

ORDINANCE NO. 16- 07

AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO EXECUTE AN AMENDED DEED OF EASEMENT

WHEREAS, in November 1963, the Village of Thornville received a Deed of Easement from Estella A. Witmer, which is referenced in Perry County Deed Book 180, Pages 462 and 463, Reg. No. 24536 ("Original Easement"). The Original Easement consists of, and encumbers, ±98.716 acres; and

WHEREAS, over the past year, the Village of Thornville has been discussing whether it needs the entire Original Easement or a lesser acreage would suffice ; and

WHEREAS, Council for the Village of Thornville wants to amend the Original Easement, and thereby reduce its size to ±1.038 acres ("Amended Easement"). The location of the Amended Easement is shown on the drawing attached to the Amended Deed of Easement; and

WHEREAS, the Amended Easement gives the Village of Thornville (as well as its successors and assigns) forever a perpetual easement in, through, over, under, and across a portion of certain parcels of real property to be used solely for the purpose constructing, operating, maintaining, removing, replacing, using and enjoyment of an underground water line and/or sewer line and the appurtenances thereto to be constructed by the Village, or its successors and assigns, including the right of reasonable ingress and egress over and across other portions of the adjacent property for the purpose of exercising the rights granted in the Amended Easement; and

WHEREAS, with the Amended Easement, the Village of Thornville will retain the right to inspect the reduced easement area and remove any obstructions in and along the easement area that may, in any way, endanger or interfere with the proper and legal use of the Easement Area. Grantee is accepting the Easement Area for use by itself, its successors, and its assign; and

WHEREAS, Council for the Village of Thornville agrees it will continue to pay Blanche L Hagan, or her successors and assigns, the total sum of One Hundred Fifty Dollars and No Cents (\$150.00) per year, on or before December 31st of each year, for as long as the Amended Easement is in valid and effective.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby authorizes and directs the Village Administrator to execute an amended deed of easement in substantially the same form and content as the Amended Deed of Easement attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent part thereof.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with all legal requirements of the laws of the State of Ohio.


SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 28th day of July 2016.



Gavin Renner, Mayor

ATTEST



Danielle Lovett, Clerk of Council

APPROVED:

Approved as to form this 18th day of May 2016:



Brian M. Zets, Esq.
Village Solicitor

AMENDED DEED OF EASEMENT

In November 1963, **the Village of Thornville, Ohio**, a municipal corporation having an office and place of business located at 1 South Main Street, Thornville, Ohio 43076 ("Grantee"), received a Deed of Easement from Estella A. Witmer, which is referenced in Perry County Deed Book 180, Pages 462 and 463, Reg. No. 24536 ("Original Easement"). The Original Easement consists of, and encumbers, ± 98.716 acres.

Grantee hereby agrees to amend the Original Easement, and thereby reduce its size to ± 1.038 acres ("Amended Easement"). The location of the Amended Easement is shown on the drawing (attached hereto as in Exhibit A) and the legal description (attached hereto as Exhibit B), both of which are incorporated herein and made a part hereof by reference. The real property shown in Exhibits A and B is sometimes hereinafter referred to as "Easement Area".

The Amended Easement and corresponding Easement Area give Grantee, its successors and assigns, forever, a perpetual easement in, through, over, under, and across a portion of a certain parcels of real property to be used solely for the purpose of constructing, operating, maintaining, removing, replacing, using and enjoyment of an underground water line and/or sewer line and the appurtenances thereto to be constructed by Grantee, or its successors and assigns, within the Easement Area, including the right of reasonable ingress and egress over and across other portions of the adjacent property to and from the Easement Area for the purpose of exercising the rights granted herein, and subject to the terms and conditions set forth herein, for the benefit of Grantee.

Grantee shall have the right to inspect the Easement Area and remove any obstructions in and along the Easement Area that may, in any way, endanger or interfere with the proper and legal use of the Easement Area. Grantee is accepting the Easement Area for use by itself, its successors, and its assign.

Grantee agrees it will continue to pay Blanche L Hagan, or her successors and assigns, the total sum of One Hundred Fifty Dollars and No Cents (\$150.00) per year, on or before December 31st of each year, for as long as the Amended Easement is in valid and effective.

VILLAGE OF THORNVILLE, OHIO

Beth Patrick, Village Administrator

STATE OF OHIO
COUNTY OF PERRY

Before me, a Notary Public, in and for said county and state, personally appeared Beth Patrick the Village Administrator for the Village of Thornville, Ohio who acknowledged that she signed the foregoing instrument and that the same is her free act and deed undertaken for the uses and purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 2016.

Notary Public
My Commission expires:

PREPARED
The Hag
Thornville, Ohio

Plat of Easement

Village of Thornville, Township of Thom, County of Perry, State of Ohio,
Southeast Quarter Section 9, Township 18N, Range 17W.

POINT OF BEGINNING:
Bears S 01°04'09" W
624.97' from NW Corner
of SE Quarter of Section 9

PLAT BOOK 4
PAGE 151

Half Section Line

RESIDENCE

CURVE TABLE

No.	Arc length	Radius	Delta Angle	Chord/Distance
C1	38.03'	38.35'	56°48'55"	N 70°20'08" E 36.49'

LOT 23

CRAIG DRIVE

FOSTOR MANOR
SUBDIVISION

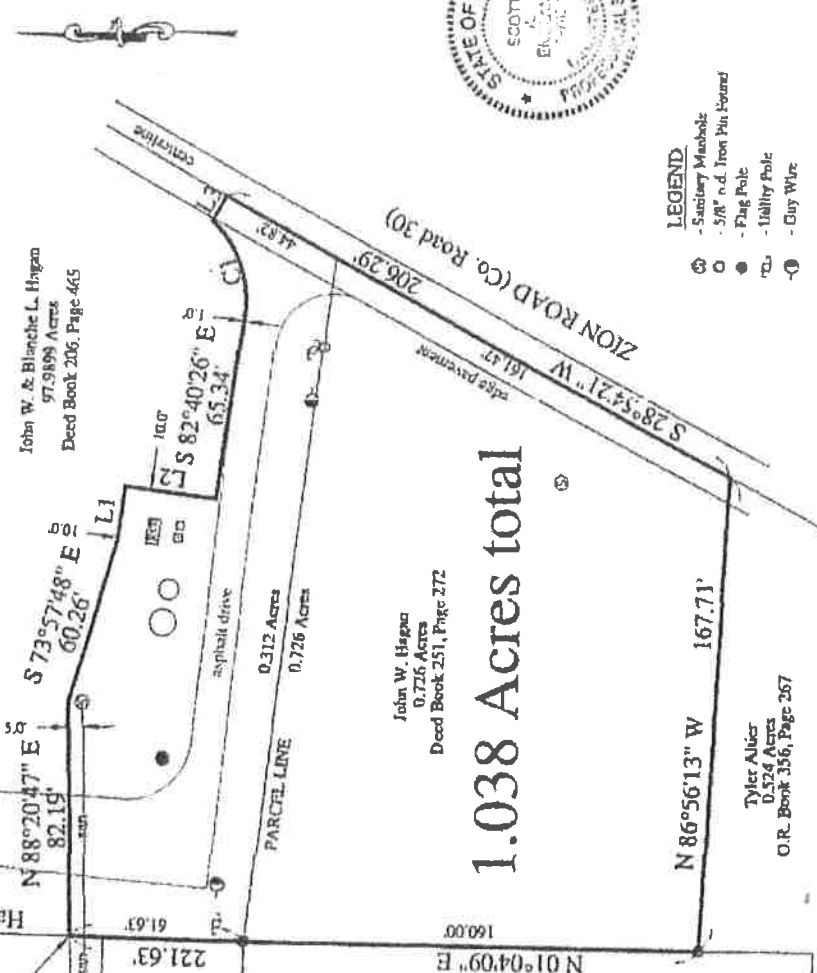
LOT 22

John W. & Blanche L. Hagan
97.9899 Acres
Deed Book 206, Page 465

John W. Hagan
0.726 Acres
Deed Book 251, Page 272

Tyler Alier
0.524 Acres
O.R. Book 356, Page 267

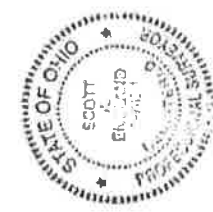
1.038 Acres total



LINE TABLE

No.	Bearing	Distance
L1	S 82°46'29\" E	18.99'
L2	S 07°10'06\" W	32.52'
L3	S 61°05'39\" E	10.29'

PREPARED BY:
S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Beckeye Lake, Ohio 43008
PHONE: 740-323-0644
saengland@surveyohio.com



- LEGEND
- ⊙ - Surveyor Markhole
 - - 5/8" o.d. Iron Pin Found
 - - Flag Pole
 - ⊕ - Utility Pole
 - ⊖ - Guy Wire

I hereby certify that an actual survey was made of the premises, and that this plat is correct to the best of my knowledge.

Dated: 12-1-11
Scott A. England, P.S.
Ohio Registered Surveyor #7452

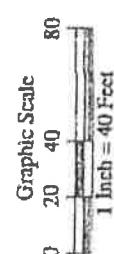


Exhibit
A



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Thence, N 01°04'09" E 221.23 feet with the West line of the Southeast Quarter of Section 9, the same being the West line of said 0.726 Acre parcel conveyed to Hagan, and extending along the West line of said 97.9899 Acre parcel conveyed to Hagan, also being the East line of Foster Manor Subdivision, to the PRINCIPLE PLACE OF BEGINNING, passing over a 5/8" o.d. iron pin found at 160.00 feet, and containing 1.038 Acres, more or less, of EASEMENT AREA.

The bearings of the above description are based on the West line of the Southeast Quarter of Section 9, as being N 01°04'09" E, and is an assumed Meridian used to denote angles only.

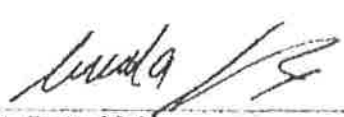
All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in December of 2015.

Dated

12/28/15

Job No. 2820-15PE


Scott A. England P.S.

Ohio Registered Surveyor #7452



PREPARED BY:
The Hagarty Family
Thornville, Ohio

Plat of Easement

Village of Thornville, Township of Thom, County of Perry, State of Ohio,
Southeast Quarter Section 9, Township 18N, Range 17W.

PROPERTY LOCATION:
SITUATED IN THE VILLAGE OF THORNVILLE,
TOWNSHIP OF THORN, STATE OF OHIO, PART
SOUTHEAST QUARTER SECTION 9, TOWNSHIP 18N,
RANGE 17W.

BEING A SURVEY OF AN EASEMENT AREA AS
PART OF A 97.7899 ACRE PARCEL CONVEYED TO
JOHN W. & BLANCHE L. HAGAN, AS RECORDED IN
DEED BOOK 206, PAGE 465, AND ALL OF A 0.725
ACRE PARCEL CONVEYED TO JOHN W. HAGAN, AS
RECORDED IN DEED BOOK 251, PAGE 272, IN THE
PERRY COUNTY DEED RECORDS.

THE BEARINGS OF THIS PLAT ARE BASED ON THE
WEST LINE OF THE SOUTHEAST QUARTER OF
SECTION 9, AS BEING N 01° 04' 09" E, AND IS AN
ASSUMED MERIDIAN USED TO DENOTE ANGLES
ONLY.

CURVE TABLE

No.	Arc length	Radius	Delta Angle	Chord/Distance
C1	38.03'	38.35'	56° 48' 55"	N 70° 20' 08" E 36.49'

LINE TABLE

No.	Bearing	Distance
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Professionals Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
saengland@suresyahin.com

I hereby certify that an actual survey was made of the
premises, and that this plat is correct to the best of
my knowledge.

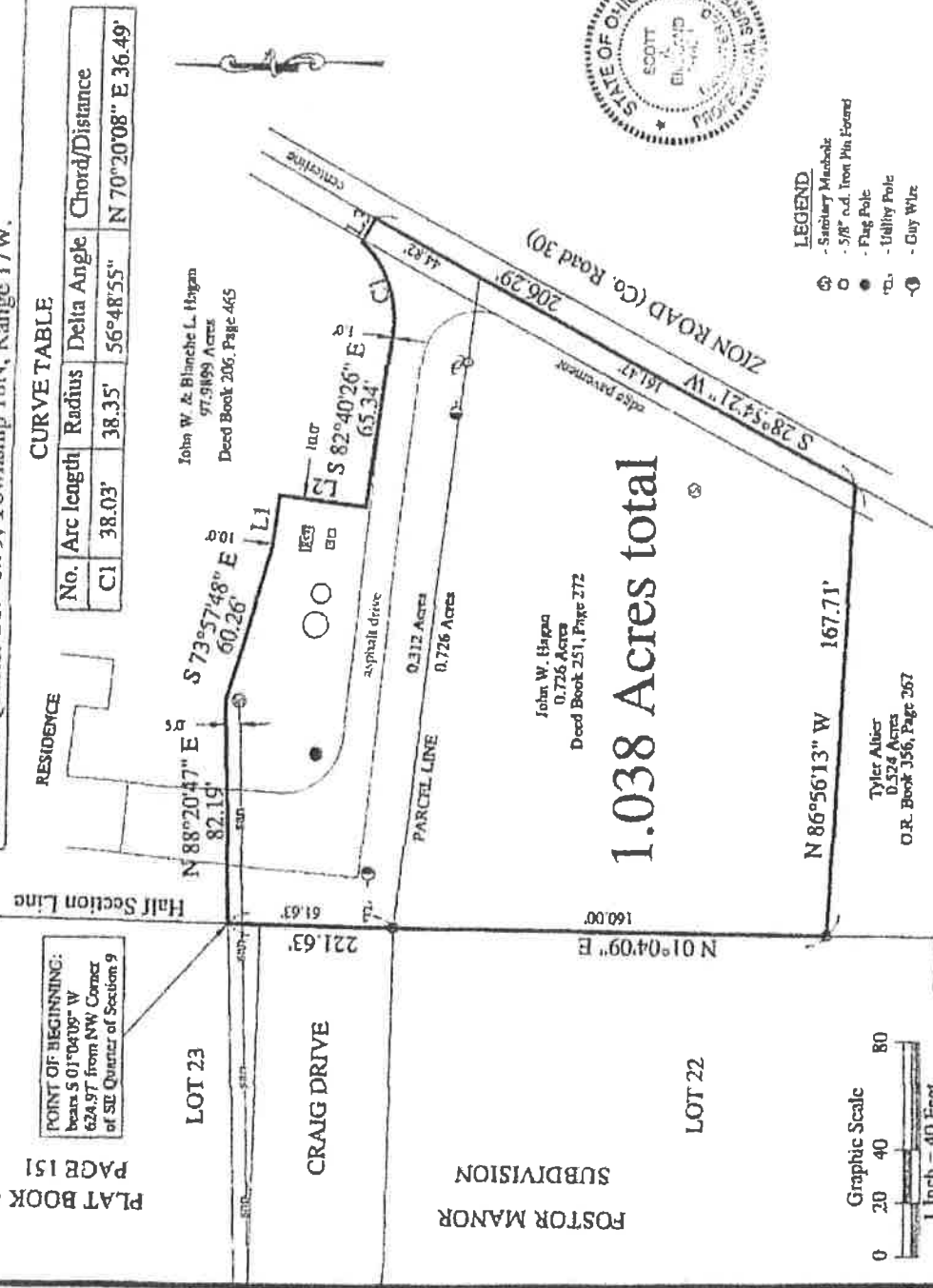
Date: 12-1-15

Scott A. England, P.S.
Ohio Registered Surveyor #7452



LEGEND

- - Survey Marker
- - 5/8" o.d. Iron Pin Found
- - Flag Pole
- - Utility Pole
- - Guy Wire



1.038 Acres total

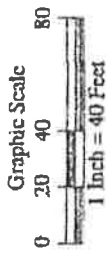


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The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in December of 2015.

Dated 12/28/15

Job No. 2820-15PE



Scott A. England P.S.
Ohio Registered Surveyor #7452



PREPARED FOR:
The Hagan Family
Thornville, Ohio

PLAT BOOK 4
PAGE 151

POINT OF BEGINNING:
bears S 01°04'09" W
624.57' from NW Corner
of SE Quarter of Section 9

Plat of Easement

Village of Thornville, Township of Thorn, County of Perry, State of Ohio,
Southeast Quarter Section 9, Township 18N, Range 17W.

CURVE TABLE

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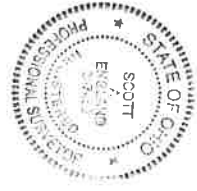
BEING A SURVEY OF AN EASEMENT AREA AS
PART OF A 62.51 ACRE PARCEL CONVEYED TO
BLANCHE L. HAGAN AS RECORDED IN
DEED BOOK 423 PAGE 660

PERRY COUNTY DEED RECORDS.

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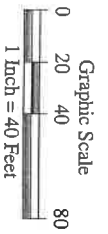


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- ⊙ - Sanitary Manhole
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UPDATED