

# RECORD OF ORDINANCES

Ordinance No. 2015-14

November 23, 2015

## City of Bellbrook

### Ordinance No. 2015-14

#### **An Ordinance to Transfer Property to Sugarcreek Township for the Safe Routes to School Project and Declaring an Emergency.**

WHEREAS, Sugarcreek Township has obtained grant funding through the Safe Routes to Schools program for the construction of a bike path along Upper Bellbrook Road; and

WHEREAS, the City of Bellbrook owns a parcel of land on Upper Bellbrook Road for one of its water towers; and

WHEREAS, Sugarcreek Township requires 0.070 acres of the City's parcel for the construction of the new bike path; and

WHEREAS, the City of Bellbrook desires to donate the required 0.070 acres to Sugarcreek Township if the Township grants an access easement to the City.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

Section 1. That the City Council hereby declares the transfer of the property described in the deed attached hereto to Sugarcreek Township to be of valid public purpose.

Section 2. That the transfer of this property is hereby deemed to be in compliance with the competitive bidding procedures of the City of Bellbrook and the Ohio Revised Code, pursuant to the powers granted to the City under the Home Rule Amendment to the Ohio Constitution.

Section 3. That the City Manager is hereby authorized to execute the attached deed and such other related documents as may be required to complete the transfer of this property to Sugarcreek Township in exchange for Sugarcreek Township granting an access easement to the City of Bellbrook.

Section 4. That this ordinance is declared to be an emergency measure to ensure that Sugarcreek Township meets the deadline for grant funding through the Safe Routes to School program.

Section 5. That this ordinance shall take effect and be in force immediately upon adoption.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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November 23, 2015

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:  
Patricia N. Campbell, Municipal Attorney

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: City of Bellbrook, the Grantor(s) herein, in consideration of the sum of \$1.00, to be paid by the State of Ohio, Department of Transportation, in the name of and for the use of Sugarcreek Township, the Grantee herein, does hereby grant, bargain, sell, convey and release, with general warranty covenants, to said Grantee, its successors and assigns forever, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 8WDV

GRE-SUGARCREEK TOWNSHIP-SRTS

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

GREENE County Current Tax Parcel No. L32000200160009700

Prior Instrument Reference: O.R. 869 PG. 700, GREENE County Recorder's Office.

And the said Grantor(s), for itself and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated

IN WITNESS WHEREOF the City of Bellbrook by and through Mark Schlagheck, the City Manager of the City of Bellbrook, has hereunto subscribed his name on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF BELLBROOK

By: \_\_\_\_\_  
Mark Schlagheck  
City Manager of the City of Bellbrook

STATE OF OHIO, COUNTY OF GREENE ss:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Mark Schlagheck, who acknowledged being the City Manager of the City of Bellbrook, and who acknowledged the foregoing instrument to be the voluntary act and deed of said City of Bellbrook.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

**EXHIBIT A**

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Ver. Date 12/01/2014

PID 93532

**PARCEL 8-WDV  
SUGARCREEK TOWNSHIP - UPPER BELLBROOK ROAD  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE**

**"SUGARCREEK TOWNSHIP BOARD OF TRUSTEES", GREENE COUNTY, OHIO**  
Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the Section 33, Town 3, Range 6, in Sugarcreek Township, County of Greene, and State of Ohio and being part of a 0.506 acre parcel, and deeded to the City of Bellbrook as recorded in Official Record 869, Page 700 of the Greene County Recorder's Office, and being more particularly described as follows;

Commencing at the southwest corner of a 60.19 acre parcel deeded to the Sugarcreek Local School District, Board of Education as recorded in Deed Book 317, Page 229, at a found 5/8" iron pin 33.55 feet left of Station 20+04.52, said point being the southwest corner of said Section 33;

Thence, with the west line of said 60.19 acre parcel and the west line of a 24.634 acre parcel deeded to Sugarcreek Local School District, Board of Education as recorded in Official Record 812, Page 561 and the center line of Upper Bellbrook Road, N 04°07'57" E, a distance of 2309.46 feet to a point 27.93 feet left of Station 43+21.30 at the northwest corner of said 24.634 acre parcel and the southwest corner of said 0.506 acre parcel and the True Place of Beginning for this parcel;

Thence, with the west line of said 0.506 acre parcel and the center line of Upper Bellbrook Road, N 04°07'57" E, a distance of 96.62 feet to a point 33.03 feet left of Station 44+10.46;

Thence, S 85° 59' 19" E a distance of 40.29 feet to a set capped iron pin 5.12 feet right of Station 44+19.97;

Thence, with the proposed right of way of Upper Bellbrook Road S 18°50'33" W, a distance of 44.74 feet to a set capped iron pin, 1.00 feet right of Station 43+74.73;

**EXHIBIT A**

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Thence, continuing with the proposed right of way of Upper Bellbrook Road S 04°07'57" W, a distance of 53.43 feet to a set capped iron pin, 1.00 feet right of Station 43+21.30;

Thence, with the south line of said 0.506 acre parcel and the north line of said 24.634 acre parcel, N 85°52'07" W, a distance of 28.93 feet to the True Place of Beginning;

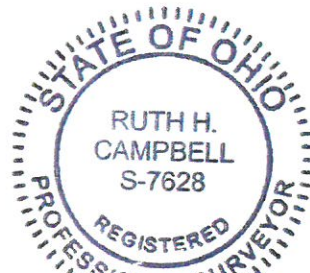
Containing approximately 0.070 acres, of which the present road occupies 0.044 acres, and being subject to all restrictions, covenants, rights-of-way and easements of record.

Auditor's ID Number: L32000200160009700

Prior Deed Reference: Official Record 869, Page 700

The above description is the result of a survey prepared by WYCO Consulting, Inc., Ruth H. Campbell, Ohio Registered Surveyor No. 7628 dated August 8, 2014, the survey plat of which is filed in Vol. \_\_\_\_\_, Plat No. \_\_\_\_\_ of the Greene County Engineer's Record of Land Surveys.

Bearings for this survey are based on Ohio State Plane Coordinate System (OSPC) - South Zone as derived from the Ohio Department of Transportation Virtual Reference Stationing System.



*RHC A of plat 10-8-2015*