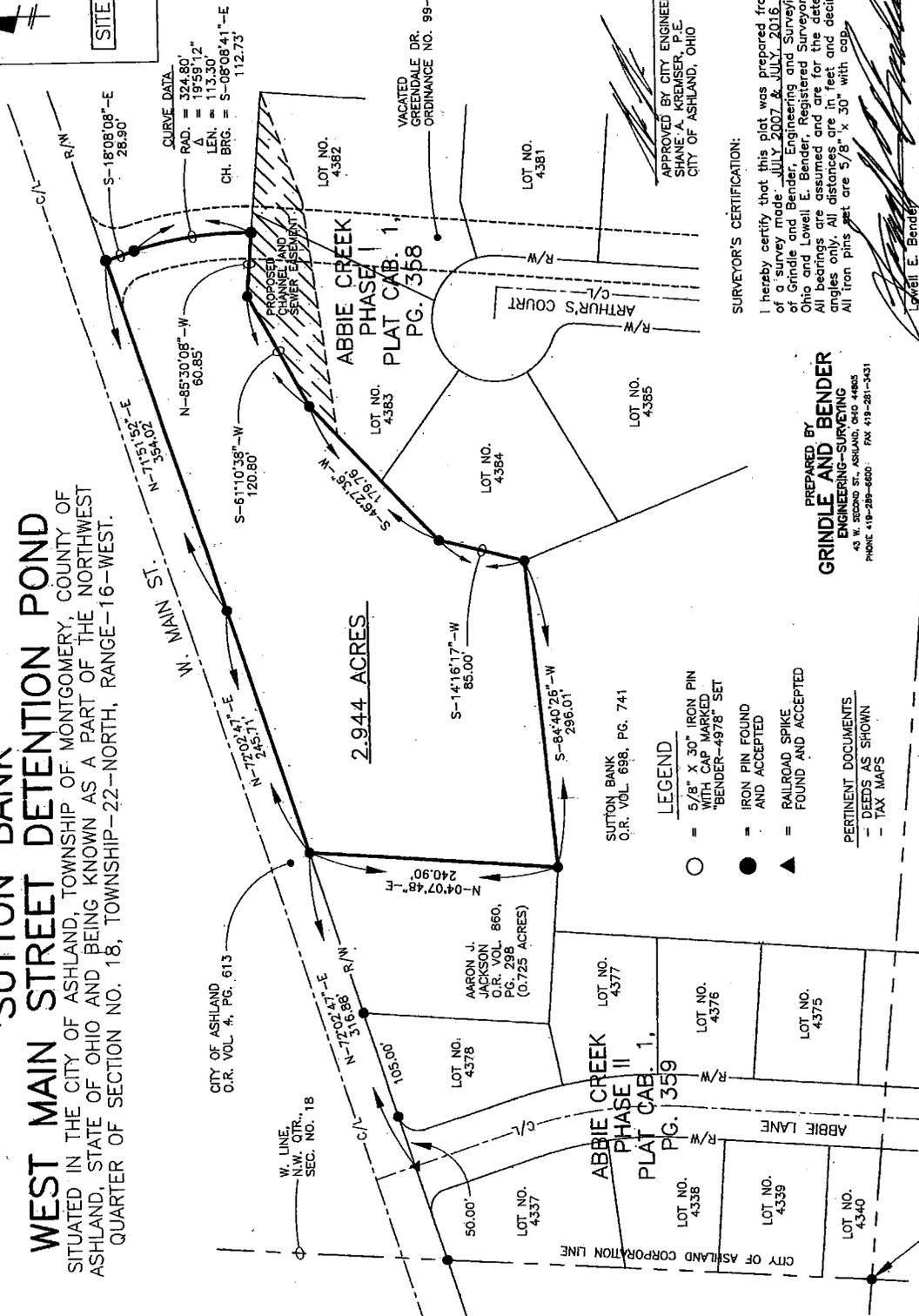
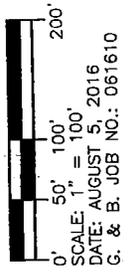
SUTTON BANK

WEST MAIN STREET DETENTION POND

SITUATED IN THE CITY OF ASHLAND, TOWNSHIP OF MONTGOMERY, COUNTY OF ASHLAND, STATE OF OHIO AND BEING KNOWN AS A PART OF THE NORTHWEST QUARTER OF SECTION NO. 18, TOWNSHIP-22-NORTH, RANGE-16-WEST.



LOCATION MAP
NOT TO SCALE



- LEGEND
- = 5/8" X 30" IRON PIN WITH CAP MARKED "BENDER-4978" SET
 - = IRON PIN FOUND AND ACCEPTED
 - ▲ = RAILROAD SPIKE FOUND AND ACCEPTED
- PERTINENT DOCUMENTS
- DEEDS AS SHOWN
 - TAX MAPS

PREPARED BY
GRINDLE AND BENDER
ENGINEERING-SURVEYING
43 W. SECOND ST., ASHLAND, OHIO 43003
PHONE 419-281-6600 FAX 419-281-5431

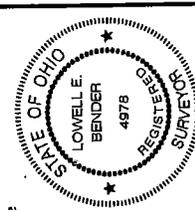
SURVEYOR'S CERTIFICATION:

I hereby certify that this plat was prepared from the notes of a survey made JULY 2007 & JULY 2016, by the office of Grindle and Bender, Engineering and 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.

APPROVED BY CITY ENGINEER
SHANE A. KREMSER, P.E.
CITY OF ASHLAND, OHIO

DATE: 8/5/16

Lowell E. Bender
Registered Surveyor No. 4978



The City of Ashland
PROPOSED LEGISLATION
Ordinance – Accepting Real Property for
Stormwater Management Purposes

DATE: September 28, 2016

TO: Honorable Mayor Glen P. Stewart & City Council

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

LEGISLATION SUMMARY: This Ordinance authorizes and directs the Mayor to accept certain real property (2.94 Acres) for stormwater management purposes.

LEGISLATIVE HISTORY: None

LEGISLATIVE PURPOSE: The existing stormwater management facility is comprised of several storm sewer inlets, a dry detention pond, and an outlet control structure. The property currently serves as a stormwater management facility for both the Fairview and Abbie Creek subdivisions. The facility also manages stormwater runoff from the County that flows to the drainage ditches along County Road 1356. The original developer went bankrupt following the recent housing market decline. Sutton Bank is the current owner of the remaining land that was to be further developed, which includes the existing storm water management facility. The City currently maintains the facility.

FISCAL IMPACT: Future costs for routine maintenance and upkeep of the facility.

DIRECTOR'S RECOMMENDATION: After reviewing with the Mayor, it is recommended that this Ordinance be passed so that the City can proceed with acquiring the property and continue with the routine maintenance and upkeep of the existing stormwater management facility.