

ORDINANCE NO. 2007-169

ACCEPTING A STORM SEWER EASEMENT FOR WESTERN ROW ROAD IMPROVEMENT PROJECT (NEYER, 4079 OLD WESTERN ROW ROAD)

BE IT ORDAINED by the Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That the storm sewer easement located along the south side of Western Row Road, east of Mason-Montgomery Road, situated on property owned by Al Neyer, Inc., and which easement is more particularly described on Exhibits "A", attached hereto and incorporated herein by reference is hereby accepted.

Section 2. That the City Manager is hereby authorized to execute any and all documents necessary to complete the dedication.

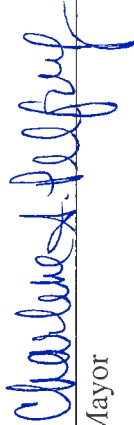
Section 2. That this ordinance shall be effective from and after the earliest period allowed by law.

Passed this 26th day of November, 2007.

Attest:



Clerk of Council



Mayor

Certification

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance _____, adopted by the Council of the City of Mason on _____, 2007.

Clerk of Council

STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Al Neyer, Inc., the Grantor(s) herein, in for valuable considerations by The City of Mason, Ohio, the Grantee, herein, does hereby grant, bargain, sell, convey and release, to said Grantee, its successors and assigns forever, the following rights, privileges and easements in, upon and over certain real estate owned by the Grantor.

PARCEL(S): 49D

WESTERN ROW ROAD

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

Prior Instrument Reference: OR2229-477, Warren County Recorder's Office.

The right to construct, use maintain and keep in repair storm sewers together with the necessary values, manholes, fittings and appurtenances, and to be constructed and maintained.

The Grantor shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns.

The right to construct, use maintain and keep in repair storm sewers together with the necessary values, manholes, fittings and appurtenances, and to be constructed and maintained.

The Grantor shall have full right to use the land within the said right of way and easement for any purpose consistent with the rights herein granted to the Grantee, its successors and assigns.

Executed by Al Neyer, Inc., has caused its name to be subscribed by William Z. Meyer its duly authorized agent, on the 31 day of January, 2006.

Al Neyer, Inc.

By:

[Signature]

Its:

[Signature]
Corporate Secretary

STATE OF OHIO, COUNTY OF Hamilton SS:

BE IT REMEMBERED, that on the 31 day of January, 2006, before me the subscriber, a Notary Public in and for said state and county, personally came the above named William Z. Meyer who acknowledged being the duly authorized agent of Al Neyer, Inc. who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said entity.

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



LAURA E. DOHERTY
Notary Public, State of Ohio
My Commission Expires 09-18-08

[Signature]
NOTARY PUBLIC

My Commission expires: 9-18-08

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This instrument was prepared by or on behalf of the City of Mason

DRAINAGE EASMENT
WESTERN ROW ROAD
Parcel 49D
Al Neyer, Inc.

Situate in Section 29, Town 4 East, Range 2 North, Between the Miamis Survey, in the City of Mason, Warren County, State of Ohio, and being part a 8.618 acre parcel of land as conveyed to Al Neyer, Inc., by instrument as recorded in Book 2229, Page 477 of the records of the Warren County Recorder, and Parcel 49D being more particularly bounded and described, per a survey performed by LJB, Inc. in 2004 with bearings based on Ohio State Plane Coordinates, South Zone (NAD83), as follows:

Commencing at an iron pin found in the existing south right of way line of Western Row Road and at a westerly corner of said 8.618 acre parcel, being 42.08 feet right of the centerline of construction of Western Row Road Station 111+02.02, said point being the TRUE POINT OF BEGINNING;

Thence with the said existing south right of way line and the north line of said 8.618 acre parcel along the arc of a curve to the left having a radius of 1096.27 feet, a chord bearing North 65° 42' 24" East 143.04 feet for an arc distance of 143.14 feet to a point, being 38.62 feet right of the centerline of construction of Western Row Road Station 112+40.00;

Thence South 56° 31' 15" West 164.28 feet to a point in said south right of way line and in the west line of said 8.618 acre parcel, being 70.00 feet right of centerline of the construction of Western Row Road Station 110+86.26;

Thence with the said south right of way line and the west line of said 8.618 acre parcel along the arc of a curve to the right having a radius of 19.21 feet, a chord bearing North 11° 49' 36" East 32.47 feet for an arc distance of 38.67 feet to the TRUE POINT OF BEGINNING, containing 0.043 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 49D above was calculated and derived from a survey made under the supervision of Harry G. Herbst III, Ohio Registered Surveyor Number 6596.

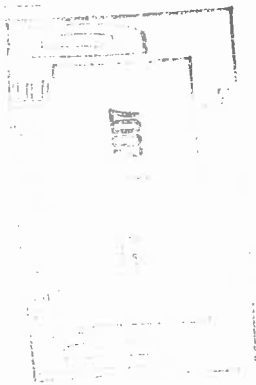
The above described area is contained within the Warren County Auditor's Parcel Identification Number 16294000310. Within said bounds of the 0.043 acres, more or less, is the present road right of way which occupies 0.000 acres, more or less.

Pt. 16-29-400-031 (PF)

EASEMENT ONLY

BETH DECKARD - WARREN COUNTY RECORDER
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OR Volume: 4515 Page: 929 Return: M
Rec#: 14713 Pages: 2
CITY OF MASON

TRANSFER NOT NECESSARY
NICK NELSON, AUDITOR
WARREN COUNTY, OHIO
JUL 26 2007
NICK NELSON
AUDITOR, WARREN CO. OHIO



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