

CITY OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 63 – 26

PASSED: _____

AN ORDINANCE VACATING, RELEASING, TERMINATING, AND EXTINGUISHING A SANITARY SEWER EASEMENT PREVIOUSLY GRANTED TO THE VILLAGE OF OBETZ, NOW THE CITY OF OBETZ

WHEREAS, Section 723.121 of the Ohio Revised Code authorizes the legislative authority of a municipal corporation to extinguish, in whole or in part, easements acquired by the municipal corporation, provided that the legislative authority determines, and enters its determination on the minutes of its proceedings, that the easements so extinguished are not needed for municipal purposes; and,

WHEREAS, by Deed of Easement recorded in the Franklin County Recorder's Office as Instrument No. 201508190115853, Greenlawn Realty Company, an Ohio corporation, granted to the Village of Obetz, now the City of Obetz, a sanitary sewer easement affecting portions of Franklin County Auditor Parcel Nos. 152-001841 and 152-001847, as more particularly described and depicted in the Deed of Easement attached hereto as Exhibit A and incorporated herein by reference (the "Easement"); and,

WHEREAS, the Easement was acquired for public sanitary sewer utility purposes, including the construction, reconstruction, replacement, repair, removal, maintenance, and operation of sanitary sewer utility improvements; and,

WHEREAS, after acquiring the Easement, the City acquired the real property subject to the Easement, together with certain surrounding real property, including portions of Franklin County Auditor Parcel Nos. 152-001744-00, 152-001847-00, 152-001841-00, and 152-001749-00; and,

WHEREAS, pursuant to Ordinance No. 58-25, this Council authorized the sale of approximately one hundred four and eight-tenths (104.8 +/-) acres of City-owned real property to Grand Communities LLC, a Kentucky limited liability company, for residential development in accordance with the terms and conditions of a Purchase and Sale Agreement approved by the City; and,

WHEREAS, the real property to be conveyed to Grand Communities LLC includes the real property subject to the Easement; and,

WHEREAS, the continued existence of the Easement as an encumbrance of record may interfere with or complicate the subdivision, conveyance, financing, construction, and residential development of the property; and,

WHEREAS, the City has reviewed the Easement and has determined that the Easement is no longer needed for municipal purposes and that vacating, releasing, terminating, and

extinguishing the Easement will facilitate the residential development previously authorized by Council; and,

WHEREAS, this Council finds and determines that vacating, releasing, terminating, and extinguishing the Easement is necessary and appropriate to implement the sale and development of the property, promote the orderly development of additional housing within the City, and advance the public purposes previously identified by Council in Ordinance No. 58-25.

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

Section 1. Council hereby determines, pursuant to Ohio Revised Code Section 723.121, that the Easement described in the Deed of Easement recorded in the Franklin County Recorder's Office as Instrument No. 201508190115853, and attached hereto as Exhibit A, is not needed for municipal purposes.

Section 2. The Easement is hereby vacated, released, terminated, and extinguished in its entirety. To the extent the Easement merged with the City's fee title upon the City's acquisition of the real property subject to the Easement, this Ordinance confirms the termination and extinguishment of the Easement as an encumbrance of record.

Section 3. This Ordinance vacates, releases, terminates, and extinguishes only the Easement held by the City under the Deed of Easement recorded as Franklin County Instrument No. 201508190115853. Nothing in this Ordinance shall be construed to vacate, release, terminate, extinguish, impair, or otherwise affect any easement, right-of-way, utility right, covenant, restriction, reservation, or other property interest held by any person or entity other than the City, unless such interest is expressly identified and released by separate written instrument.

Section 4. The City Administrator, Mayor, Clerk of Council, Law Director, and any other appropriate City officials are hereby authorized and directed to execute, acknowledge, deliver, and record, as applicable, any release of easement, certificate, affidavit, plat, deed, or other instrument necessary or appropriate to evidence, implement, or complete the vacation, release, termination, and extinguishment of the Easement. Such documents may be recorded before, at, or after closing under the Purchase and Sale Agreement authorized by Ordinance No. 58-25, as determined by the City Administrator in consultation with the Law Director.

Section 5. Nothing in this Ordinance shall limit the authority of the City to require, accept, approve, or record any new easements, utility easements, rights-of-way, subdivision plats, dedications, development agreements, utility relocation documents, or other instruments necessary or appropriate in connection with the development of the property.

Section 6. It is hereby 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 any and all deliberations of this Council and any of its committees that resulted in such

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formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Passed this _____ day of _____, 2026.

ATTESTS:

Stacey Boumis, Clerk of Council

Angela M. Kirk, Mayor

Derek Varney, Council President Pro-Tem

APPROVED AS TO FORM

Eugene L. Hollins, Esq., Law Director

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CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2026, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club, as well as on the Obetz website.

Stacey Boumis, Clerk

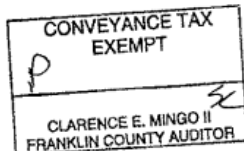
Date

Exhibit A
Deed of Easement

TRANSFER
NOT NECESSARY

AUG 18 2015
CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

201508190115853
Pg: 5 \$52.00 T20150060006
08/19/2015 4:00PM MEYAS ASHRAW
Terry J. Brown
Franklin County Recorder



DEED OF EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT GREENLAWN REALTY COMPANY, an Ohio corporation ("Grantor"), for One Dollar (\$1.00) and other good and valuable consideration paid by the VILLAGE OF OBETZ, OHIO, an Ohio municipal corporation ("Grantee"), the receipt of which is hereby acknowledged, does hereby grant to Grantee, its successor and assigns forever, a perpetual easement in, over, under, across, and through the following described real property for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating public sewer utility lines and appurtenances thereto (the "Improvement"), the right of ingress and egress at all reasonable times for the aforementioned purposes, and for any other purpose reasonably related to the Improvement:

(SEE LEGAL DESCRIPTION ATTACHED HERETO
AS EXHIBIT "A" AND MADE A PART HEREOF)

Tax Parcel Numbers: 152-001841, 152-001847
Prior Instrument Numbers: 200408190194488, 200509280203040

All terms and conditions contained herein shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

Grantor hereby releases and discharges Grantee from any future Ohio Constitution, Article I, Section 19 just compensation claims arising from this grant.

The Grantee, subject to the Improvement anticipated by the easement rights herein, shall cause the described easement area to be restored to its former surface condition and grade elevation after all entries thereon as reasonably practicable.

The perpetual easement rights granted herein are "Exclusive" as to all except the Grantor and any previously granted rights of record. Grantor retains the right to use the subject real property for all purposes which do not, in any manner, impair the Grantee's use or interfere with the construction, operation, maintenance, repair, removal, replacement or reconstruction of the Improvement or access thereto. Grantor shall not cause or allow any permanent or temporary

Catherine L. Dunkle
Notary Public, State of Ohio
My Commission Expires 08-06-2016

Catherine L. Duerkle
Notary Public
My Commission expires: 8-6-14

Exhibit A

August 12, 2015

**DESCRIPTION OF A SANITARY SEWER EASEMENT
NORTH OF RATHMELL ROAD AND EAST OF PARSONS AVENUE,
VILLAGE OF OBETZ, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, Village of Obetz, in Section 22, Township 4 North, Range 22 West, Mathews Survey of the Congress Lands, and being an easement thirty (30) feet in width for sanitary sewer purposes through a portion of the following three (3) tracts of land:

1. an original 30.000 acre tract of land conveyed to Greenlawn Realty Company, by deed of record in Instrument 200509280203040,
2. an original 50.000 acre tract of land conveyed to Greenlawn Realty Company, by deed of record in Instrument 200408190194488, and
3. a 5 acre tract of land conveyed to Greenlawn Realty Company, by deed of record in Instrument 199709160094675;

all records referenced to the Recorder's Office, Franklin County, Ohio, said easement bounded and described as follows:

Beginning, for reference, at Franklin County Monument Box No. 5557 Reset found at the intersection of the centerline of Rathmell Road (variable width) with the centerline of Parsons Avenue (variable width), said Monument Box also being the southwest corner of said Section 22;

thence S 86° 08' 30" E along the centerline of Rathmell Road a distance of 1,307.94 feet to a point;

thence N 03° 51' 30" E crossing Rathmell Road and perpendicular to the centerline of Rathmell Road a distance of 50.00 feet to a point at the southeast corner of a 39.546 acre tract of land conveyed to Leave A Mark Church, Inc., by deed of record in Instrument 201508060108333, in the north line of a 0.996 acre tract of land, conveyed for Rathmell Road and Parsons Avenue right-of-way purposes, by deed of record in Instrument 201506250085521, at a point at the west end of a curved line connecting the north right-of-way line of Rathmell Road with the proposed west right-of-way line of a proposed roadway (100 feet in width);

thence northeasterly along the curved southeasterly line of said 39.546 acre tract, along said connecting curve and with a curve to the left, data of which is: radius = 35.00 feet, and delta = 89° 31' 03", arc length = 54.68 feet, a chord distance of 49.29 feet bearing N 49° 05' 59" E to the point of tangency, at a corner of said 39.546 acre tract and at the north end of said connecting curve;

thence N 04° 20' 27" E along a portion of the east line of said 39.546 acre tract a distance of 22.99 feet to a point at the southeast corner of a proposed sanitary sewer easement, of which this easement is an extension of;

thence crossing a portion of said 39.546 acre tract and along southerly and westerly lines of said proposed sanitary easement the following six (6) courses:

1. N 48° 02' 21" W a distance of 56.81 feet to a point;
2. N 04° 20' 27" E a distance of 337.75 feet to a point;
3. N 07° 09' 17" E a distance of 602.68 feet to a point;
4. N 54° 35' 03" W a distance of 389.06 feet to a point;
5. N 69° 33' 17" W a distance of 365.70 feet to a point;
6. N 03° 21' 06" E a distance of 31.22 feet to a point in the north line of said 39.546 acre tract and at the true place of beginning for the easement herein intended to be described;

thence continuing N 03° 21' 06" E crossing a portion of said original 30.000 acre tract and crossing a portion of said original 50.000 acre tract a distance of 961.51 feet to a point;

August 12, 2015

thence N 02° 55' 43" E crossing a portion of said original 50.000 acre tract and crossing a portion of said 5 acre tract a distance of 287.56 feet to a point;

thence S 86° 38' 54" E crossing a portion of said 5 acre tract a distance of 30.00 feet to a point;

thence S 02° 55' 43" W crossing a portion of said 5 acre tract and crossing a portion of said original 50.000 acre tract a distance of 287.45 feet to a point;

thence S 03° 21' 06" W crossing a portion of said original 50.000 acre tract and crossing a portion of said original 30.000 acre tract a distance of 961.91 feet to a point in the north line of said 39.546 acre tract;

thence N 86° 06' 23" W along a portion of the north line of said 39.546 acre tract a distance of 30.00 feet to the true place of beginning;

containing 37,477 square feet (= 0.860 acre) of land, more or less.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey of said 39.546 acre tract, performed under his supervision, in August, 2012. Basis of bearings is the centerline of Parsons Avenue, being N 03° 53' 37" E, as shown of record in Instrument 200603270056209, Recorder's Office, Franklin County, Ohio.

Kevin L. Baxter 8/12/15

Kevin L. Baxter
Ohio Surveyor #7697



