

EMERGENCY ORDINANCE NO. 2021-35

AN ORDINANCE GRANTING AND DESIGNATING REAL PROPERTY OWNED BY THE CITY OF MONROE AS AN EASEMENT FOR THE GREAT MIAMI RIVER TRAIL AND DECLARING AN EMERGENCY.

WHEREAS, in connection with the Great Miami River Trail certain easements are required to be obtained; and

WHEREAS, the Ohio Department of Transportation is requiring that the City of Monroe grant certain real property, owned by the City of Monroe, as an easement so that its use remains a perpetual use for the Great Miami River Trail.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

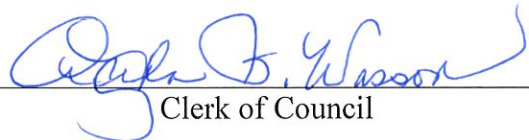
SECTION 1: The City of Monroe does hereby grant in and unto itself and designate certain real property described on Exhibit "1" attached hereto and made a part hereof as an easement for the Great Miami River Trail.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to have the easements in place to avoid any delay in the completion of the Great Miami River Trail. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: September 14, 2021

ATTEST:

APPROVED:


Clerk of Council


Mayor

First Reading: August 24, 2021

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.


Clerk of Council
City of Monroe, Ohio

EASEMENT

City of Monroe, Ohio, an Ohio municipal corporation, the Grantor(s), as a GIFT/DONATION to the Grantee, the City of Monroe, Ohio; does quit claim to the Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A, attached, the following described real estate:

PARCEL(S): 5 SH

BUT-GREAT MIAMI RIVER TRAIL

SEE EXHIBIT A ATTACHED

Butler County Current Tax Parcel No. C1800-012000-040

Prior Instrument Reference: OR Book 9099, Page 1365, Butler County Recorder's Office.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that Grantee decides not to use the property conveyed for the above-stated purpose, Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated.

IN WITNESS WHEREOF City Of Monroe, Ohio, An Ohio Municipal Corporation by and through _____, the _____ of City Of Monroe, Ohio, An Ohio Municipal Corporation, has hereunto subscribed _____ name on the _____ day of _____, _____.

CITY OF MONROE, OHIO, AN OHIO MUNICIPAL CORPORATION

By: _____

STATE OF OHIO, COUNTY OF BUTLER SS:

BE IT REMEMBERED, that on the _____ day of _____, _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ of City Of Monroe, Ohio, An Ohio Municipal Corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said City Of Monroe, Ohio, An Ohio Municipal Corporation. No oath or affirmation was administered to _____ with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

My Commission expires: _____

This document was prepared by: the City of Monroe, Ohio

EXHIBIT A

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Ver. Date 01/25/21

PID 109591

**PARCEL 5-SH
GREAT MIAMI RIVER TRAIL - MONROE, OHIO
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF MONROE, BUTLER COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Monroe, Butler County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in Section 36, Town 3, Range 3, BTM, in the City of Monroe, Butler County, Ohio and being part of Lot 2702 of the designated lots of the City of Monroe and as conveyed to City of Monroe, Ohio in O.R. 9099 Page 1365 of the Butler County Recorder's Office and being more particularly described as follows:

Commencing at a 5/8" iron pin found at the southwest corner of Green Ridge Subdivision, Section One as recorded in P.B. 8 Page 18, said point being the southeast corner of Lot 2699 as conveyed to Eve Kristin, Trustee in O.R. 6624 Page 161;

Thence along the south line of Lot 2699, being the north line of Lot 2700 as conveyed to Eve Kristin, Trustee in O.R. 6624 Page 161, N84°13'09"W, passing a 1/2" iron pin found at 1361.91 feet, a total distance of 1407.10 feet to a point in an easterly line of Lot 2885 as conveyed to the Butler County Park District in O.R. 1180 Page 59, said point being 74.45 feet right of Station 277+92.15 per a survey performed by The Kleingers Group, Inc. for the centerline of the Great Miami River Trail in Monroe, Ohio;

Thence along easterly lines of Lot 2885, the following three courses:

- 1.) N05°53'54E a distance of 370.01 feet to a point 71.86 feet right of Sta 281+54.66;
- 2.) N09°13'51"E a distance of 477.77 feet to a point 56.61 feet right of Sta 286+46.16;

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- 3.) N15°32'12"E a distance of 93.36 feet to northeast corner of Lot 2885, being the southeast corner of Lot 2629, said point being 54.33 feet right of Station 287+39.49;

Thence along the north line of Lot 2885, N74°47'21"W a distance of 101.30 feet to the northwest corner of Lot 2885, being 46.92 feet left of Station 287+36.37;

Thence along west lines of Lot 2885 the following five courses:

- 1.) S15°13'12"W a distance of 98.66 feet to a 5/8" iron pin found 43.89 feet left of Station 286+37.76;
- 2.) S07°44'02"W a distance of 242.87 feet to a 5/8" iron pin found 16.55 feet left of Station 283+99.96;
- 3.) S07°47'49"W a distance of 242.83 feet to a point 16.41 feet left of Station 281+57.91;
- 4.) S05°55'44"W a distance of 366.44 feet to a point 14.17 feet left of Station 277+90.00;
- 5.) S15°21'12"W a distance of 5.60 feet to the northeast corner of Lot 2702 and the True Point of Beginning, said point being 14.58 feet left of Station 277+84.35;

Thence continuing along a west line of Lot 2885, S15°21'12"W a distance of 904.44 feet to a point 14.41 feet left of Station 268+79.04;

Thence continuing along a west line of Lot 2885, S12°11'41"W a distance of 84.03 feet to the southeast corner of Lot 2702, said point being 14.40 feet left of Station 267+94.96;

Thence along the south line of Lot 2702, N86°27'55"W a distance of 7.51 feet to a point 21.46 feet left of Station 267+93.85;

Thence along lines through Lot 2702, the following four courses:

- 1.) N03°17'26"E a distance of 32.96 feet to a point 26.70 feet left of Station 268+26.39;
- 2.) N14°08'44"E a distance of 156.78 feet to a point 27.69 feet left of Station 269+81.63;
- 3.) N15°24'41"E a distance of 272.59 feet to a point 28.37 feet left of Station 272+56.33;
- 4.) N15°09'30"E a distance of 525.87 feet to a point in the north line of Lot 2702, said point being 29.16 feet left of Station 277+82.95;

Thence along the north line of Lot 2702, S84°13'09"E a distance of 14.64 feet to the Point of Beginning, containing 0.293 acres more or less and being subject to easements, restrictions, and rights-of-way of record.

Bearings are based on the Ohio State Plane Coordinate System, NAD'83 (2011).

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The above description was prepared by The Kleingers Group, Inc., under the direction of David L. Cox, Ohio Professional Surveyor No. 7101 and is based on a survey completed on February 16, 2018.

Gross Take 0.293 Acres
P.R.O. 0.000 Acres
Net Take 0.293 Acres

Auditors Parcel: C1800-012000-040

David L. Cox
1/25/21

