

ORDINANCE O-16-14

AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR
WATERLINE PURPOSES FROM AHRESTY WILMINGTON
CORPORATION AS PART OF THE AIRBORNE CONNECTOR ROAD
PHASE I PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilmington plans to commence the construction phase of
Airborne Connector Road Phase I; and

WHEREAS, Ahresty Wilmington Corporation, hereinafter referred to as the
GRANTOR, is the current owners of certain real estate that the city desires to use
for the purpose of constructing, grading, improving, reconstructing, inspecting
operating and maintaining waterlines as part of the Airborne Connector Road Phase
I; and

WHEREAS, the GRANTOR has expressed intent to donate the real estate to the
City of Wilmington and thereby has agreed to waive the right to receive
compensation for the property; and

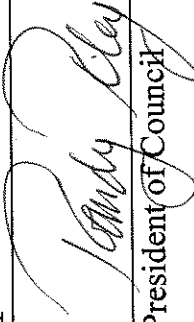
WHEREAS, the City Council of Wilmington has determined it is in the best interest
of the City to accept the easement for waterline purposes from the GRANTOR,
located in the development site of the Airborne Connector Road Phase I.

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

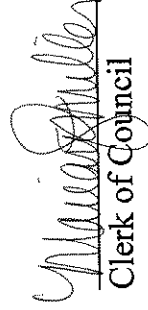
Section 1. That the City Council hereby accepts the waterline easement
from the GRANTOR, described in the Easement for Waterline Purposes document,
attached hereto and incorporated herein in a substantially similar form as
"Exhibit A."

Section 2. That this ordinance shall be in full force and effect from and
after the earliest period allowed by law.

Passed this 7th day of April, 2016.


President of Council

ATTEST:


Clerk of Council

Approved by me this 7th day of April, 2016.


Mayor

EASEMENT FOR WATER LINE PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that Ahresty Wilmington Corporation, the Grantor, for valuable consideration, grants to the City of Wilmington, Ohio, an Ohio municipal corporation, hereinafter the Grantee, its successors and assigns, a permanent and perpetual easement over, under and through the following described real property:

See "Exhibit A" attached hereto and incorporated herein by reference

The above described easement is to be used for the purpose of constructing, grading, improving, reconstructing, inspecting, operating and maintaining water lines upon said premises. This easement includes the right of ingress and egress over and through said property to the Grantee, its employees, agents, representatives, and contractors, and their respective employees, agents, representatives and subcontractors. It further includes the right to maintain temporary construction facilities thereon during the course of construction, reconstruction, repair or improvement thereof.

The Grantee hereby agrees to restore the aforesaid easement area to as near the original condition as possible at the conclusion of any construction, repair or improvement. Grantor hereby waives and releases Grantee from any and all claims for damages or compensation either now or in the future arising by reason of the use of the real estate described for the purposes described herein, other than its responsibility of restoration set forth above.

Grantor reserve the right to use the easement area for such purposes that are not inconsistent with, or unreasonably interfere with, the Grantee's permitted uses therein.

This agreement shall be binding upon the Grantor and the Grantee, and their respective heirs, executors, administrators, successors and assigns. The terms hereof cannot be changed or altered in any way except by written agreement executed by the Grantor and the Grantee.

Exhibit A

0-16-14

IN WITNESS WHEREOF, the Grantor has hereunto executed this easement this
17th day of March, 2016.

Ahresty Wilmington Corporation

By Masayuki Matsushita
Masayuki Matsushita, the President

STATE OF OHIO, CLINTON COUNTY, SS:

The foregoing instrument was acknowledged before me this 17th day of
March, 2016, by Masayuki Matsushita, the President of Ahresty Wilmington
Corporation, and on behalf of the corporation.

Wanda M. Dubley
Notary Public

Commission Expires
March 07th, 2020

APPROVED

By Brett W. Rudduck
Brett W. Rudduck, Law Director

This instrument prepared by Lauren E. Raizk of Buckley, Miller, Wright & Raizk, Attorneys
at Law, Wilmington, Ohio.

(Ahresty Wilmington Corporation / Water Line Easement 3-4-16.mr)

EXHIBIT A
Description for Proposed
WATERLINE EASEMENT
March 2, 2016

Situated in the City of Wilmington, Clinton County, Ohio, and being within Military Survey No. 2694, and within the 45,000 acres tract of record conveyed to Ahresty Wilmington Corporation as recorded in Official Records Volume 36, Page 434 of the Official Records of Clinton County, Ohio, and further bounded and described as follows:

Beginning at a 1/2" iron pin (found) in the northwest right of way of Cuba Road (Co. Rd. No. 8); said right of way line also being the corporation limit of the city of Wilmington; thence with the northeast line of the 59.053 acres tract conveyed to Robert Alexander Raizik, et al (O.R. 924, Pg. 392, 1/2 interest), and to Paul Dennis Pusateri, et al (O.R. 719, Pg. 534, 1/2 interest).

N 74deg 33' 26" W 20.00 feet to a point; thence through the previously mentioned 45,000 acres tract on the following two courses:

- 1) N 16deg 37' 15" E 304.49 feet to a point; thence
- 2) S 73deg 22' 45" E 20.00 feet to a point in the northwest right of way of Cuba Road; thence with said right of way and also the corporation line of the city of Wilmington

S 16deg 37' 215" W 304.08 feet to the Place of Beginning, encompassing 0.1397 acre of area.

Bearings are based upon the lines of the 45,000 acres tract recorded in official Records Volume 36, Page 434 of the Official Records of Clinton County, Ohio.

