

EMERGENCY ORDINANCE NO. 2021-36

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BARBARA TRIMBLE, SUCCESSOR TRUSTEE OF THE WILLIAM H. TRIMBLE TRUST AGREEMENT AND BARBARA TRIMBLE, TRUSTEE OF THE BARBARA TRIMBLE TRUST AGREEMENT FOR EASEMENT PURPOSES 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 real property described herein shall be designated as an easement for the Great Miami River Trail.

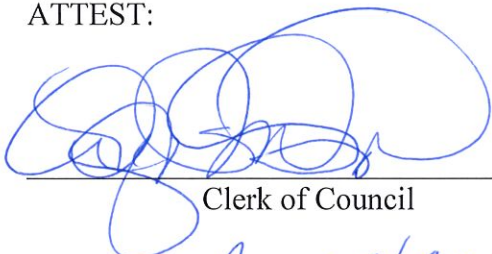
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Council hereby authorizes the purchase of real property from Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement 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, welfare and safety 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:



Clerk of Council

First Reading: August 24, 2021

APPROVED:



Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunbelt 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

Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement dated April 4, 2000 as amended and restated by that certain Restated Trust Agreement of William H. Trimble dated June 21, 2007 and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement dated April 4, 2000, as amended and restated by that certain Restated Trust Agreement of Barbara Trimble dated June 21, 2007; and as amended on November 16, 2017 and on July 26, 2021, the Grantor(s), in consideration of the sum of \$2,131.00, to be paid by the City of Monroe, Ohio, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): 2 SH-1, SH-2, SH-3
BUT-GREAT MIAMI RIVER TRAIL

SEE EXHIBIT A ATTACHED

Butler County Current Tax Parcel No. C1800-012000-050 and C1800-012000-051
Prior Instrument Reference: OR Book 8113, Page 573; OR Book 9707, Page 1100; OR Book 9707, Page 1112; OR Book 9706, Page 1470, Butler County Recorder's Office.

Grantor(s), for themselves and their successors and assigns, covenant(s) with the Grantee, its successors and assigns, that they are the true and lawful owner(s) in fee simple, and have the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d)

any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

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 the Grantee decides not to use the property conveyed for the above-stated purpose, the Grantor(s) have 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 will be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fail 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 Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement dated April 4, 2000 as amended and restated by that certain Restated Trust Agreement of William H. Trimble dated June 21, 2007 and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement dated April 4, 2000, as amended and restated by that certain Restated Trust Agreement of Barbara Trimble dated June 21, 2007; and as amended on November 16, 2017 and on July 26, 2021 has hereunto set her hands on the _____ day of _____, 2021.

Barbara Trimble, Successor Trustee

Barbara Trimble, Trustee

STATE OF OHIO, COUNTY OF _____, SS:

BE IT REMEMBERED, that on the _____ day of _____, 2021, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement dated April 4, 2000 as amended and restated by that certain Restated Trust Agreement of William H. Trimble dated June 21, 2007 and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement dated April 4, 2000, as amended and restated by that certain Restated Trust Agreement of Barbara Trimble dated June 21, 2007; and as amended on November 16, 2017 and on July 26, 2021 who acknowledged the foregoing instrument to be their voluntary acts and deeds. No oath or affirmation was administered to Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement dated April 4, 2000 as amended and restated by that certain Restated Trust Agreement of William H. Trimble dated June 21, 2007 and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement dated April 4, 2000, as amended and restated by that certain Restated Trust Agreement of Barbara Trimble dated June 21, 2007; and as amended on November 16, 2017 and on July 26, 2021 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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Rev. 06/09

Ver. Date 01/25/21

PID 109591

**PARCEL 2-SH1
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 3514 of the designated lots of the City of Monroe and as conveyed to William H. Trimble, Trustee in O.R. 8113 Page 573 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.) S15°07'20"W a distance of 918.14 feet to a point 77.49 feet right of Sta 268+74.43;
- 2.) S11°26'18"W a distance of 536.91 feet to a point 80.62 feet right of Sta 263+40.94;

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- 3.) S18°01'26"W a distance of 123.39 feet to a 5/8" iron pin found at the southeast corner of Lot 2885, being the northeast corner of Lot 3517, said point being 74.19 feet right of Station 262+17.72;

Thence along the north line of Lot 3517, N75°48'04"W a distance of 95.11 feet to a 5/8" iron pin found at the northwest corner of Lot 3517, being 20.91 feet left of Station 262+16.33;

Thence along the west lines of Lot 3517, the following five courses:

- 1.) S14°48'46"W a distance of 134.29 feet to a 5/8" iron pin found 20.21 feet left of Station 260+81.67;
- 2.) S22°26'16"W a distance of 235.68 feet to a 5/8" iron pin found 20.81 feet left of Station 258+41.48;
- 3.) S28°34'43"W a distance of 499.46 feet to a point 21.05 feet left of Station 253+39.12;
- 4.) S37°21'47"W a distance of 127.88 feet to a point 38.05 feet left of Station 252+10.23;
- 5.) S38°30'18"W a distance of 202.37 feet to the True Point of Beginning, said point being 23.84 feet left of Station 250+03.42;

Thence continuing along the west line of Lot 3517, S38°30'18"W a distance of 74.29 feet to a point 26.02 feet left of Station 249+33.97;

Thence along lines through Lot 3514, the following three courses:

- 1.) N01°09'57"W a distance of 58.11 feet to a point 60.04 feet left of Station 249+76.01;
- 2.) N38°39'33"E a distance of 16.32 feet to a point 60.18 feet left of Station 249+89.95;
- 3.) S71°08'49"E a distance of 39.35 feet to the Point of Beginning, containing 0.039 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).

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.

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Gross Take 0.039 Acres
P.R.O. 0.000 Acres
Net Take 0.039 Acres

Auditors Parcel: C1800-012000-051

David L. Cox
1/25/21



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Rev. 06/09

Ver. Date 01/25/21

PID 109591

**PARCEL 2-SH2
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 3513 of the designated lots of the City of Monroe and as conveyed to William H. Trimble, Trustee in O.R. 8113 Page 573 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.) S15°07'20"W a distance of 918.14 feet to a point 77.49 feet right of Sta 268+74.43;
- 2.) S11°26'18"W a distance of 536.91 feet to a point 80.63 feet right of Sta 263+40.94;

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- 3.) S18°01'26"W a distance of 123.39 feet to a 5/8" iron pin found at the southeast corner of Lot 2885, being the northeast corner of Lot 3517, said point being 74.19 feet right of Station 262+17.72;

Thence along the north line of Lot 3517, N85°48'04"W a distance of 95.11 feet to a 5/8" iron pin found at the northwest corner of Lot 3517, being 20.91 feet left of Station 262+16.33;

Thence along west lines of Lot 3517, the following three courses:

- 1.) S14°48'46"W a distance of 134.29 feet to a 5/8" iron pin found 20.21 feet left of Station 260+81.87;
- 2.) S22°26'16"W a distance of 235.68 feet to a 5/8" iron pin found 20.81 feet left of Station 258+41.48;
- 3.) S28°34'43"W a distance of 445.28 feet to the True Point of Beginning, said point being 26.33 feet left of Station 253+93.05;

Thence continuing along a west line of Lot 3517, S28°34'43"W a distance of 54.19 feet to a point 21.05 feet left of Station 253+39.12;

Thence continuing along a west line of Lot 3517, S37°21'47"W a distance of 75.19 feet to a point 31.25 feet left of Station 252+57.69;

Thence along a line through Lot 3513, N31°54'46"E a distance of 71.47 feet to the Point of Beginning, containing 0.010 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).

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.

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Gross Take 0.010 Acres
P.R.O. 0.000 Acres
Net Take 0.010 Acres

Auditors Parcel: C1800-012000-050

David L. Cox
1/25/21



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Ver. Date 01/25/21

PID 109591

**PARCEL 2-SH3
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 3513 of the designated lots of the City of Monroe and as conveyed to William H. Trimble, Trustee in O.R. 8113 Page 573 of the Butler County Recorder's Office and being more particularly described as follows:

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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.) S15°07'20"W a distance of 918.14 feet to a point 77.49 feet right of Sta 268+74.43;
- 2.) S11°26'18"W a distance of 536.91 feet to a point 80.62 feet right of Sta 263+40.94;

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- 3.) S18°01'26"W a distance of 123.39 feet to a 5/8" iron pin found at the southeast corner of Lot 2885, being the northeast corner of Lot 3517, said point being 74.19 feet right of Station 262+17.72;

Thence along the north line of Lot 3517, N75°48'04"W a distance of 95.11 feet to a 5/8" iron pin found at the northwest corner of Lot 3517, being 20.91 feet left of Station 262+16.63;

Thence along west lines of Lot 3517, the following three courses:

- 1.) S14°48'46"W a distance of 134.29 feet to a 5/8" iron pin found 20.21 feet left of Station 260+81.67;
- 2.) S22°26'16"W a distance of 235.68 feet to a 5/8" iron pin found 20.81 feet left of Station 258+41.48;
- 3.) S28°34'43"W a distance of 19.56 feet to the intersection of the west line of Lot 3517 with the north line of Lot 3513, said point being the True Point of Beginning, and being 21.19 feet left of Station 258+21.93;

Thence continuing along a west line of Lot 3517, S28°34'43"W a distance of 278.03 feet to a point 26.67 feet left of Station 255+43.95;

Thence along lines through Lot 3513, the following three courses:

- 1.) N61°25'17"W a distance of 5.00 feet to a point 31.67 feet left of Station 255+44.05;
- 2.) N28°34'43"E a distance of 142.77 feet to a point 28.86 feet left of Station 256+86.80;
- 3.) N23°47'55"E a distance of 127.74 feet to a point in the north line of Lot 3513, said point being 36.99 feet left of Station 258+14.28;

Thence along the north line of Lot 3513, being the south line of Lot 3518, S88°23'40"E a distance of 17.55 feet to the Point of Beginning, containing 0.048 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).

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.

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Gross Take 0.048 Acres
P.R.O. 0.000 Acres
Net Take 0.048 Acres

Auditors Parcel: C1800-012000-050

David L. Cox
1/25/21

