

ORDINANCE O-16-17

AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR ROADWAY AND UTILITY PURPOSES FROM PRAXAIR DISTRIBUTION, INC. 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, Praxair Distribution, Inc., 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 roadway and utility lines 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

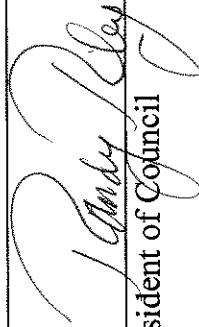
WHEREAS, the City Council of Wilmington has determined it is in the best interest of the City to accept the easement for roadway and utility purposes from the GRANTOR, located in the development site of the Airborne Connector Road Phase I.

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 roadway and utility easement from the GRANTOR, described in the Easement for Roadway & Utility 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.



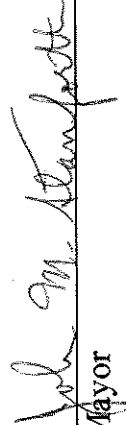
President of Council

ATTEST:



Clerk of Council

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



Mayor

EASEMENT FOR ROADWAY & UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that Praxair Distribution, Inc., 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 roadway and utility 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

Exhibit A
0-16-17

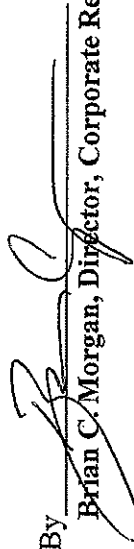
purposes described herein, other than its responsibility of restoration set forth above.

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.

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

Praxair Distribution, Inc.

By 
Brian C. Morgan, Director, Corporate Real Estate

Connecticut, Fairfield County

STATE OF OHIO, CLINTON COUNTY, SS: *DAN BURY*

The foregoing instrument was acknowledged before me this 17th day of March, 2016, by Brian C. Morgan, Director, Corporate Real Estate of Praxair Distribution, Inc., and on behalf of the company.


Notary Public

IRENE F. GAZITANO
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2017

APPROVED

By 
Brett W. Kudduck, Law Director

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

(Praxair Distribution, Inc./Roadway & Utility Easement 3-4-16/mr)

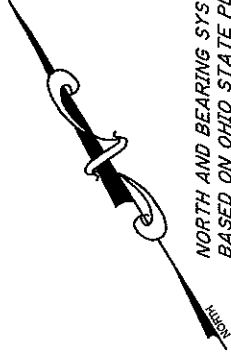
EXHIBIT A
Legal Description
Praxair Distribution, Inc.
Parcel No. 290260109
Roadway and Utility Easement

Situating	Military Survey 2684, City of Wilmington, Clinton County, Ohio, being a Roadway and Utility Easement and further being more particularly described as follows:
Beginning	at the intersection of the westerly right-of-way line of U.S. 68 (South Street) with the northerly right-of-way line of American Way, dedicated by plat recorded in Plat Book 7, Page 57C;
Thence	with the northerly right-of-way line of American Way, North 58°09'36" West, a distance of 24.86 feet to a point;
Thence	through the grantor's property, with the herein described Roadway and Utility Easement, South 82°17'56" East, a distance of 27.24 feet to a point in the westerly right-of-way line of U.S. 68 (South Street);
Thence	with said westerly right-of-way line, South 31°51'27" West, a distance of 11.14 feet to the point of beginning;
Containing	138 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 861, Page 534 of the Clinton County, Ohio Deed Records and identified as Parcel No. 290260109 on the Tax Maps of said County.

EXHIBIT "A"

MILITARY SURVEY 2684
CITY OF WILMINGTON
CLINTON COUNTY, OHIO



NORTH AND BEARING SYSTEM
BASED ON OHIO STATE PLANE
COORDINATES, SOUTH ZONE
(NAD83)

50'

AMERICAN WAY

P.B. 7, PG. 57C

EX. R/W

EX. R/W

290260109
PRAXAIR DISTRIBUTION, INC.
O.R. 861, PG. 534
PARCEL I

TEMPORARY
CONSTRUCTION EASEMENT
1,060 SQ.FT.

24.86'
S87°03'00"E
75.28'

11.14'

EX. R/W

S82°17'56"E
27.24'

ROADWAY & UTILITY
EASEMENT
138 SQ.FT.

SOUTH STREET U.S. 68
100' R/W

EX. R/W

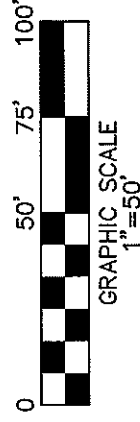
100'

EX. R/W

EX. R/W

B&O RAILROAD

60'



CT Consultants