

EMERGENCY ORDINANCE NO. 2021-38

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM FRANK C. FREY AND MARY LINDON, TRUSTEES OF THE FREY PRESERVATION TRUST TO BE USED FOR PUBLIC PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, Council authorized the purchase of certain real property from Frank C. Frey and Mary Lindon, Trustees of the Frey Preservation Trust ("Grantors") to be used as an easement for the Great Miami River Trail; and

WHEREAS, the Grantors have offered to sell the entire parcel being C1800012000055, which includes the easement for the Great Miami River Trail; and

WHEREAS, the Ohio Department of Transportation requires that separate Council action be taken for the easement for the Great Miami River Trail; and

WHEREAS, Council deems it beneficial to purchase the entire parcel of property said easement is part of for public purposes as it is adjacent to the Great Miami River Trail and the Monroe Bicentennial Commons Park.

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 known as Parcel No. C1800012000055 in the amount of \$8,702.00 from Frank C. Frey and Mary Lindon, Trustees of the Frey Preservation Trust, to be used for public purposes. Said real property is marked Exhibit "1" attached hereto and made a part hereof.

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 close on this property at the earliest possible date as it is part of the easement referred to in Emergency Ordinance No. 2021-37. 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

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.

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.


Clerk of Council
City of Monroe, Ohio

EASEMENT

Frank C. Frey and Mary Lindon, Trustees of the Frey Preservation Trust dated May 31, 2017, the Grantor(s), in consideration of the sum of \$3,298.00, 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): 3 SH-1, SH-2

BUT-GREAT MIAMI RIVER TRAIL

SEE EXHIBIT A ATTACHED

Butler County Current Tax Parcel No. C1800012000055

Prior Instrument Reference: OR Book 9042, Page 296, 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 Frank C. Frey And Mary Lindon, Trustees Of The Frey Preservation Trust Dated May 31, 2017 have hereunto set their hands on the _____ day of _____, _____.

Frank C. Frey, Trustee

Mary Lindon, Trustee

STATE OF OHIO, COUNTY OF _____, 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 Frank C. Frey And Mary Lindon, Trustees Of The Frey Preservation Trust Dated May 31, 2017 who acknowledged the foregoing instrument to be their voluntary acts and deeds. No oath or affirmation was administered to Frank C. Frey And Mary Lindon, Trustees Of The Frey Preservation Trust Dated May 31, 2017 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

Page 1 of 3

LPA RX 871 SH

Rev. 06/09

Ver. Date 01/25/21

PID 109591

**PARCEL 3-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 3518 of the designated lots of the City of Monroe and as conveyed to Frank C. Frey and Mary Lindon, Trustees in O.R. 9042 Page 296 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°07'20W a distance of 918.14 feet to a point 77.49 feet right of Sta 268+74.73;
- 2.) S11°26'18"W a distance of 536.91 feet to a point 80.62 feet right of Sta 263+40.94;

EXHIBIT A

Page 2 of 3

LPA RX 871 SH

Rev. 06/09

- 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 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 a west line of Lot 3517, 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;

Thence continuing along a west line of Lot 3517, S22°26'16"W a distance of 157.00 feet to a the True Point of Beginning, being 26.20 feet left of Station 259+21.26;

Thence continuing along a west line of Lot 3517, S22°26'16"W a distance of 78.67 feet to a 5/8" iron pin found 20.81 feet left of Station 258+41.48;

Thence continuing along a west line of Lot 3517, S28°34'43"W a distance of 19.56 feet to the southeast corner of Lot 3518, being 21.19 feet left of Station 258+21.93;

Thence along the south line of Lot 3518, S88°23'40"W a distance of 17.55 feet to a point 36.99 feet left of Station 258+14.28;

Thence along a line through Lot 3518, N29°14'54"E a distance of 59.75 feet to a point 35.06 feet left of Station 258+74.34;

Thence continuing along a line through Lot 3518, N36°39'27"E a distance of 46.46 feet to the Point of Beginning, containing 0.024 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.

EXHIBIT A

Page 3 of 3

Rev. 06/09

LPA RX 871 SH

Gross Take 0.024 Acres
P.R.O. 0.000 Acres
Net Take 0.024 Acres

Auditors Parcel: C1800-012000-055

David L. Cox
1/25/21



EXHIBIT A

LPA RX 871 SH

Page 1 of 3

Rev. 06/09

Ver. Date 01/25/21

PID 109591

**PARCEL 3-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 3518 of the designated lots of the City of Monroe and as conveyed to Frank C. Frey and Mary Lindon, Trustees in O.R. 9042 Page 296 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°07'20W 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;

EXHIBIT A

Page 2 of 3

LPA RX 871 SH

Rev. 06/09

- 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 and the True Point of Beginning, being 20.91 feet left of Station 262+16.33;

Thence along a west line of Lot 3517, 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;

Thence continuing along a west line of Lot 3517, S22°26'16"W a distance of 24.84 feet to a point 22.68 feet left of Station 260+56.46;

Thence along lines through Lot 3518, the following six courses:

- 1.) N11°48'29"E a distance of 113.73 feet to a point 29.99 feet left of Station 261+70.96;
- 2.) N21°09'17"W a distance of 43.10 feet to a point 55.44 feet left of Station 262+05.74;
- 3.) N16°09'41"E a distance of 33.10 feet to a point 54.79 feet left of Station 262+38.84;
- 4.) N79°06'23"E a distance of 27.14 feet to a point 30.39 feet left of Station 262+50.70;
- 5.) N13°36'09"E a distance of 214.59 feet to a point 28.79 feet left of Station 264+70.21;
- 6.) N12°50'28"E a distance of 326.54 feet to a point in the north line of Lot 3518, said point being 21.46 feet left of Station 267+93.85;

Thence along the north line of Lot 3518, S86°27'55"E a distance of 7.51 feet to the intersection of the north line of Lot 3518 with the west line of Lot 2885, being 14.40 feet left of Station 267+94.96;

Thence along a west line of Lot 2885, S12°11'41"W a distance of 455.06 feet to a point 18.35 feet left of Station 263+38.52;

Thence continuing along a west line of Lot 2885, S16°14'11"W a distance of 122.21 feet to the Point of Beginning, containing 0.196 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.

EXHIBIT A

LPA RX 871 SH

Page 3 of 3

Rev. 06/09

Gross Take 0.196 Acres
P.R.O. 0.000 Acres
Net Take 0.196 Acres

Auditors Parcel: C1800-012000-055

David L. Cox
1/25/21

