

Ordinance No. 13.20

**AN ORDINANCE ACCEPTING THE DONATION OF REAL PROPERTY ALONG SOUTH CHILLICOTHE STREET.**

**WHEREAS**, The Village of Plain City has the power, pursuant to Section 715.01 of the Ohio Revised Code to acquire real property for municipal purposes; and

**WHEREAS**, The Village plans to construct a multi-use pathway connection along South Chillicothe Street to facilitate pedestrian and bicycle travel between the Darby Fields residential development and the public sidewalk system to the north, and

**WHEREAS**, The Village identified certain real property along South Chillicothe Street within the Village's corporate boundaries, as described and depicted on Exhibits A and B attached hereto, that the new multi-use pathway should be constructed on that is currently owned by the Jonathan Alder Local School District; and

**WHEREAS**, the property owner of said property has agreed to grant an easement to the Village for said property for this purpose.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

**Section 1.** The Village Administrator is hereby authorized and directed to accept the conveyance of the public easement for 0.0463 acres of real property described and depicted on Exhibits A and B, attached hereto, and prepare a deed for the subject property and record the same with the Madison County Recorder's Office.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 3.** This Ordinance shall take effect thirty (30) days after passage.

Passed: July 13, 2020.

Attest: Renee Smnelt  
Village Fiscal Officer

Darrin Lane  
Mayor

First reading: \_\_\_\_\_, 2020. Vote: \_\_\_ yea \_\_\_ nay \_\_\_ abstain

Second reading: \_\_\_\_\_, 2020. Vote: \_\_\_ yea \_\_\_ nay \_\_\_ abstain

*Three readings six yea votes  
Approve six yea votes*

Third reading: \_\_\_\_\_, 2020. Vote: \_\_\_yea \_\_\_nay \_\_\_abstain

The undersigned, being Village Fiscal Officer of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 123.01 of the Codified Ordinances. The posting was done from \_\_\_\_\_, 2020 to \_\_\_\_\_, 2020 at the Office of the Fiscal Officer located at 213 South Chillicothe Street; the Plain City Public Library located at 305 W. Main Street; the Security National Bank located at 105 W. Main Street; the Richwood Banking Co. located at 601 W. Main Street; all being in the Village of Plain City, Ohio and the Village of Plain City Website at [www.plain-city.com](http://www.plain-city.com).

Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Village Fiscal Officer

**DEED OF EASEMENT**

**0.0463 Acre Multi-Use Trail Access Easement**

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**KNOW ALL MEN BY THESE PRESENTS**, that the Board of Education of the Jonathan Alder Local School District (hereinafter "Grantor"), for and in consideration of One Dollar (\$1.00) and other valuable consideration to it paid by the Village of Plain City, an Ohio municipal corporation ("Grantee" herein), the receipt of which is hereby acknowledged, does hereby GRANT and RELEASE, to Grantee and its permitted and legal successors and assigns, a perpetual, permanent and exclusive easement in, through, over and under the following described area of land for the purpose of constructing, installing, and thereafter continually maintaining, inspecting, repairing, removing, renewing and replacing a Multi-Use Access Trail and bridge, and all appurtenances incidental and necessary thereto together with the right of access to said permanent easement area for said purpose (hereinafter, the "Premises").

The Premises are more fully described as follows: a permanent 0.0463 Acre Multi-Use Trail Access Easement, is more fully defined and described within the following exhibits, both of which are attached hereto and fully incorporated as if re-written:

1. Ex. "A", the Mannik & Smith Group, Inc. "0.0463 Acre Multi-Use Trail Access Easement" legal description, and
2. Ex. "B", the Mannik & Smith Group, Inc. "Multi-Use Access Easement" survey dated February 25, 2020.

This Deed of Easement for the Premises is executed, granted and delivered by Grantee, for itself and its permitted and legal successors and assigns, and accepted by Grantor, for itself, upon the following condition, to wit: that Grantee shall design construct, install and thereafter continually inspect, maintain, improve and replace a pedestrian trail and bridge traversing the Elsie Bidwell Ditch as described and depicted in Exhibits A and B affixed hereto.

Grantor, for Grantor and Grantor's administrators, successors and assigns does hereby release the Village of Plain City, Ohio and all of its elected officials, appointed officials, employees, agents, servants, contractors and assigns, from any further claims for compensation or claims for damages resulting from this grant, construction, repair, and thereafter the continual repair, inspection, maintenance and replacement of said Easement and the Premises, and all appurtenances incidental or necessary thereto.

**TO HAVE AND TO HOLD** said Premises unto said Grantee, its permitted and legal successors and assigns forever, for the uses and purposes hereinabove described.

**IN WITNESS WHEREOF**, \_\_\_\_\_ has set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Signed and acknowledged  
In the presence of:

\_\_\_\_\_

By: \_\_\_\_\_

Witness

\_\_\_\_\_

STATE OF OHIO            )  
  )  
COUNTY OF FRANKLIN    )        **ss:**

**BE IT REMEMBERED**, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me, the subscriber, a Notary Public in and for said State, personally came the above named Grantor the Board of Education of the Jonathan Alder Local School District, through its duly authorized representative, who acknowledged the signing of this instrument to be his voluntary act and deed for the uses and purposes therein mentioned.

**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 Instrument Prepared By:

Paul-Michael La Fayette  
300 East Broad St.  
Suite 350  
Columbus, OH 43215  
614.737.2900



## EXHIBIT A

### 0.0463 Acre Multi-Use Trail Access Easement

Situated in the State of Ohio, County of Madison, Village of Plain City, also being a part of VMS 5124, VMS 8305, and 7064 and being part of a tract conveyed by deed to the Board of Education of the Jonathan Alder Local School District in Official Record 251, Page 1555 of the Madison County Records (all further record references being of the Madison County Recorder) and being further described as follows:

COMMENCING at a 2" brass disk found at an angle point on the westerly Right of Way of South Chillicothe Street (also known as Plain City Georgesville Road)(ROW Varies);

Thence along said Right of Way North 25°55'44" West to a point on a southerly line of said School District tract;

Thence leaving said Right of Way and along said southerly line North 88°32'34" West a distance of 26.09 feet to a point, said point being the POINT OF BEGINNING of the easement herein described;

Course 1. Thence continuing along said southerly line North 88°32'34" West a distance of 20.00 feet to a point;

Thence leaving said southerly line and crossing said School District tract for the following 7 courses:

Course 2. Thence North 01°13'37" East a distance of 23.13 feet to a point of curvature;

Course 3. Thence along a curve to the left with a radius of 90.00 feet, an arc length of 31.13 feet, an internal angle of 19°49'02" and a chord that bears North 08°40'54" West for a distance of 30.97 feet to a point of tangency;

Course 4. Thence North 18°35'25" West a distance of 43.07 feet to a point;

Course 5. Thence North 71°24'35" East a distance of 20.00 feet to a point;

Course 6. Thence South 18°35'25" East a distance of 43.07 feet to a point of curvature;

Course 7. Thence along a curve to the right with a radius of 110.00 feet, an arc length of 38.05 feet, an internal angle of 19°49'02" and a chord that bears South 08°40'54" East for a distance of 37.86 feet to a point of tangency;

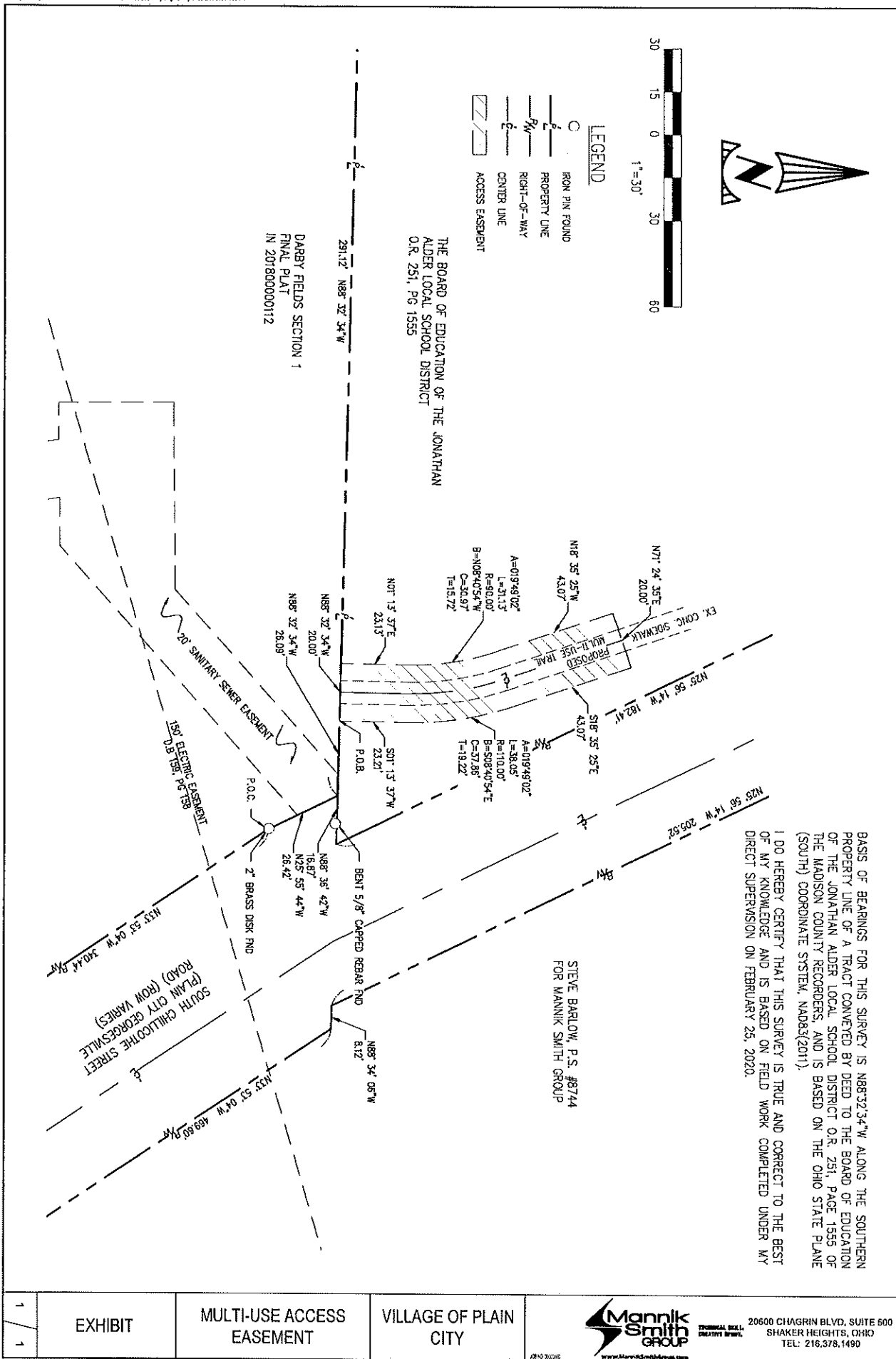
Course 8. Thence South  $01^{\circ}13'37''$  West a distance of 23.21 feet to the POINT OF BEGINNING and containing 0.0463 acres of land, more or less, but subject to all legal highways and easements of record.

Basis of Bearings: Bearings are based on Ohio State Plane Coordinate System, South Zone, and the North American Datum of 1983(NSRS 2007). The southern line of a tract conveyed to the Board of Education of the Jonathan Alder Local School District in Official Record 251, Page 1555, being North  $88^{\circ}32'34''$  West. The above description is based on a field survey performed February 25, 2020 under the direct supervision of Steve Barlow, Professional Surveyor # 8744 in the State of Ohio.

Steve Barlow  
Professional Surveyor No. 8744

# EXHIBIT B

Project: Project No. 1175240020ACGSL-11-EP24425 Br. J. Day, Eng. - Last print: 6/19/2020 4:35 PM



EXHIBIT

MULTI-USE ACCESS EASEMENT

VILLAGE OF PLAIN CITY

**Mannik Smith GROUP**  
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 SHAKER HEIGHTS, OHIO  
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