

ORDINANCE NO. 2016-072

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO EXECUTE A PERPETUAL HIGHWAY EASEMENT AGREEMENT WITH THE BOARD OF HANCOCK COUNTY COMMISSIONERS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A BRIDGE, LOCATED ON CITY OWNED PROPERTY ON, OVER, AND AROUND MCMANNES AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Hancock County Commissioners (herein after referred to as Board) has requested the City of Findlay enter into a Perpetual Highway Easement Agreement with them for the construction, maintenance and operation of said bridge on City-owned property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service-Safety Director of the City of Findlay, Ohio be and he is hereby authorized to enter into said agreement with the Board for a Perpetual Highway Easement of two (2) parcels:

- Parcel #560001000344 (0.063 acres)
- Parcel #560001008064 (0.053 acres)

Said easement grants the right of unimpaired access to said bridge, and the right of ingress and egress on, over and through said lands for all purposes necessary and incident to the construction, operation and maintenance, and from time to time to alter, repair, or remove the same.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to authorize said easement agreement so that the City of Findlay may proceed on an expedited basis on the construction and installation of this bridge,

WHEREFORE, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


PRESIDENT OF COUNCIL


MAYOR

PASSED: August 2, 2016

ATTEST: Denise DeWore
CLERK OF COUNCIL

APPROVED: August 2, 2016

EASEMENT

FOR AND IN CONSIDERATION OF THE SUM OF One dollar and no cents (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, City of Findlay, Ohio, (Grantor), does hereby grant to the Board of Hancock County Commissioners (Grantee), a *Perpetual Highway Easement*, over, through and across the following described lands, of which said Grantors warrant that they are the Owners by virtue of Instruments recorded in Plat Book 2 Page 95 and Volume 124, Page 119 of the Deed Records of Hancock County, Ohio.

Situated in the City of Findlay, in Hancock County, Ohio, in the southeast quarter of Section 18, Township 1 North, Range 11 East, and being part of Lot 1 of Block 6 of Cory's Briggs Addition, recorded in Plat Book 2, Page 95, and part of land recorded in Volume 124, Page 119, 420 (Parcel A) and Volume 176, Page 276 (Parcel B) a tract of land bounded and described as follows:

0.063 Acres

SEE EXHIBIT A – Parcel A

Parcel #560001000344

and

0.053 Acres

SEE EXHIBIT A – Parcel B

Parcel #560001008064

The above Easement is granted for the purpose of constructing, maintaining and operating a bridge, together with the necessary appurtenances, with the right of unimpaired access to said bridge, and the right of ingress and egress on, over and through said lands of the Grantors for all purposes necessary and incident to the construction, operation and maintenance, and from time to time to alter, repair, or remove the same.

The Grantors herein reserve the right to fully use and enjoy said premises for all purposes consistent with the full use and enjoyment by the Grantee of the Easement herein granted, except the Grantors shall not construct any building within the permanent highway easement boundary.

Grantee shall have the right to change the size of its bridge. The damages, if any, in making such change, would be paid by the Grantee. In addition, the Grantee shall, after installation, maintenance, repair or replacement of said bridge, remove all surplus excavation materials and clean up the site; shall replace, or repair any fences, driveways, sidewalks or buildings damaged, or removed; and shall reseed all disturbed areas to provide ground cover approximately equal to that existing prior to such work.

IN WITNESS WHEREOF, City of Findlay, Ohio Grantor, do herein set their hands this 2nd day of August, 2016.



Rydia J. Mitchell
City of Findlay, Ohio

STATE OF OHIO)
)
COUNTY OF HANCOCK)

ss:

Denise M. DeVore
Notary Public, State of Ohio
My Commission Expires 11/29/2019

Before me, a Notary Public in and for the said County and State, personally appeared the above named City of Findlay, Owner, who acknowledged that they did sign the foregoing Instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Findlay, Ohio, this 2nd day of August 2016.

Denise DeVore
Notary Public
My commission expires:

This Instrument Prepared By:
Hancock County Prosecutor's Office
514 S Main St, Findlay OH 45840
(419) 424-7286
(No Title Search was performed by this office)

Exhibit A - Legal Description and Plat

Parcel "A"

Situated in the City of Findlay, in Hancock County, Ohio, in the southeast quarter of Section 18, Township 1 North, Range 11 East, and being part of Lot 1 of Block 6 of Cory's Briggs Avenue Addition, recorded in Plat Book 2, Page 95, and part of land recorded in Volume 123, Page 420 in the name of the City of Findlay, and described as follows:

COMMENCING at a 5/8 inch iron pin set on the westerly right of way line of McManness Avenue and at the northeast corner of said Lot 1;

thence on and along the easterly line of said Lot 1 and the westerly right of way line of McManness Avenue, South 00 degrees 31 minutes 09 seconds West, a distance of 43.40 feet to an iron pin set at the TRUE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED;

- 1) thence continuing on and along the existing westerly right of way line of McManness Avenue and the easterly line of said Lot 1, continuing South 00 degrees 31 minutes 09 seconds West, a distance of 106.03 feet to the southeast corner of said Lot 1 and the north right of way line of Hemphill Boulevard;
- 2) thence on and along the north right of way line of Hemphill Boulevard and the south line of said Lot 1, North 89 degrees 37 minutes 39 seconds West, a distance of 30.00 feet to an iron pin set;
- 3) thence parallel to the easterly line of said Lot 1, North 00 degrees 31 minutes 09 seconds East, a distance of 77.11 feet to an iron pin set;
- 4) thence North 46 degrees 29 minutes 24 seconds East, a distance of 41.73 feet returning to the TRUE POINT OF BEGINNING.

Containing in all 0.063 acres, of which 0.000 acres is existing road right of way, leaving a net take of 0.063 acres. The above described parcel is currently part of Hancock County Auditor's Parcel 560001000344.

Bearings are to an assumed meridian and used to determine angles only. All iron pins set are 5/8" x 30" steel rods with a plastic yellow cap stamped "Poggemeyer Design Group Survey Marker". This description is based on an actual field survey done by Poggemeyer Design Group and was prepared September 9, 2015 by Kevin Canavan P.S., surveyor number S-7448.

Poggemeyer Design Group
1168 North Main Street
Bowling Green, Ohio 43402
419-352-7537

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Acreage/Closure Checked
Hancock Co. Engineer
BY 10-8-15



Parcel "B"

Situated in the City of Findlay, in Hancock County, Ohio, in the southeast quarter of Section 18, Township 1 North, Range 11 East, and being part of Lot 4 of Block 5 of Cory's Briggs Avenue Addition recorded in Plat Book 2, Page 95, and part of land recorded in Volume 176, Page 276 in the name of the City of Findlay, and described as follows:

COMMENCING at a 5/8 inch iron pin set on the easterly right of way line of McManness Avenue and at the northwest corner of said Lot 4;

thence on and along the westerly line of said Lot 4 and the easterly right of way line of McManness Avenue, South 00 degrees 31 minutes 09 seconds West, a distance of 31.40 feet to an iron pin set at the TRUE POINT OF BEGINNING FOR THE PARCEL HEREIN DESCRIBED;

- 1) thence South 11 degrees 47 minutes 57 seconds East, a distance of 114.32 feet to an iron pin set;
- 2) thence South 20 degrees 07 minutes 56 seconds West, a distance of 23.27 feet to an iron pin set;
- 3) thence South 03 degrees 28 minutes 51 seconds East, a distance of 28.77 feet to an iron pin set on the south line of said Lot 4;
- 4) thence on and along the south line of said Lot 4, North 82 degrees 36 minutes 59 seconds West, a distance of 18.72 feet to a point on the west line of said Lot 4 and on the existing east right of way line of McManness Avenue;
- 5) thence on and along the existing east right of way line of McManness Avenue and the west line of said Lot 4, North 00 degrees 31 minutes 09 seconds East, a distance of 160.06 feet returning to the TRUE POINT OF BEGINNING.

Containing in all 0.053 acres, of which 0.000 acres is road right of way, leaving a net take of 0.053 acres, and further described as being part of Hancock County Auditor's Parcel 560001008064.

Bearings are to an assumed meridian and used to determine angles only. All iron pins set are 5/8" x 30" steel rods with a plastic yellow cap stamped "Poggemeyer Design Group Survey Marker". This description is based on an actual field survey done by Poggemeyer Design Group and was prepared September 9, 2015 by Kevin Canavan P.S., surveyor number S-7448.

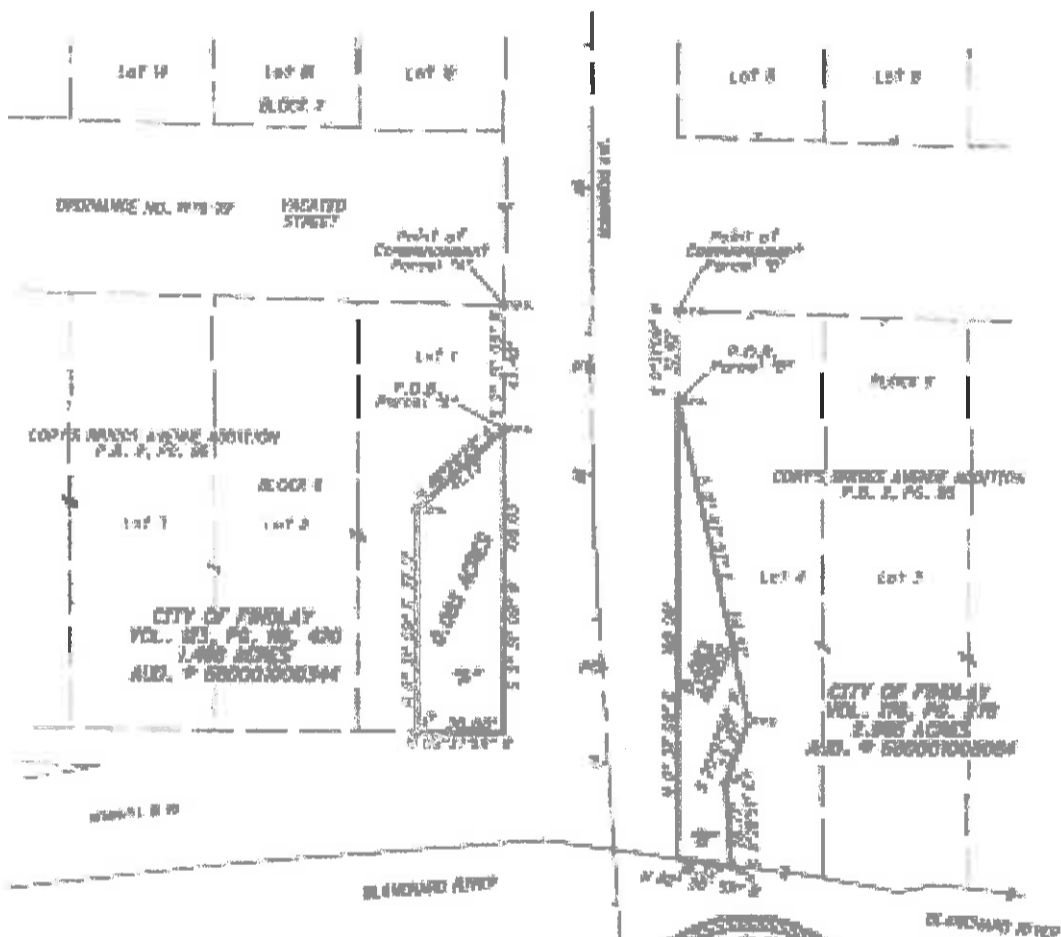
Poggemeyer Design Group
1168 North Main Street
Bowling Green, Ohio 43402
419-352-7537

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Kevin
Acreage/Closure Checked
Hancock Co. Engineer
BY 10-8-15



BEING PART OF LOT 1 OF BLOCK 6 AND LOT 4 OF BLOCK 5 OF
 CORY'S BRIGGS AVENUE ADDITION, RECORDED IN PLAT BOOK 2,
 PAGE 88, IN THE CITY OF FINDLAY, HAWCOCK COUNTY, OHIO,
 IN THE S.E. QUARTER, SEC. 15, T1N, R11E.



TOTAL AREA - 6.78 ACRES
 2,000 ACRES RIGHT OF WAY



- CEM
- Iron Pin Found
- Iron Pin Set - 3/4" x 30" steel rod with yellow cap, stamped Poggeneyer Design Group Survey 2015
- Property Line Marker
- Decorative stake

Acres/Closure Checked
 Hancock Co. Engineer
 BY LD-C-15 BC

Records are to be retained for 10 years and are to be used for reference only. This plat is based on actual field survey done by Poggeneyer Design Group for the City of Findlay, Ohio. I believe this plat to be true and accurate to the best of my knowledge and was prepared under my supervision.

LD-C-15 BC
 LD-C-15 BC
 Ohio Professional Surveyor 5-1446

SEPT 1, 2015
 Date



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POGGENEYER DESIGN GROUP, INC.
 ARCHITECTS • ENGINEERS • PLANNERS
 100 NORTH MAIN STREET
 WOLFHUBER BRICK, OHIO 43403
 TEL. • (614) 292-7937

PLAT OF A SURVEY FOR
 PERMANENT ROAD RIGHT OF WAY
 FOR THE CITY OF FINDLAY, OHIO

Job No. 3293-015, ODOT PID# 6848