Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ *Passed* _____, *20*____

RESOLUTION NO. ~~10~~ 39-10

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO EXECUTE A DEED OF EASEMENT THAT GRANTS AN EASEMENT TO THE SALVATION ARMY OVER AND ON RIGHT OF WAY OWNED BY THE CITY OF ORRVILLE.

WHEREAS, the City of Orrville owns the right of way designated in the map attached hereto and incorporated herein as Appendix A;

WHEREAS, said right of way was for the potential future extension of Sterling Avenue in the City of Orrville;

WHEREAS, The Salvation Army is in need of an easement over and on said right of way for future truck traffic and the loading and unloading of freight from trucks at the intended new location for The Salvation Army Orrville Service Center at 403 W. High Street in the City of Orrville;

WHEREAS, the City of Orrville has determined that granting said easement will not interfere with any of the municipality's use of, or plans for, public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts, and viaducts, or any other purposes in connection therewith.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Ohio:

Section 1: That the Safety-Service Director for the City of Orrville is hereby authorized to execute a deed of easement in substantial conformity to the deed of easement attached hereto as "Appendix B", granting the easement therein to The Salvation Army, a New York Corporation with its principal office at 440 West Nyack Road, West Nyack, New York 10994; and

Section 2: This Resolution shall be in full force and effect at the earliest period provided by law.

Passed this 20th day of December 2010.

President of Council

Attest:

T Peppard
Clerk of Council

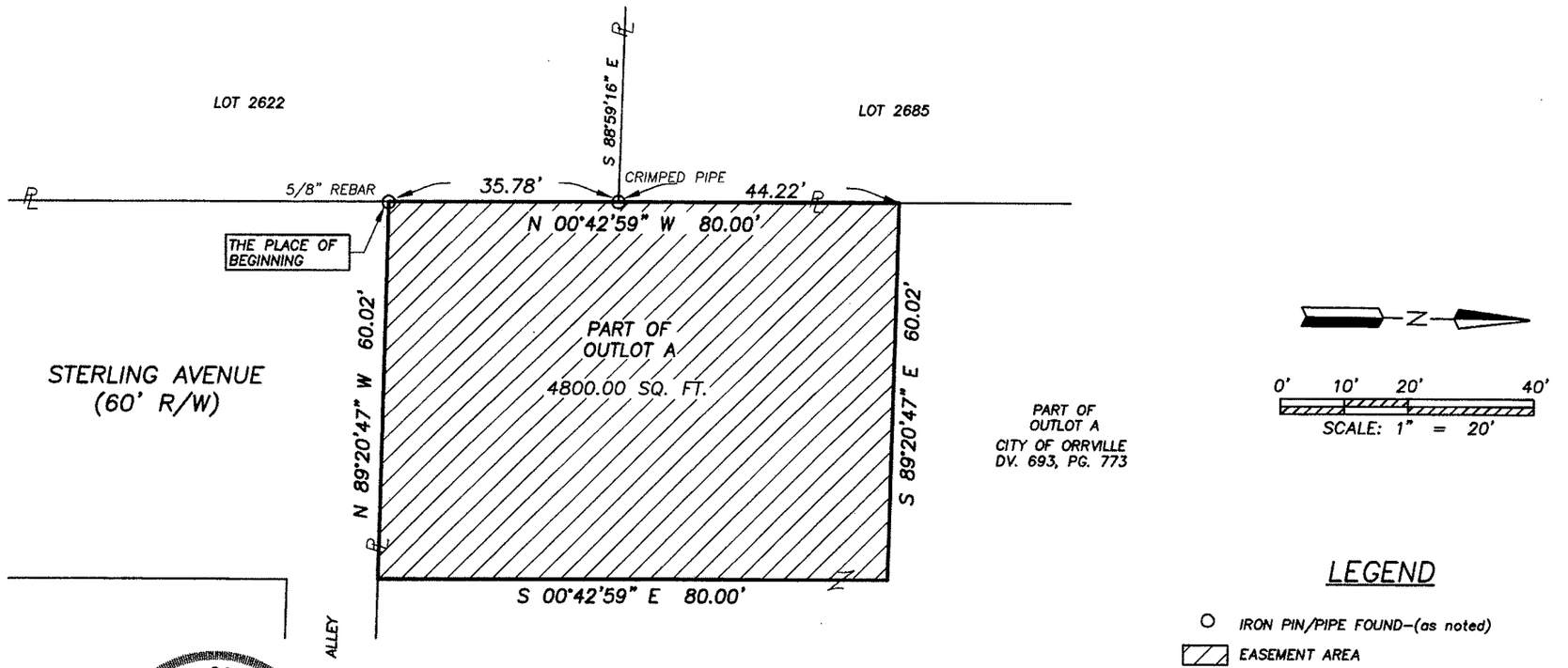
Approved:

David J. Hundt
Mayor

Date 12/20/10

ORRVILLE SALVATION ARMY EASEMENT

BEING A PART OF OUTLOT A IN THE CITY
OF ORRVILLE, WAYNE COUNTY, OHIO



LEGEND

- IRON PIN/PIPE FOUND–(as noted)
- EASEMENT AREA

STATE OF OHIO
NATHANIEL B. RAMSEY S-8396 REGISTERED
PROFESSIONAL SURVEYOR

Distances shown hereon are expressed in feet and decimal parts thereof, bearings are to an assumed meridian and are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: _____ 12/17/2010
Nathaniel B. Ramsey, P.S. #8396 Date
for Shaffer, Johnston, Lichtenwalter, & Associates, Inc.

SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL (330) 345-6377 FAX (330) 345-6725 EMAIL sjl@sjl-inc.com

DRAWN HBR	CHECKED	SCALE 1" = 20'	DATE 12/16/2010
DWG NO: EM-1665	JOB NO: EM-1665	SHEET 1 OF 1	

APPENDIX A

Appendix B

EASEMENT

The City of Orrville, an Ohio municipal corporation, for valuable consideration, grants to **The Salvation Army a New York Corporation with its principal office at 440 West Nyack Rd., West Nyack, New York, 10994**, Grantees, an easement for the purpose of providing ingress and egress between Sterling Ave. and Grantees' property, over and upon the property as described in Exhibit A, attached hereto and incorporated herein by reference.

Grantee shall have the right to construct improvements upon the property identified herein for the purpose of facilitating ingress and egress.

Grantor shall have the right to use the property subject to this easement for purposes not inconsistent with Grantee's full enjoyment of the easement granted herein.

The easement granted herein shall be extinguished and be of no effect in the event the City of Orrville extends Sterling Avenue from its present location.

The grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors, and assigns.

Executed this _____day of December 2010.

In Witness Whereof:

_____

_____

_____
Steve Wheeler
Safety-Service Director
City of Orrville
Authorized pursuant
to Resolution No._____

STATE OF OHIO)
) SS
COUNTY OF WAYNE)

Before me, a notary public, in and for said County, personally appeared Steve Wheeler, who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed both individually and as an authorized representative of the City of Orrville.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal at Orrville, Ohio, this _____ day of December 2010.

_____
Notary Public

This instrument was prepared by
Timothy R. VanSickle
Attorney at Law, Orrville, Ohio 44667

SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS

December 13, 2010

EASEMENT DESCRIPTION

Situated in the City of Orrville, County of Wayne, State of Ohio, being a part of Outlot A in said City and being more particularly described as follows:

Beginning for the same at an iron pin found in an existing southwest corner of a parcel conveyed to the City of Orrville by deed volume 693, page 773, said iron pin also being in the northwest corner of Sterling Avenue (60' right of way) and being on the east existing lot line of Lot 2622 of the consecutively numbered lots in said city;

Thence with the following **FOUR** courses:

1. **North 00 degrees 42 minutes 59 seconds West, 80.00 feet** with the east line of said Lot 2622 and the east line of Lot 2685, the same being a west line of said City of Orrville parcel to a point, and passing through a crimped iron pipe found in the northeast corner of Lot 2622 the same being in the southeast corner of said Lot 2685 at 35.78 feet;

2. **South 89 degrees 20 minutes 47 seconds East, 60.02 feet** through said City of Orrville parcel to a point;

3. **South 00 degrees 42 minutes 59 seconds East, 80.00 feet** to a point in the northeast corner of the aforementioned Sterling Avenue (60' right of way), the same being the south line of said City of Orrville parcel;

4. **North 89 degrees 20 minutes 47 seconds West, 60.02 feet** with said north line of said Sterling Avenue (60' right of way) and said south line of said City of Orrville parcel to the place of beginning and containing **4,800 square feet**, more or less, and subject to all legal highways and easements of record.

Bearings are to an assumed meridian and are used to express angles only.

The intent of this instrument is to describe a strip of land 60.00 feet in width extending 80.00 feet north from the north right of way line of Sterling Avenue.

Nathaniel B. Ramsey
Professional Surveyor ~~No. 8396~~
EM-1665_Easement.doc

EXHIBIT A

909 South Main Street Mansfield, Ohio 44907
Ph. (419) 756-7302 Fax (419) 756-0867 Email: nramsey@sjl-inc.com