

ORDINANCE NO. O-18-16

**AUTHORIZING EXTINGUISHMENT AND VACATION OF CERTAIN
EASEMENT ON PROGRESS WAY**

WHEREAS, MJM Property Investments is the current owner of real property in the original Peebles Plat, more commonly known as 2695 Progress Way; and

WHEREAS, there exists a certain utility easement on said property, more fully described in Section 2, located between and behind lot 2 and lot 3 of Peebles Plat, as recorded in Plat Book 5, Pages 299-300, Envelope 111A of the Office of the Recorder of Clinton County, Ohio; and

WHEREAS, the easement is abandoned and is not used for any utility or municipal purpose; and

WHEREAS, the City Council finds that the certain easement, shown in the replat attached hereto and incorporated herein as "**Exhibit A**," is not needed for any utility or municipal purpose and that the property owner has requested extinguishment and vacation of such easement, which would not be detrimental to the public interest.

WHEREAS, the City of Wilmington Planning Commission met in public session on November 28, 2017, and voted unanimously in favor of granting the extinguishment and vacation of such easement.

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

Section 1. That the City Council finds the certain easement hereinafter described to be abandoned and not needed for any utility purpose and that the property owner has requested extinguishment and vacation of such easement.

Section 2. That the certain hereafter identified utility easement as described shall be and the same hereby is extinguished and vacated. A map of said easement is attached hereto and incorporated herein as "**Exhibit A**."

Situated in the City of Wilmington, Clinton County, Ohio, Virginia Military Survey Number 1170, and being part of the original Peebles Plat (Plat Book 5, Page 299-300 Envelope 111A) and being part of the lands as conveyed by deed to MJM Property Investments LLC as recorded in Volume 967, Page 673 of the Clinton County Official Records and being more particularly described as follows:

Beginning in the easterly margin of Progress Way at the common corner of Lot 2 and Lot 3 of said Peebles Plat;

thence with the easterly line of said road N 40°02'16" W 6.00';

thence 6.0' north of and parallel with the common line of said Lot 2 and Lot 3 N 49°56'13" E 393.93';

thence 6.0' west of and parallel with the easterly line of said Lot 2 N 40°02'50" W 35.60';

thence 6.0' south of and parallel with the northerly line of said original Peebles Plat N 74°00'07" E 13.14';

thence 6.0' east of and parallel with the easterly line of said Lot 2 and Lot 3 S 40°02'50" E 138.91' to the line of Walmart Real Estate Business Trust's remaining part of an original 24.692 acre tract (Official Record 408, Page 874);

thence with the line of said original 24.692 acre tract S 74°00'43" W 6.57' to an iron pin found at a corner to said Lot 3 Peebles Plat;

thence with the said Lot 3 S 49°56'13" W 6.00';

thence 6.0' west of and parallel with the easterly line of said Lot 3 N 40°02'50" W 93.99';

thence 6.0' south of and parallel with the common line of said Lot 2 and Lot 3 S 49°56'13" W 393.93' to the easterly line of said Progress Way;

thence with the easterly line of Progress Way N 40°02'16" W 6.00' to the Point of Beginning containing 0.147 acres of land, being subject to all conditions and restrictions of record.

This description is based upon a field survey conducted under the direction of R. Douglas Sutton, Ohio Professional Surveyor #7124 by CLINCO & SUTTON SURVEYORS in October, 2017.

Iron pins referred to as set are 5/8" diameter steel and 30" in length with a yellow cap stamped "CLINCO & SUTTON".

Bearings are based upon NAD 83 (2011) Ohio State Plane Coordinates (South Zone) as derived from GPS Observations. Distances used are Grid Distances. The Combined Scale Factor is 0.999886324582. To obtain Ground Distances divide the Grid Distance by the Combined Scale Factor.

Section 3. The Service Director is authorized to execute the same on the City's behalf and file the same with the Clinton County Recorder's office.

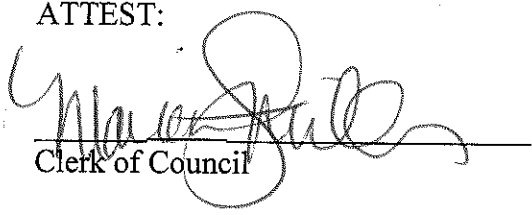
Section 4. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this 15th day of February, 2018.



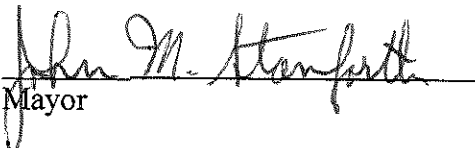
President of Council

ATTEST:



Clerk of Council

Approved by me this 15th day of February, 2018.

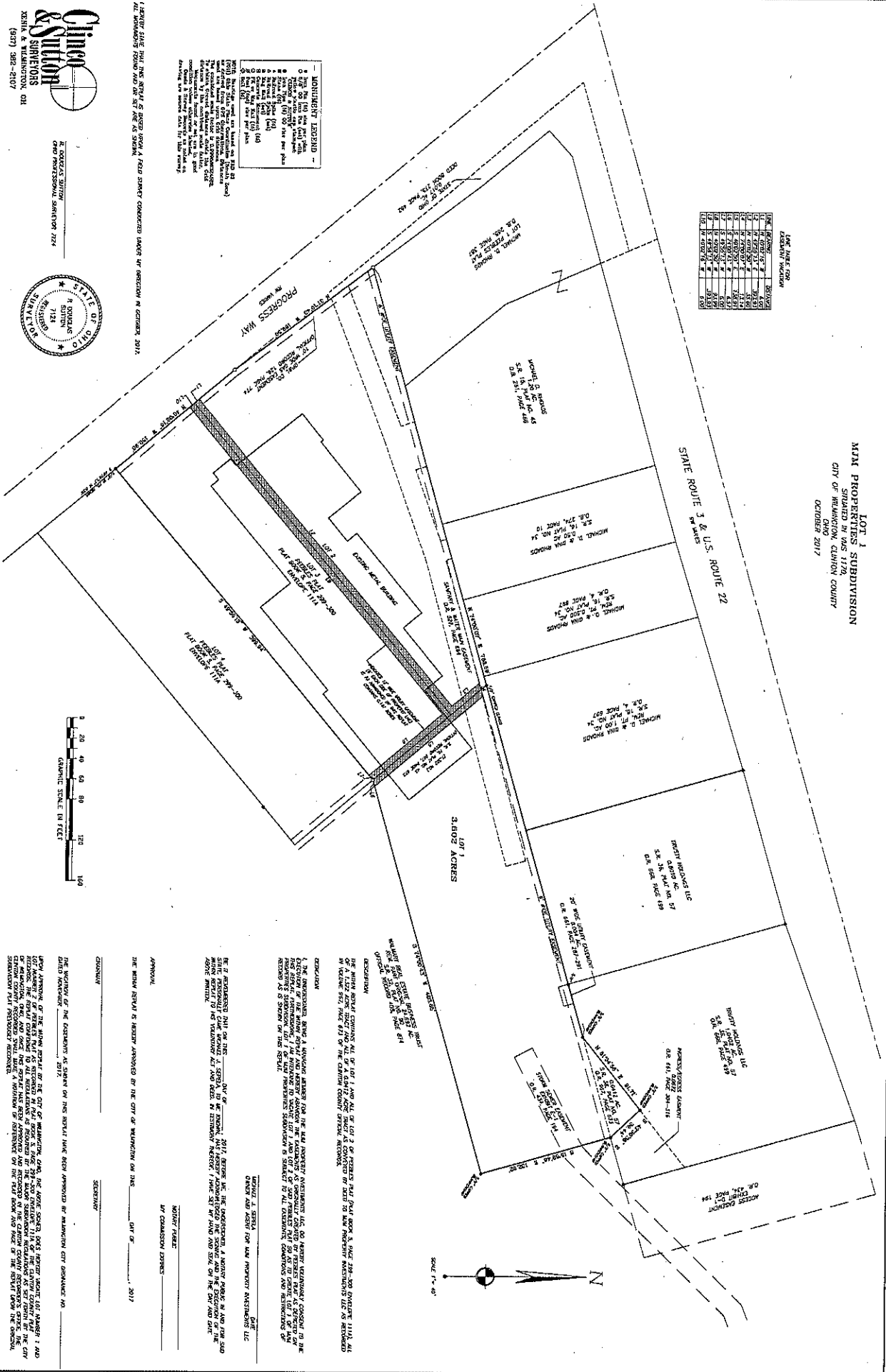


Mayor

LOT 1
M/M PROPERTIES SUBDIVISION
SHOWN IN MAP 117A
CITY OF WASHINGTON, CLAYTON COUNTY
OCTOBER 2017

LOT AREA TABLE

LOT NO.	AREA (ACRES)	AREA (SQ. FT.)
1	3.002	206,000
2	0.100	6,900
3	0.100	6,900
4	0.100	6,900
5	0.100	6,900
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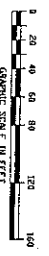
- LEGEND**
- 1. LOT 1 (3.002 ACRES)
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 - 100. LOT 100 (0.100 ACRES)

I HEREBY STATE THAT THE MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO THE CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, ON OCTOBER 10, 2017.

Clifton & Sutton
SURVEYORS
KELIA & WASHINGTON, GA
(807) 382-2107

REGISTERED SURVEYOR
CLAYTON COUNTY, GEORGIA
7124

STATE OF GEORGIA
CLAYTON COUNTY
OCTOBER 10, 2017



DESCRIPTION

THE WHOLE BEING SHOWN ON THIS MAP IS A PART OF THE M/M PROPERTIES SUBDIVISION, SHOWN IN MAP 117A, CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, AS APPROVED BY THE CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, ON OCTOBER 10, 2017.

CONVEYANCE

THE WHOLE BEING SHOWN ON THIS MAP IS A PART OF THE M/M PROPERTIES SUBDIVISION, SHOWN IN MAP 117A, CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, AS APPROVED BY THE CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, ON OCTOBER 10, 2017.

APPROVAL

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CONVEYANCE

THE WHOLE BEING SHOWN ON THIS MAP IS A PART OF THE M/M PROPERTIES SUBDIVISION, SHOWN IN MAP 117A, CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, AS APPROVED BY THE CITY OF WASHINGTON, CLAYTON COUNTY, GEORGIA, ON OCTOBER 10, 2017.

0-18-16
Exhibit A