

ORDINANCE NO. 07-2023

**AN ORDINANCE ACCEPTING THE REAL ESTATE TRANSFER OF PROPERTY
NEAR OH-161 FROM M/I HOMES OF CENTRAL OHIO, LLC**

WHEREAS, M/I Homes of Central Ohio, LLC owns parcels 04-00776.003 and 04-00776.004 in Madison County, Ohio, as identified by the Madison County Auditor's Office and in the legal descriptions and exhibits provided to the Village of Plain City, located south of OH-161; and,

WHEREAS, M/I Homes of Central Ohio, LLC, as set forth in Resolution 15-22, desires to donate these properties to the Village of Plain City; and,

WHEREAS, as determined by Resolution 15-22, these properties are to be used by the Village of Plain City in a manner consistent with the use of a public park, green space, or similarly related use; and,

WHEREAS, the Village Council has reviewed the surveys and legal descriptions of the parcels, provided by M/I Homes of Central Ohio, LLC, attached hereto as Exhibit A, and wishes to accept the transfer to the Village of Plain City.

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 parcels located along OH-161, identified as 04-00776.003 and 04-00776.004 by the Madison County Auditor's Office, are transferred to the Village of Plain City, from M/I Homes of Central Ohio, LLC.

Section 2. The surveys and legal descriptions, attached hereto as Exhibit A, and incorporated by reference herein, are approved.

Section 3. This Ordinance shall be effective from and after the earliest period provided by law.

Passed: June 1, 2023.

Attest: Austin Phoenix
Clerk of Council

Jody Carney
Mayor

First reading: May 22, 2023. Vote: ___ yea ___ nay ___ abstain

Second reading: June 1, 2023. Vote: 6 yea ___ nay ___ abstain

Certificate of Publication

The undersigned, being Clerk of Council 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 4.15 of the Codified Ordinances. The posting was done from June 7, 2023 to June 22, 2023 at the Office of the Clerk of Council located at 800 Village Boulevard; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: June 2, 2023

Austin Pfeiffer
Clerk of Council

LIMITED WARRANTY DEED

M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, for valuable consideration paid, grants, with limited warranty covenants, to the VILLAGE OF PLAIN CITY, whose tax-mailing address is PO Box 167, Plain City, Ohio 43064, the following real property (the "Property"):

See the legal description, attached hereto as Exhibit A,
incorporated herein and made a part hereof

Tax Parcel Nos.: 04-00776.003 and 04-00776.004

Prior Instrument Reference: Official Record 390, Page 1786, Recorder's Office,
Madison County, Ohio.

The Property conveyed hereby is made subject to: (i) covenants, restrictions, conditions, and easements of record, (ii) real property taxes and assessments which are a lien but not yet due and payable, (iii) applicable zoning and building laws and ordinances, and (iv) rights of the public in legal highways.

The Property is hereby conveyed with a restriction ("Restriction") that the Property be used in a manner that is consistent with use as a public park, green space, and related uses. This Restriction shall be a covenant that runs with the land and is binding upon the Property. Notwithstanding the terms of the immediately preceding sentence, this Restriction may be released in whole or in part by M/I Homes of Central Ohio, LLC.

[Signature Page to Follow]

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[Signature Page to Follow]

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

[See Attached]

25.484 ACRES

Situated in the State of Ohio, County of Madison, Village of Plain City, in Virginia Military District Survey Number 3685, being part of that 112.524 acre tract of land conveyed to M/I Homes of Central Ohio, LLC by deed of record in Official Record 390, Page 1786 (all references are to the records of the Recorder's Office, Madison County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic mile set at the centerline intersection of State Route 161 and Butler Avenue;

Thence South 36° 16' 05" East, with the centerline of said Butler Avenue, a distance of 108.96 feet to a magnetic nail set at the TRUE POINT OF BEGINNING for this description;

Thence with the southerly right-of way line of said State Route 161 the following courses and distances:

South 84° 03' 00" East, a distance of 91.42 feet to an iron pin set;

With the arc of a curve to the right, having a central angle of 20° 00' 00", a radius of 2226.83 feet, an arc length of 777.31 feet, a chord bearing of South 74° 03' 00" East, and chord distance of 773.37 feet to an iron pin set;

South 64° 03' 00" East, a distance of 379.69 feet to an iron pin set;

With the arc of a curve to the left, having a central angle of 01° 39' 39", a radius of 2929.79 feet, an arc length of 84.93 feet, a chord bearing of South 64° 52' 49" East and chord distance of 84.93 feet to an iron pin set;

With the arc of a curve to the right, having a central angle of 161° 47' 13", a radius of 30.00 feet, an arc length of 84.71 feet, a chord bearing of South 15° 10' 57" West, and chord distance of 59.24 feet to an iron pin set; and

South 06° 04' 59" West, a distance of 25.92 feet to a magnetic nail set in the centerline of said Old State Route 161;

Thence North 83° 55' 01" West, with said centerline, a distance of 397.72 feet to a railroad spike found;

Thence North 62° 50' 57" West, with said centerline, a distance of 375.97 feet to a magnetic nail set at the northwesterly corner of that tract conveyed to Fred Kile by deed of record in Official Record 227, Page 2071;

Thence with the boundary of said Kile tract and the boundary of that tract conveyed to Fred S. Kile, Trustee, Karen Vance, Trustee, Kathy K. Cosgray, Trustee and John B. Cosgray, Trustee by deeds of record in Deed Book 254, Page 429, Deed Book 272, Page 47, Deed Book 287, Page 504, Official Record 89, Page 334, Official Record 89, Page 340 and Official Record 233, Page 443, the following courses and distances:

South 26° 39' 25" West, a distance of 115.65 feet to a 3/4" solid iron pin found;

South 05° 22' 06" East, a distance of 322.90 feet to a 3/4" solid iron pin found;

South 56° 48' 22" West, a distance of 789.55 feet to a 3/4" iron pipe (pinched top) found;

South 14° 33' 40" West, a distance of 742.87 feet to a 3/4" iron pipe (pinched top) found;
and

South 01° 41' 26" East, a distance of 252.73 feet to a 3/4" iron pipe found in the northerly line of that 12.374 acre tract conveyed as Parcel 1 to Tuffco Sand and Gravel, Inc. by deed of record in Official Record 294, Page 886;

Thence North 51° 12' 37" West, with said northerly line and the northerly line of that 2.293 acre tract conveyed as Tract No. 2 to Board of the Park Commissioners of the Columbus and Franklin Metropolitan Park District by deed of record in Official Record 111, Page 1440, a distance of 636.56 feet to an iron pin set in the easterly low water mark of Big Darby Creek;

Thence with said easterly low water mark of Big Darby Creek the following courses and distances:

North 12° 31' 33" East, a distance of 466.26 feet to an iron pin set;

North 57° 57' 41" East, a distance of 289.50 feet to an iron pin set;

North 38° 12' 21" East, a distance of 860.04 feet to an iron pin set;

North 16° 05' 00" East, a distance of 120.90 feet to an iron pin set;

North 12° 47' 14" West, a distance of 195.98 feet to an iron pin set; and

North 30° 26' 59" West, a distance of 190.32 feet to an iron pin set in the southerly right-of-way line of said State Route 161;

Thence South 84° 07' 31" East, with said southerly right-of-way line, a distance of 28.46 feet to an iron pin set in the westerly right-of-way line of Old State Route 161;

Thence South 36° 33' 31" East, with said westerly right-of-way line, a distance of 32.53 feet to an iron pin set;

Thence South 84° 03' 00" East, crossing said Old State Route 161, a distance of 33.70 feet to the TRUE POINT OF BEGINNING, containing 25.484 acres of land, more or less, of which 1.130 acres falls within the presently occupied right of way of Old State Route 161.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

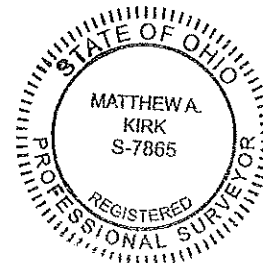
The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone NAD 83 (2011). The bearing of North 83° 55' 01" West, assigned to a portion of the centerline of State Route 161, is designated the basis of bearings for this description.

This description is based on an actual field survey performed by or under the direct supervision of Matthew A. Kirk, Professional Surveyor Number 7865.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk 6 APR 23
Matthew A. Kirk Date
Professional Surveyor No. 7865

MAK:smh
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17.806 ACRES

Situated in the State of Ohio, County of Madison, Village of Plain City, in Virginia Military District Survey Number 5128, being part of that 17.806 acre tract of land conveyed to M/I Homes of Central Ohio, LLC by deed of record in Official Record 390, Page 1786 (all references are to the records of the Recorder's Office, Madison County, Ohio) and more particularly bounded and described as follows:

BEGINNING at an iron pin set at the southeasterly corner of the subdivision entitled "Cappy Jackson Addition", of record in Plat Book 1, Page 302, the northeasterly corner of that 2.4892 acre tract conveyed as Tract 1 to The Village of Plain City, Ohio by deed of record in Official Record 270, Page 454, the northwesterly corner of that 1.441 acre tract conveyed as Tract 2 to The Village of Plain City, Ohio by deed of record in Official Record 270, Page 454;

Thence North 05° 45' 09" East, with the easterly line of said subdivision, a distance of 1025.90 feet to a magnetic nail set in the centerline of State Route 161;

Thence South 84° 07' 38" East, with said centerline, a distance of 511.98 feet to a magnetic nail set;

Thence with the westerly low water mark of Big Darby Creek the following courses and distances:

South 47° 33' 44" East, a distance of 395.40 feet to an iron pin set;

South 15° 17' 51" East, a distance of 158.25 feet to an iron pin set;

South 17° 57' 10" West, a distance of 86.63 feet to an iron pin set; and

South 37° 04' 33" West, a distance of 773.50 feet to an iron pin set at the northeasterly corner of said 1.441 acre tract;

Thence North 71° 35' 33" West, with the northerly line of said 1.441 acre tract, a distance of 477.06 feet to the POINT OF BEGINNING, containing 17.806 acres of land, more or less, of which 0.491 acre falls within the presently occupied right of way of State Route 161.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone NAD 83 (2011). The bearing of South 84° 07' 38" East, assigned to the centerline of State Route 161, is designated the basis of bearings for this description.

This description is based on an actual field survey performed by or under the direct supervision of Matthew A. Kirk, Professional Surveyor Number 7865.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

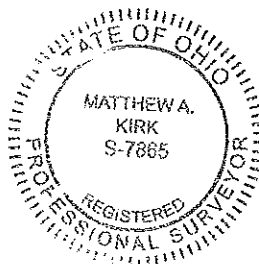
Matthew A. Kirk

26 APR 23

Matthew A. Kirk

Date

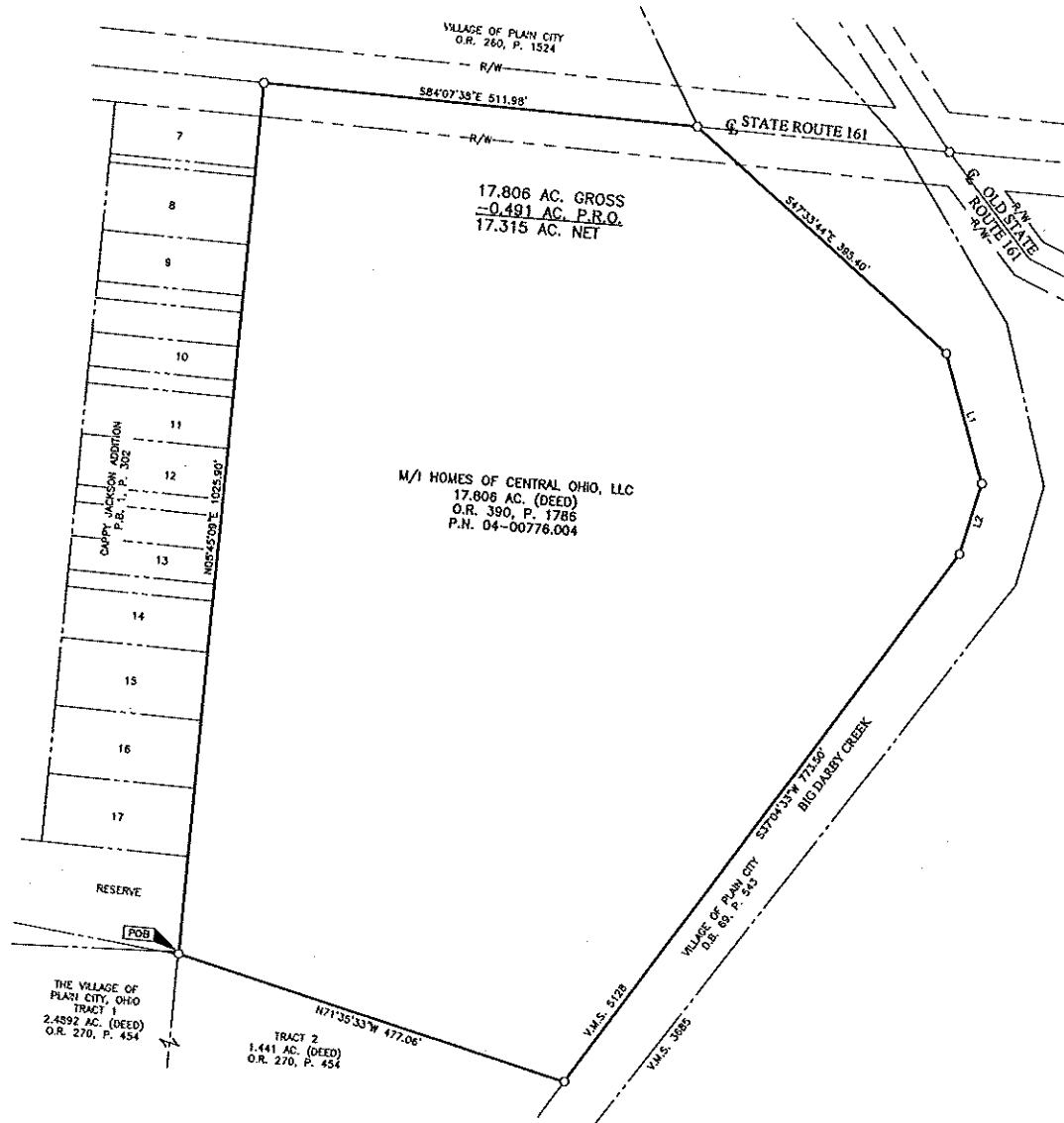
Professional Surveyor No. 7865



SURVEY OF ACREAGE PARCEL

VIRGINIA MILITARY SURVEY NO. 5128

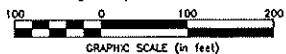
VILLAGE OF PLAIN CITY, COUNTY OF MADISON, STATE OF OHIO



By Matthew A. Kirk Date 26 April 23
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mKirk@emht.com

LINE	BEARING	DISTANCE
L1	S15°17'51"E	158.25'
L2	S17°57'10"W	88.63'

- Iron Pin Set
 - Iron Pin Found
 - ⊙ Stone Found
 - ⊕ P.K. Nail Found
 - ⊖ Monument Found
 - Magnetic Nail Set
 - ⊕ Magnetic Nail Found
 - ▲ Railroad Spike Found
- Iron Pins Set are 1 3/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



BASIS OF BEARINGS:
 The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone NAD 83 (2011). The bearing of North 83° 55' 01" West, assigned to a portion of the centerline of State Route 161, is designated the basis of bearings for this description.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

<p><small>Evans, Machward, Henshilton & Tolan, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.773.8500 Toll Free: 888.773.3448 emht.com</small></p>	Date: April 26, 2023	
	Scale: 1" = 100'	
	Job No: 2020-1237	
	Sheet: 1 of 1	
REVISIONS		
MARK	DATE	DESCRIPTION