

EMERGENCY ORDINANCE NO. 2019-22

AN ORDINANCE ACCEPTING REAL PROPERTY FROM THE RESERVE AT MONROE CROSSINGS, L.P. BY OBERER RMC, LTD., IT'S GENERAL PARTNER, TO BE USED AS A PERMANENT SANITARY SEWER AND ELECTRIC UTILITY EASEMENT FOR THE PARK SHELTER AT MONROE CROSSINGS PARK AND DECLARING AN EMERGENCY.

WHEREAS, bids are being sought for the construction of a park shelter at Monroe Crossings Park; and

WHEREAS, the City has obtain the necessary easements for the connection of sanitary sewer and electric to the proposed park shelter.

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

SECTION 1: Council hereby accepts real property from The Reserve at Monroe Crossings, L.P. by Oberer RMC, LTD., it's general partner, to be used as a permanent sanitary sewer and electric utility easement for the park shelter at Monroe Crossings Park. Said real property is described in Exhibit "1" attached hereto and made a part hereof.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to accept and record the within described easement at the earliest possible date and prior to the construction of the park shelter. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: September 10, 2019

ATTEST:


Clerk of Council

APPROVED:


Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Ohio Law, Section 121.22 of the Ohio Revised Code.

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.


Clerk of Council
City of Monroe, Ohio

Exhibit "1" E Ord. No. 2019-22

PERMANENT SANITARY SEWER AND ELECTRIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENT:

THAT, THE RESERVE AT MONROE CROSSINGS, L.P.

hereinafter called the Grantor, does hereby grant, bargain, sell, convey, and release to the CITY OF MONROE, BUTLER COUNTY, OHIO, hereinafter called the Grantee, its successors and assigns a permanent easement and being subject to the terms, conditions, and mutual promises hereinafter enumerated, which shall be binding on the heirs, successors, administrators, and assigns of Grantor and Grantee, over, under, and upon certain real estate owned by the Grantor, and being described as follows:

**See Attached Descriptions
Exhibits "A", "B", "C", and "D"**

1. The right to construct, operate, maintain, keep in repair and replace thereon, a sanitary sewer line and an electric line along with any appurtenances necessary to the operation thereof.
2. Before any building, buildings, or structures of any kind are constructed over, upon or across the easements granted herein, it is agreed by and between the parties hereto that said Grantor, its heirs, successors or assigns, shall submit detailed plans and specifications of such buildings, or other improvements or structures, and that said Grantor will not proceed with construction until said plans and specifications have been approved by the Grantee as plans and specifications will not interfere with the use or safety of operating and maintaining said utilities within the easements herein granted.
3. If an easement area described herein (an "Easement Area", and together "Easement Areas") is disturbed by reason of the exercise of any of the foregoing rights, then the Easement Area shall be restored by Grantee to as close as reasonably possible to its previous condition. Grantor reserves the right to use either Easement Area for any purposes not inconsistent by the rights granted by this Easement. Grantee, by the acceptance of this Easement agrees to maintain the sanitary sewer line and the electric line placed in the Easement Areas at its sole cost. Grantor shall have no liability for any loss, liability, damages, expense, costs, or causes of action, claims or judgments arising from the exercise of Grantee's rights pursuant to this Easement.

IN WITNESS WHEREOF, The Reserve at Monroe Crossings, L.P., hereunto subscribed their name(s) on this day of AUGUST 29, 2019.

THE RESERVE AT MONROE CROSSINGS, L.P.
BY OBERER RMC, LTD., ITS GENERAL PARTNER


Robert M. McCann, Treasurer

STATE OF OHIO, COUNTY OF Montgomery

Before me, the undersigned, a Notary Public in and for the State of Ohio, personally appeared Robert M. McCann, Treasurer of Oberer RMC, Ltd., General Partner of The Reserve at Monroe Crossings, L.P., the Grantor in the foregoing easement deed, and acknowledged the execution thereof to be his free and voluntary act for the uses and purposes therein set forth on behalf of The Reserve at Monroe Crossings, L.P.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the 29th day of August, 2019.

(SEAL)

Alana D Brenner-Lawson
Notary Public in and for the State of Ohio



Alana D Brenner-Lawson, Notary Public
In and for the State of Ohio
My Commission Expires Nov 25, 2023

This document prepared by: City of Monroe, 233 South Main Street, P. O. Box 330, Monroe, Ohio 45050. 513-539-7374.

Exhibit "A" Legal Description

20' Wide Permanent Sanitary Sewer Easement

Situated in Section 35, Town 3, Range 3, in the City of Monroe, Butler County, Ohio, being located along the easterly boundary line of Lot No. 4593 of the Monroe Crossing Phase One, as recorded by Plat in Envelope 3637, Pages (s) A,B&C, in the Butler County Plat Records, and being more particularly described as follows:

Commencing at a point in the in the southerly right-of-way intersection of Hamilton-Lebanon Road (S.R. #63) and Hamilton-Middletown Road (S.R. #4), said point being the northeast most corner of Lot No. 4593, said point being located South 49°56'16" West for a distance of 132.31 feet from a concrete right-of-way monument;

Thence leaving the said southerly right-of-way and continuing with the division line between Lot No. 4593 and Lot No. 4594, South 40°03'44" East for a distance of 195.00 feet, being the Real Point of Beginning for the tract of land described herein;

Thence continuing with the said division line, South 40°03'44" East for a distance of 20.00 feet to a point;

Thence leaving the said division line and continuing South 49°56'16" West for a distance of 10.00 feet to a point;

Thence continuing with a line parallel to the said division line, North 40°03'44" West for a distance of 20.00 feet to a point;

Thence continuing North 49°56'16" East for a distance of 10.00 feet to the said Point of Beginning

The above described tract of land contains 200.00 square feet (0.005 acres), and is designated as a 20' Wide Permanent Sanitary Sewer Easement. See Exhibit B (sketch) attached.

The Source of Bearings for the above description is derived from above referenced Plat of the Monroe Crossing Phase One, dated November 26, 2006 as prepared by Bayer Becker and is not the result of a survey by Brandstetter Carroll, Inc.

NOTE: THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. EASEMENT FOLLOWS CENTERLINE OF UTILITY.

PID C1800016000014

CITY OF MONROE, OHIO
6307 CROSSINGS BLVD

DB 7286, PG 1096
LOT NO. 4594

P.O.C.
AT R/W

S40°03'44"E
195.00'

EX. PARK TRAIL

EX. SANITARY
SEWER MANHOLE

N49°56'16"E
10.00'

P.O.B.

S40°03'44"E
20.00'

N40°03'44"W
20.00'

20' WIDE
PERMANENT
SANITARY
SEWER
EASEMENT
200.00 S.F.

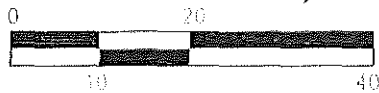
S49°56'16"W
10.00'

PID C1800016000013

THE RESERVE AT
MONROE CROSSINGS, L.P.
COLD WATER DRIVE
DB 7454, PG 566

LOT NO. 4593

EX. CONC. WALK



BRANDSTETTER
CARROLL INC.
ARCHITECTS ENGINEERS PLANNERS
20000 State Road, Suite 100
Monroe, OH 45032

EXHIBIT 'B' - 20' WIDE PERMANENT
SANITARY SEWER EASEMENT
GRANTOR: THE RESERVE AT MONROE CROSSINGS L.P.
GRANTEE: CITY OF MONROE, OHIO



Date	06-26-2019
Scale	1" = 20'
Drawn By	JLE
Proj No.	18115

Exhibit "C" Legal Description

15' Wide Permanent Electric Utility Easement

Situated in Section 35, Town 3, Range 3, in the City of Monroe, Butler County, Ohio, being located along the easterly boundary line of Lot No. 4593 of the Monroe Crossing Phase One, as recorded by Plat in Envelope 3637, Pages (s) A,B&C, in the Butler County Plat Records, and being more particularly described as follows:

Commencing at a point in the southerly right-of-way intersection of Hamilton-Lebanon Road (S.R. #63) and Hamilton-Middletown Road (S.R. #4), said point being the northeast most corner of Lot No. 4593, said point being located South 49°56'16" West for a distance of 132.31 feet from a concrete right-of-way monument;

Thence leaving the said southerly right-of-way and continuing with the division line between Lot No. 4593 and Lot No. 4594, South 40°03'44" East for a distance of 480.00 feet, being the Real Point of Beginning for the tract of land described herein;

Thence continuing with the said division line, South 40°03'44" East for a distance of 15.00 feet to a point;

Thence leaving the said division line and continuing South 49°56'16" West for a distance of 40.00 feet to a point;

Thence continuing with a line parallel to the said division line, North 40°03'44" West for a distance of 15.00 feet to a point;

Thence continuing North 49°56'16" East for a distance of 40.00 feet to the said Point of Beginning

The above described tract of land contains 570.00 square feet (0.014 acres), and is designated as a 15' Wide Permanent Electric Utility Easement. See Exhibit D (sketch) attached.

The Source of Bearings for the above description is derived from above referenced Plat of the Monroe Crossing Phase One, dated November 26, 2006 as prepared by Bayer Becker and is not the result of a survey by Brandstetter Carroll, Inc.

NOTE: THIS IS NOT A SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. EASEMENT FOLLOWS CENTERLINE OF UTILITY.

PID C1800016000014

CITY OF MONROE, OHIO
6307 CROSSINGS BLVD

DB 7286, PG 1096
LOT NO. 4594

EX. PARK TRAIL

S40°03'44"E
15.00'

15' WIDE
PERMANENT
ELECTRIC
UTILITY
EASEMENT
600.00 S.F.

P.O.B.

N49°56'16"E
40.00'

EX. ELECTRIC
TRANSFORMER

N40°03'44"W
15.00'

N49°56'16"E
40.00'

PID C1800016000013

THE RESERVE AT
MONROE CROSSINGS, L.P.
COLD WATER DRIVE
DB 7454, PG 566

LOT NO. 4593



BRANDSTETTER
CARROLL INC
ARCHITECTS ENGINEERS PLANNERS
10000 W. 10TH AVE. SUITE 100
DENVER, CO 80231
303.751.1000

EXHIBIT 'D' - 15' WIDE PERMANENT
ELECTRIC UTILITY EASEMENT
GRANTOR: THE RESERVE AT MONROE CROSSINGS L.P.
GRANTEE: CITY OF MONROE, OHIO



Date	06-26-2019
Scale	1" = 20'
Drawn By	JLE
Proj No	18115