

ORDINANCE NO. O-19-51

AN ORDINANCE ACCEPTING A CERTAIN EASEMENT OF 0.142 ACRES, MORE OR LESS, AND DONATION OF 0.0574 ACRES, MORE OR LESS, OF PROPERTY LOCATED NEAR TIMBER GLEN SUBDIVISION FROM HUNTER PROPERTIES, LLC TO THE CITY OF WILMINGTON, OHIO

WHEREAS, Hunter Properties, the owner of a parcel of land near the Timber Glen Subdivision in the City of Wilmington (Permanent Parcel No. 290230801000000), desires to donate a portion of said parcel, 0.0574 acres, more or less, to the City of Wilmington by statutory warranty deed, together with a permanent and perpetual easement of ingress/egress and utility maintenance, 0.142 acres, more or less, for the purposes of maintenance, construction, operation, repair, and replacement of the sanitary lift station and utility lines through and upon said premises; and

WHEREAS, this Council determines that the acceptance for public use of the donated land and the utility lines, lift stations, pumps, hydrants, manholes, catch basins, and all other appurtenances presently located on said land and in said easement furthers the public health, safety and general welfare of the community.

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

Section 1: The City of Wilmington hereby accepts the donation of 0.0574 acres, more or less, of property located near Timber Glen Subdivision, (a portion of Permanent Parcel No. 290230801000000) together with a permanent and perpetual easement of 0.142 acres, more or less, for ingress/egress and utility maintenance, represented and identified in the map and legal description attached hereto and made part hereof as "**Exhibit A,**" from Hunter Properties, LLC through a Statutory Warranty Deed and Easement.

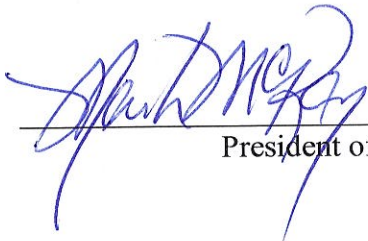
Section 2. The City Council further authorizes the Mayor and Clerk of Council to sign a survey plat and other necessary documents to consummate the transfer of title to the Property to the City and to cause the deed to be recorded with the Clinton County Recorder's Office.

Section 3. It is with grateful appreciation that this Council accepts the lands, which are the subject of this Ordinance, for public purposes.

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


Section 5: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 21st day of November, 2019.



President of Council

ATTEST:



Clerk of Council, Acting
BRIAN A. STIDAKER

Approved by me this 21st day of November, 2019.



Mayor

STATUTORY WARRANTY DEED and EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **Hunters Properties, LLC**, an Ohio limited liability company, the Grantor, of the State of Ohio, grants with general warranty covenants, to **The City of Wilmington, Ohio**, an Ohio municipal corporation, the Grantee, whose tax-mailing address is 69 N. South Street, Wilmington, Ohio 45177, the following real property, including all right, title and interest in the lift station and other improvements contained thereon without reservation or representation as to the right of the Grantor to rely on its future availability or use:

SEE LEGAL DESCRIPTION ATTACHED AS "EXHIBIT A"
Out of Parcel #290-23-08-01-0000-00 (0.0574 acre)

TOGETHER WITH, a permanent and perpetual easement of ingress and egress over, under, and through the following described property for the purpose, maintenance, construction, operation, repair, and replacement of the sanitary lift station and the sewer mains through and upon said premises:

SEE LEGAL DESCRIPTION ATTACHED AS "EXHIBIT A"
(0.142 acre)

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. Grantors hereby waive and release 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

Grantors reserve the right to use the easement area for such purposes that are not inconsistent

0-19-51
Exhibit A

with, or unreasonably interfere with, the Grantee's permitted uses therein. Grantors shall not place any structures, piles or debris, nor permit or cause any excavation or mounding without Grantee's prior written consent.

This agreement shall be binding upon the Grantors 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 Grantors and the Grantee.

Prior Instrument Reference: Volume 825, Page 710 Official Records of Clinton County, Ohio.

All of the Grantors release all rights of dower therein.

Witness my hand this _____ day of _____, 2019.

Hunters Properties, LLC
an Ohio limited liability company

By _____
Michael J. Sodini, Authorized Member

STATE OF OHIO, COUNTY OF CLINTON, ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by Michael J. Sodini, an Authorized Member of Hunters Properties, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public

EXHIBIT A

Situated in the City of Wilmington, Clinton County, Ohio, and being a part of Military Survey No. 2471, and also being a part of the original 104.987 acres tract conveyed to Hunters Properties, LLC, as recorded in Official Records Volume 825, Page 710 and further bounded and described as follows:

Commencing for reference at a 5/8" iron pin (found) in at the southeast terminus of Arbor Ridge Drive as denoted on the Record Plat of Timber Glen, Phase I, Section 4 (P.B. 8, Pg. 103 A&B); thence with the southeast line of "Common Area 5," N 39° 46' 07" E 20.00 feet to a point at the terminus of an 20.00 feet utility easement; thence with a prolonged line of said easement S 50° 13' 53" E 73.71 feet to an iron pin (set) and the True Place of Beginning for the tract of land described herein; thence with new divisions through the previously mentioned original 104.987 acres tract on the following four courses:

- (1) N 39° 46' 07" E 50.00 feet to an iron pin (set); thence
- (2) S 50° 13' 53" E 50.00 feet to an iron pin (set); thence
- (3) S 39° 46' 07" W 50.00 feet to an iron pin (set); thence
- (4) N 50° 13' 53" W 50.00 feet to the Place of Beginning, **containing 0.0574 acre of land.**

TOGETHER WITH the following described easement for the purposes of ingress/egress and utility maintenance:

Beginning at a 5/8" iron pin (found) at the southwest terminus of Arbor Ridge Drive as denoted on the Record Plat of Timber Glen (P.B. 8, Pg. 103B); thence with said terminus of said Drive and the prolongation thereof

N 39° 46' 07" E 70.00 feet to a point; thence

S 50° 13' 53" E 123.71 feet to a point; thence

S 39° 46' 07" W 70.00 feet to a point; thence

N 50° 13' 53" W 123.71 feet to the Place of Beginning, encumbering 0.142 acre of land.

This description is the result of a new survey made in August, 2019 by SOUTHWEST OHIO LAND SURVEYS under the direction of Brian F. Gallagher, Ohio Professional Surveyor No. 6945, plat of which is filed in Volume ____, Plat ____ of the Clinton County Engineer's Record of Land Division.

Bearings are based upon Timber Glen, Phase I, Section 4 as denoted in Plat Book Volume 8, Pages 103, Pages A&B.

Prior transfer reference: Official Records Volume 825, Page. 710.

Statement of Reason for Exemption From Real Property Conveyance Fee

Ohio Revised Code Sections 319.202 and 319.54 (F) (3)

For County Auditor's Use Only

DTE 100 EX Rev. 1/14

Date	County No.	Number	
Instrument	Tax Dist. No.	Tax List	Land
			Bldg.
			Total

D.T.E. code number _____ [] Split/New Plat Remarks: _____

Property located in _____ Taxing District _____

Name on Tax Duplicate _____ Tax Duplicate Year _____

Acct. or Permanent Parcel No. _____ Map Book _____ Page _____

Description: _____

THE FOLLOWING MUST BE COMPLETE BY GRANTEE OR HIS/HER REPRESENTATIVE

1. Grantor's Name: **Hunters Properties, LLC**
2. Grantee's Name: **City of Wilmington, Ohio**
 Grantee's Address: 69 N. South Street, Wilmington, OH 45177
3. Address of Property: 0.0574 acre, Military Survey No. 2471, City of Wilmington, Ohio
4. Tax Billing Address: 69 N. South Street, Wilmington, OH 45177
5. No conveyance fees shall be charged because the real property is transferred:
 - a) to or from the United States, this state, or any instrumentality, agency or political subdivision of the United States or this state;
 - b) solely in order to provide or release security for a debt or obligation;
 - c) to confirm or correct a deed previously executed and recorded;
 - d) to evidence a gift, in any form, between husband & wife, or parent & child or the spouse of either;
 - e) on sale for delinquent taxes or assessments;
 - f) pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant such order;
 - g) pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;
 - h) by a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;
 - i) by lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;
 - j) when the value of the real property or interest in real property conveyed does not exceed \$100;
 - k) of an occupied residential property being transferred to the builder of a new residence when the former residence is traded as part of the consideration for the new residence;
 - l) to a grantee other than a dealer in real property, solely for the purpose of and as a step in, its prompt sale to others;
 - m) to or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate and the transaction is not a gift;
 - n) to an heir or devisee, between spouses or to a surviving spouse, from a person to himself and others, to a surviving tenant, or on the death of a registered owner;
 - o) to a trustee acting on behalf of minor children of the deceased;
 - p) of an easement or right-of-way when the value of the interest conveyed does not exceed \$1,000;
 - q) of property sold to a surviving spouse pursuant to Ohio Revised Code section 2106.16;
 - r) to or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986" 100 Stat. 2085, 26 U.S.C.A. 1, as amended provided such transfer is without consideration and is in furtherance of the charitable or public purpose of such organization;
 - s) among the heirs at law or devisees, including a surviving spouse of a common decedent, when no consideration in money is paid or to be paid for the real property;
 - t) to a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;
 - u) to the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;
 - v) to the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or pursuant to trust provisions that became irrevocable at the death of the grantor;
 - w) to a corporation for incorporation into a sports facility constructed pursuant to section 307.696 [307.69.6] of the Revised Code;
 - x) between persons pursuant to section 5302.18 of the Revised Code.
 - y) from a county land reutilization corporation organized under R.C. section 1724 to a third party.
6. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person, or surviving spouse homestead exemption for the preceding or current tax year? [] YES [X] NO (If yes, complete DTE FORM 101)
7. Has the grantor indicated that this property is qualified for current agricultural use valuation for the preceding or current tax year? [] YES [X] NO (If yes, complete DTE FORM 102) IF THIS PROPERTY IS A SPLIT, LIST BUILDINGS NOS. ON REMARK LINE
8. Application for 2 1/2% Reduction NOTICE: failure to complete this application prohibits the owner from receiving this reduction until another property and timely application is filed. Will this property be grantee's principal residence by January 1 of next year? [] YES [X] NO If yes, is the property a multi-unit dwelling? [] YES [] NO

I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief it is a true, correct and complete statement.

\$.50 transfer fee

Signature of GRANTEE or REPRESENTATIVE _____

Date _____

BEARING REFERENCE

BEARINGS WERE BASED UPON THE PLAT OF TIMBER
TRAIL, SECTION 1, SECTION 4 AS RECORDED IN PLAT
BOOK 8, PG. 103 A & B

LOT 60

LOT 61

LOT 62

LOT 63

HICKORY

ARBOR RIDGE
DRIVE

COMMON AREA 5
TIMBER GLEN,
PHASE 1, SECTION 4
P.B. B, PG. 103 A & B

0.0574 AC.

HUNTERS PROPERTIES, LLC
P.O. B. 825, PG. 710
104.987 AC. (ORIGINAL)
S.R. 37, PL. 116

VOLUME _____ PLAT NO. _____
CLINTON COUNTY ENGINEERS
RECORD OF LAND DIVISION

DATE: _____
SCALE: 1" = 30'

VIRGINIA MILITARY SURVEY NO. 2471
TOWNSHIP: N/A

DEED REFERENCE
VOLUME 0.R. 825 PAGE PG. 710

DEED REFERENCES:

HUNTERS PROPERTIES, LLC
P.O. B. 825, PG. 710
104.987 AC. (ORIGINAL)
S.R. 37, PL. 116

APPROVED BY THE CITY OF WILMINGTON THIS
DAY OF _____ 2019.

MAYOR _____
CLERK _____



SURVEY PLAT FOR
HUNTERS PROPERTIES, LLC
SITUATED IN
VIRGINIA MILITARY SURVEY NO. 2471
CITY OF WILMINGTON
CLINTON COUNTY, OHIO

SOUTHWEST OHIO LAND SURVEYS
P.O. BOX 201
WILMINGTON, OHIO 45177
937-582-7939

DATE: AUGUST 15, 2019
SCALE: 1" = 30'
JOB FILE: HUNTERS PROPERTIES
LIFT STATION

LEGEND

- DENOTES FOUND 5/8" IRON PIN
- DENOTES FOUND MAG NAIL
- ◆ DENOTES SET MAG NAIL
- ◆ DENOTES SET 5/8" IRON PIN W/PLASTIC ID CAP
- EXISTING MOVEN MIRE FENCE
- FOUND 1" IRON PIN

NOTES:

- (1) SOURCE DOCUMENTS, DEED REFERENCES & SURVEY RECORDS AS SHOWN
- (2) UNLESS OTHERWISE NOTED,

I HEREBY CERTIFY THIS TO BE A PLAT OF A SURVEY
MADE UNDER MY DIRECTION IN JULY, 2019.



Brian Gallagher