

**EMERGENCY ORDINANCE NO. 2021-47**

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.

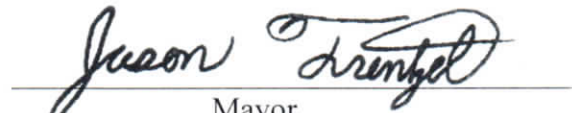
SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to have the easements in place to avoid any delay in the completion of the Great Miami River Trail.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

PASSED: October 12, 2021

ATTEST:

APPROVED:

  
Catherine S. Wasson  
Clerk of Council

  
Jason Tremblay  
Mayor

First Reading:           

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.**

  
Catherine S. Wasson  
Clerk of Council  
City of Monroe, Ohio

LPA RE 806D  
Rev. 10/2017

ED  
LPA

### 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): 1 SH

BUT-GREAT MIAMI RIVER TRAIL

SEE EXHIBIT A ATTACHED

Butler County Current Tax Parcel No. C1800-016100-005, C1800-012000-035, C1800-016100-004, C1800-012000-034 and C1800-012000-054

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 William J. Brock, the City Manager of City Of Monroe, Ohio, An Ohio Municipal Corporation, has hereunto subscribed his name on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF MONROE, OHIO, AN OHIO MUNICIPAL CORPORATION

By: \_\_\_\_\_  
William J. Brock, City Manager

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 William J. Brock, who acknowledged being the City Manager 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 William J. Brock 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 1-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 5, Town 2, Range 3 and in Sections 35 and 36, Town 3, Range 3, BTM, in the City of Monroe, Butler County, Ohio and being part of Lots 2208, 2209, 2210, 2211 and 3517 of the designated lots of the City of Monroe and as conveyed to The 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.) 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;

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

Thence along easterly lines of Lot 3517, the following six courses:

- 1.) S16°35'16"W a distance of 139.81 feet to a 5/8" iron pin found 70.64 feet right of Station 260+79.49;
- 2.) S22°53'28"W a distance of 245.70 feet to a 5/8" iron pin found 67.67 feet right of Station 258+46.87;
- 3.) S28°40'15"W a distance of 507.88 feet to a point 66.20 feet right of Station 253+46.37;
- 4.) S35°54'43"W a distance of 137.27 feet to a point 52.18 feet right of Station 252+09.71;
- 5.) S39°10'12"W a distance of 341.53 feet to a 5/8" iron pin found 43.63 feet right of Station 248+53.75;
- 6.) S20°54'00"W a distance of 231.23 feet to a 5/8" iron pin found 36.66 feet right of Station 246+17.19;

Thence continuing along an easterly line of Lot 3517 and along an easterly line of the above referenced Lot 2208, S09°48'04"W a distance of 691.67 feet to a point 43.20 feet right of Station 239+30.69;

Thence leaving the east line of Lot 2208 and along a line through Lot 2208, S23°22'05"W a distance of 417.29 feet to a point 24.59 feet right of Station 235+08.26;

Thence continuing along a line through Lot 2208, S13°22'03"W a distance of 232.90 feet to a point 28.22 feet right of Station 232+71.13;

Thence continuing along a line through Lot 2208 and along a line through lot 2210, S06°11'45"W a distance of 212.85 feet to a point 30.06 feet right of Station 230+63.19;

Thence along a line though Lots 2210 and 2209, S26°07'15"W a distance of 245.12 feet to a point 20.91 feet right of Station 228+19.16;

Thence along a line through Lot 2209, S10°37'03"W a distance of 312.35 feet to a point 24.35 feet right of Station 225+00.26;

Thence along a line through Lot 2209 and 2211, S17°22'19"W a distance of 453.69 feet to a point 21.09 feet right of Station 220+50.19;

Thence along lines through Lot 2211, the following nine courses:

**EXHIBIT A**

- 1.) S10°10'49"W a distance of 168.43 feet to a point 25.23 feet right of Station 218+81.40;
- 2.) S28°23'34"W a distance of 455.15 feet to a point 23.34 feet right of Station 214+30.34;
- 3.) S33°43'06"W a distance of 313.07 feet to a point 23.79 feet right of Station 211+20.48;
- 4.) S36°52'15"W a distance of 313.37 feet to a point 23.22 feet right of Station 208+01.40;
- 5.) S10°11'03"W a distance of 99.33 feet to a point 23.38 feet right of Station 206+89.42;
- 6.) S21°17'07"E a distance of 201.14 feet to a point 25.00 feet right of Station 204+72.24;
- 7.) S41°32'55"E a distance of 68.55 feet to a point 27.01 feet right of Station 204+07.09;
- 8.) S21°48'53"E a distance of 115.30 feet to a point 29.12 feet right of Station 202+74.16;
- 9.) S87°32'34"E a distance of 110.01 feet to a point 35.44 feet right of Station 201+62.35;

Thence along a line through Lots 2211 and 2210, S39° 31' 27"E a distance of 125.13 feet to a point 20.47 feet right of Station 200+23.13;

Thence along a line through Lot 2210, N62°23'30"E a distance of 34.03 feet to a point 25.17 feet right of Station 199+82.87;

Thence continuing along a line through Lot 2210, S27°36'30"E a distance of 30.47 feet to a point in the east line of Lot 2210, being 5.08 feet left of Station 199+80.63;

Thence along an east line of Lot 2210, S62°23'30"W a distance of 49.07 feet to a point 13.47 feet left of Station 200+25.02;

Thence continuing along an east line of Lot 2210, S66°03'55"W a distance of 43.72 feet to a point 37.77 feet left of Station 200+50.94;

Thence along a line through Lots 2210 and 2211, N39° 31' 27"W a distance of 130.16 feet to a point 24.04 feet left of Station 201+85.91;

Thence along lines through Lot 2211, the following nine courses:

- 1.) S83°35'29"W a distance of 103.03 feet to a point 43.77 feet left of Station 202+72.48;
- 2.) N21°48'53"W a distance of 184.58 feet to a point 20.35 feet left of Station 204+43.32;
- 3.) N41°32'55"W a distance of 64.91 feet to a point 24.88 feet left of Station 205+02.55;
- 4.) N21°17'07"W a distance of 188.65 feet to a point 31.32 feet left of Station 206+80.36;
- 5.) N10°11'03"E a distance of 130.72 feet to a point 27.54 feet left of Station 207+97.21;
- 6.) N36°52'15"E a distance of 355.45 feet to a point 25.16 feet left of Station 211+46.41;
- 7.) N32°39'55"E a distance of 368.47 feet to a point 22.42 feet left of Station 215+19.34;
- 8.) N27°15'31"E a distance of 360.14 feet to a point 27.84 feet left of Station 218+84.31;
- 9.) N13°15'47"E a distance of 161.73 feet to a point 22.38 feet left of Station 220+48.83;

**EXHIBIT A**

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Thence along a line in Lot 2211 and 2209, N17°03'20"E a distance of 234.49 feet to a point 23.36 feet left of Station 222+83.31;

Thence along lines in Lot 2209, the following seven courses:

- 1.) N15°53'47"E a distance of 85.81 feet to a point 25.46 feet left of Station 223+69.09;
- 2.) N10°51'20"E a distance of 223.36 feet to a point 21.95 feet left of Station 225+98.33;
- 3.) N14°56'07"E a distance of 210.87 feet to a point 23.21 feet left of Station 228+05.31;
- 4.) N24°15'01"E a distance of 254.06 feet to a point 21.25 feet left of Station 230+59.32;
- 5.) N04°33'04"E a distance of 206.12 feet to a point 28.60 feet left of Station 232+70.20;
- 6.) N15°49'09"E a distance of 353.69 feet to a point 22.49 feet left of Station 236+20.10;
- 7.) N19°05'31"E a distance of 245.15 feet to a point in the west line of Lot 2208, said point being 34.25 feet left of Station 238+81.49;

Thence along the east line of Lot 2209 and the west line of Lot 2208, N10°36'17"E a distance of 261.84 feet to a 5/8" iron pin found at the common corner of said lots, being the southwest corner of Lot 3517, said point 64.17 feet left of Station 241+45.54;

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

- 1.) N10°36'17"E a distance of 481.62 feet to a 5/8" iron pin found 45.50 feet left of Station 246+18.59;
- 2.) N19°41'31"E a distance of 254.25 feet to a 5/8" iron pin found 42.84 feet left of Station 248+66.77;
- 3.) N38°30'18"E a distance of 352.20 feet to a point 38.05 feet left of Station 252+10.23;
- 4.) N37°21'47"E a distance of 127.88 feet to a point 21.05 feet left of Station 253+39.12;
- 5.) N28°34'43"E a distance of 499.46 feet to a 5/8" iron pin found 20.81 feet left of Station 258+41.48;
- 6.) N22°26'16"E a distance of 235.68 feet to a 5/8" iron pin found 20.21 feet left of Station 260+81.67;
- 7.) N14°48'46"E a distance of 134.29 feet to a 5/8" iron pin found at the northwest corner of Lot 3517 and the southwest corner of Lot 2885, said point being 20.91 feet left of Station 262+16.33;

Thence along the north line of Lot 3517, being the south line of Lot 2885, S75° 48' 04"E a distance of 95.11 feet to the Point of Beginning, containing 9.361 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 9.361 Acres  
P.R.O. 0.000 Acres  
Net Take 9.361 Acres

Auditors Parcel: C1800-016100-004  
C1800-016100-005  
C1800-016100-034  
C1800-016100-035  
C1800-016100-054

*David L. Cox*  
1/25/21







LPA  
Rev. 01/2010

**DONATION LETTER**

September 29, 2021

City of Monroe, Ohio, an Ohio municipal corporation  
233 South Main St  
Monroe, Ohio 45050

Re: BUT-Great Miami River Trail  
1-SH

Dear City of Monroe, Ohio, an Ohio municipal corporation:

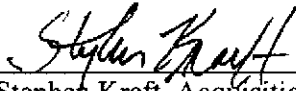
Your real property is needed by the City of Monroe, Ohio for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the right to be provided a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal. You have the right to negotiate with the agency and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law. You also have the right to be paid the full amount of the fair market value before being required to surrender possession of your property. Notwithstanding these rights, we understand you are willing to waive all, or any part of your rights noted and willingly agree to donate the property needed for the transportation project. The property is described in the attached Exhibit A which is incorporated herein.

Please be advised that if you desire to use the donation for a tax deduction, you should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation.

The City of Monroe, Ohio is donating all of parcel 1-SH as part of this project.

The undersigned hereby acknowledges that he/she has been fully advised by an City of Monroe, Ohio representative of his/her rights reflected above and agrees to: (1) Waive the right to receive just compensation for the property, (2) Release the City of Monroc, Ohio from obtaining an appraisal of the acquired property and (3) Execute the necessary conveyance instrument to transfer said property to City of Monroe, Ohio.

Respectfully,



\_\_\_\_\_  
Stephen Kraft, Acquisition Agent  
O.R. Colan Associates  
(513) 247-0243, Extension 7016

\_\_\_\_\_  
Property owner signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Property owner signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name