

ORDINANCE O-16-16

AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR STORM SEWER PURPOSES FROM MEADOW BROOK FARMS, LLC, 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, Meadow Brook Farms, LLC, hereinafter referred to as the GRANTOR, is the current owner of certain real estate that the city desires to use for the purpose of constructing, grading, improving, reconstructing, inspecting operating and maintaining storm sewer facilities 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 storm sewer purposes from the GRANTOR, located in the development site of the Airborne Connector Road Phase I.

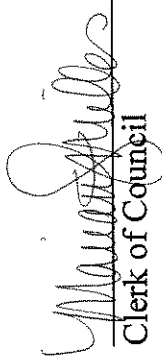
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, STATE OF OHIO:

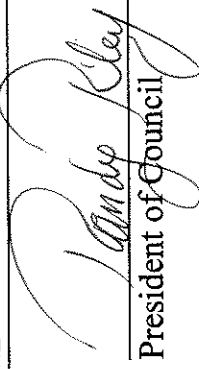
Section 1. That the City Council hereby accepts the storm sewer and drainage easement from the GRANTOR, described in the Easement for Storm Sewer Purposes document, attached hereto and incorporated herein in a substantially similar form as "Exhibit A."

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

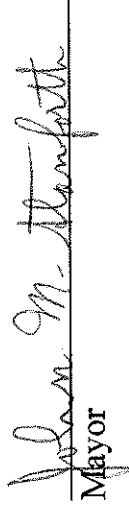
Passed this 7th day of April, 2016.

ATTEST:


Clerk of Council


President of Council

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


Mayor

EASEMENT FOR STORM SEWER PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that **Meadow Brook Farms, LLC**, an Ohio limited liability company, 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 storm sewer and drainage 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 storm sewer facilities 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, as the Grantee deems necessary. 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

Exhibit A
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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 herein; however, in no event shall Grantor be permitted to construct any type of structure above or below ground within the limits of this storm sewer easement unless said structure is approved in writing by Grantee.

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.

IN WITNESS WHEREOF, the Grantor has hereunto executed this easement this _____ day of _____, 2016.

Meadow Brook Farms, LLC
an Ohio limited liability company

By _____
William E. Peelle, its Manager

STATE OF OHIO, CLINTON COUNTY, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by William E. Peelle, the Manager of Meadow Brook Farms, LLC, an Ohio limited liability company, and on behalf of the LLC.

APPROVED

Notary Public

By 
Brett W. Rudduck, Law Director

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

(Meadow Brook Farms, LLC/Storm Sewer Easement 3-3-16/mr)

EXHIBIT A
Legal Description
Meadow Brook Farms, LLC
Parcel No. 290260110
Storm Sewer Easement

Situated	Military Survey 2684, City of Wilmington, Clinton County, Ohio, being a Storm Sewer Easement and further being more particularly described as follows:
Commencing	at the intersection of the westerly right-of-way line of U.S. 68 (South Street) with the southerly right-of-way line of American Way, dedicated by plat recorded in Plat Book 7, Page 57C;
Thence	with the westerly right-of-way line of U.S. 68 (South Street), South 31°51'27" West, a distance of 18.04 feet to the Principal Point of Beginning for this description;
Thence	continuing with said westerly right-of-way line, South 31°51'27" West, a distance of 10.35 feet;
Thence	through the grantor's property, with the herein described Storm Sewer Easement, for the following four (4) courses: 1. South 75°16'26" West, a distance of 50.71 feet; 2. North 14°43'34" West, a distance of 41.75 feet; 3. North 75°16'26" East, a distance of 48.58 feet; 4. South 30°17'54" East, a distance of 35.95 feet to the point of beginning;
Containing	2,237 square feet, more or less, and being subject to all easements, restrictions, covenants and/or conditions of record.

The above described real estate is a part of the same premises described as recorded in Official Record 677, Page 53 of the Clinton County, Ohio Deed Records and identified as Parcel No. 290260110 on the Tax Maps of said County.