

**ORDINANCE NO. 20-019**

**AN ORDINANCE APPROVING A PERPETUAL EASEMENT GRANTED TO THE CITY FOR A STORM SEWER ON PARCEL NO. 60-00429.001, LOCATED AT 1508 EDGEWATER AVENUE, FOR THE WEST SIDE UTILITY & CONNECTIVITY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, as part of the West Side Utility & Connectivity Improvements Project, the City will be replacing the existing storm sewer system along with replacing and installing new catch basins along Edgewater Avenue; and

**WHEREAS**, the City Commission authorized an agreement for professional property & easement acquisition services with O.R. Colan Associates of Fairview Park, Ohio, for the West Side Utility & Connectivity Improvements Project by Ordinance No. 19-101, passed on May 28, 2019; and

**WHEREAS**, permanent easements are necessary for the project and the property owner, Beth-Ann Pitsenbarger, of Parcel No. 60-00429.001, located at 1508 Edgewater Avenue, has agreed to grant to the City a permanent storm sewer easement to install, inspect, maintain, repair and/or replace the catch basin structures and related storm sewer conduit and for access to clear and grade the mixed ditch including the right of ingress to and egress from and over the property; and

**WHEREAS**, approval is being requested in companion legislation to approve Perpetual Easements for storm sewers with two (2) other property owners in conjunction with the West Side Utility & Connectivity Improvements Projects; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the easement to be recorded immediately and allow the City to proceed with installing the storm sewer for the West Side Utility & Connectivity Improvements Project; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the Perpetual Easement granted to the City for a Storm Sewer on Parcel No. 60-00429.001, located at 1508 Edgewater Avenue, for the West Side Utility & Connectivity Improvements Project, a copy of which is attached, marked Exhibit "1" and is specifically incorporated if


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fully rewritten herein.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

  
\_\_\_\_\_  
RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION

ATTEST:   
\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: January 27, 2020

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**PERPETUAL EASEMENT**

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**KNOW ALL MEN BY THESE PRESENTS:** That, **Beth-Ann Pitsenbarger**, unmarried, herein referred to as the Grantor, whose tax mailing address is 1312 Columbus Avenue, Sandusky, OH 44870 for and in consideration of the sum of three hundred dollars (\$300.00) and other good and valuable consideration paid by the City of Sandusky (herein referred to as the Grantee), a Municipal Corporation organized under the Laws of Ohio, whose tax mailing address is 240 Columbus Avenue, Sandusky, Ohio, the receipt and sufficiency of said consideration is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, CONVEY, AND RELEASE** to the Grantee, its successors and assigns forever, a perpetual alienable Easement to have access for the installation, inspection, maintenance, repair, and/or replacement of the storm sewer conduit and related structures and for access to clear and grade the mixed ditch including the right of ingress to and egress from and over said premises (real estate) situated in the County of Erie and State of Ohio, and described as:

**SEE ATTACHED "LEGAL DESCRIPTION," INCORPORATED HERETO.**

The Grantor claims title to the above described property by virtue of a instruments recorded with the Erie County Recorder in RN 201808841 and Book 79, Page 914 and the current Permanent Parcel Number is 60-00429.001.

The consideration recited herein shall constitute full and final payment for said easement and all damages sustained and/or claimed by the Grantor, his executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate, that arise from or by reason of inspection or other proper and allowed acts as stated above, said damages include but are not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential.

**TO HAVE AND TO HOLD** said Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This Easement together with all agreements, covenants, and other provisions recited herein, shall constitute a covenant running with the land for the benefit and use of the Grantee, its successors and assigns forever.

The Grantor and signatories hereto, hereby covenant that he is the true and lawful Owner of the above described real estate and have full power and authority to convey the same; that the same is free and clear from all liens and encumbrances whatsoever and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

**EXHIBIT**

**"1"**

IN TESTIMONY WHEREOF, Beth-Ann Pitsenbarger the Grantor, have executed this Perpetual Easement this 15<sup>th</sup> day of November, 2019.

Beth-Ann Pitsenbarger  
Beth-Ann Pitsenbarger

STATE OF OHIO        }  
                                  }        ss:  
COUNTY OF ERIE     }

Before me a Notary Public in and for said County, personally appeared the above named proper signatory for the Grantor, who acknowledged he did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15<sup>th</sup> day of November, 2019.



JOSEPH E ALMADY  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
August 22, 2023

Joseph E Almady  
Notary Public  
My Commission expires: 8/22/23

**THIS INSTRUMENT PREPARED BY:**  
Trevor M. Hayberger  
City of Sandusky Assistant Law Director  
222 Meigs Street  
(419) 627-5852

**DESCRIPTION OF A 0.007 ACRE PERMANENT EASEMENT**

Situated in the City of Sandusky, County of Erie, State of Ohio, and being part of Original Lot Number 32 in the Annexation north of Section 2 in Margareta Township, Erie County, Ohio, and being 0.007 acres out of a 0.6272 acre parcel known as Erie County Auditor's Parcel number 60-00429.001 as conveyed to Beth-Ann Pitsenbarger "Grantor" by deed of record in RN 201808841, (all document references are to the records of Erie County unless otherwise stated), and being more particularly described as follows:

COMMENCING FOR REFERENCE at a one inch iron pin found in a monument box at the intersection of the centerline of Venice Road with the centerline of Edgewater Avenue;

Thence along the centerline of Edgewater Avenue becoming the easterly right-of-way line of Edgewater Avenue, South 01 degrees 42 minutes 48 seconds East for a distance of 769.40 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

Thence crossing through the lands of the Grantor the following three (3) courses:

1. North 88 degrees 17 minutes 12 seconds East for a distance of 15.00 feet to a point;
2. South 01 degrees 42 minutes 48 seconds East for a distance of 20.00 feet to a point;
3. South 88 degrees 17 minutes 12 seconds West for a distance of 15.00 feet to a point;

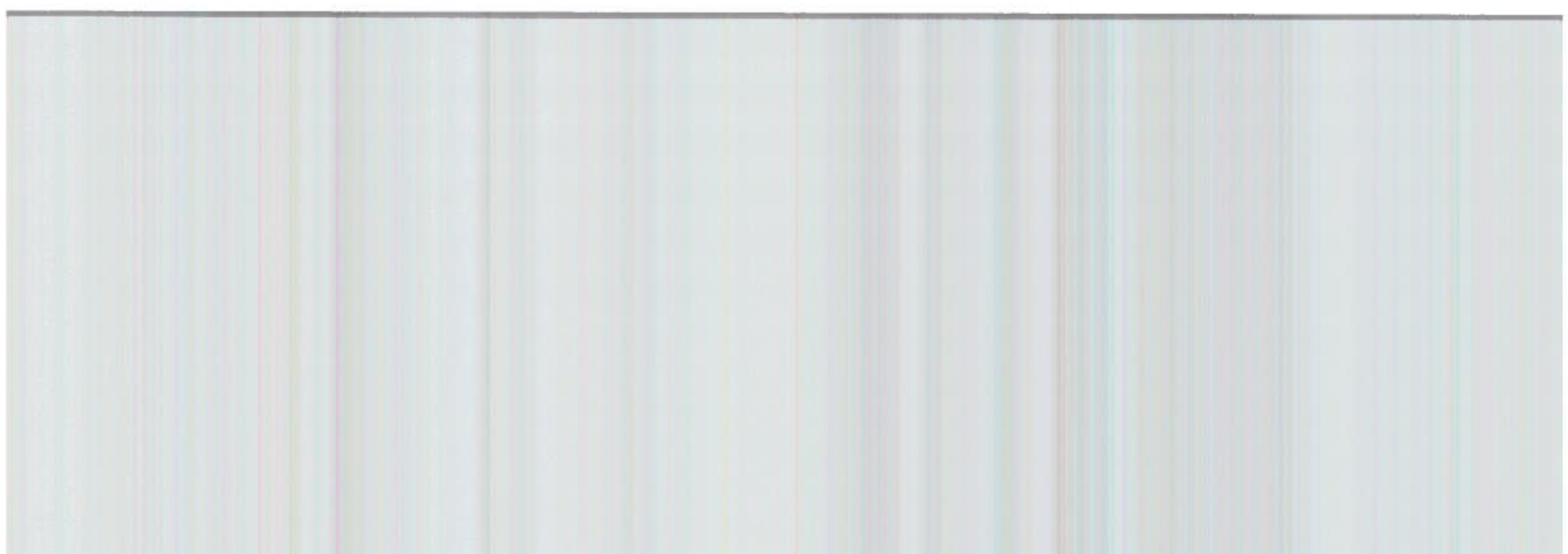
Thence along the easterly right-of-way line of Edgewater Avenue, North 01 degrees 42 minutes 48 seconds West for a distance of 20.00 feet to the TRUE POINT OF BEGINNING, containing 0.007 acres, more or less, of which 0.000 acres are within the present road occupied, resulting in a net take of 0.007 acres out of Erie County Auditor's Parcel number 60-00429.001.

This description was prepared by Michael J. Hudik, Ohio Registered Professional Surveyor number 6788, and is based on an actual field survey conducted by DLZ Ohio, Inc. in 2019 under his direct supervision.

The bearings for this description are based on Ohio State Plane Coordinate system, South Zone, and the North American Datum of 1983 with the 2011 adjustment (NAD 83(2011)).

*Michael J. Hudik P.S.*  
Michael J. Hudik, S-6788

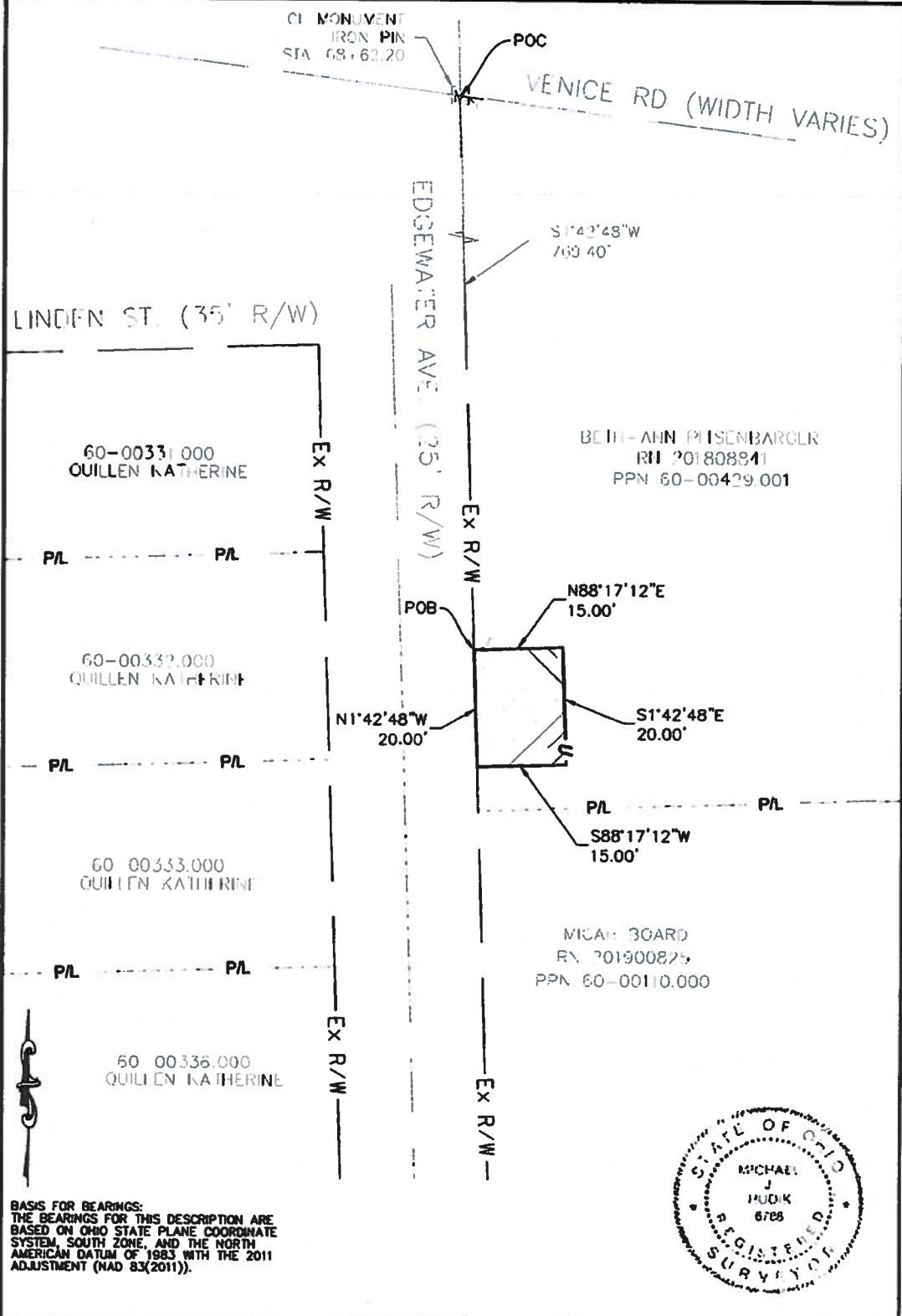
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Date



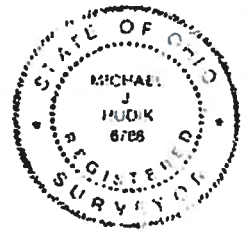


6121 Huntley Road - Columbus, Ohio 43229-1003  
 Ph.: (614) 888-0040 Fax: (614) 848-6712

**WEST SIDE UTILITIES**  
 STATE OF OHIO, ERIE COUNTY,  
 CITY OF SANDUSKY  
**0.007 ACRE**  
**UTILITY EASEMENT**



**BASIS FOR BEARINGS:**  
 THE BEARINGS FOR THIS DESCRIPTION ARE  
 BASED ON OHIO STATE PLANE COORDINATE  
 SYSTEM, SOUTH ZONE, AND THE NORTH  
 AMERICAN DATUM OF 1983 WITH THE 2011  
 ADJUSTMENT (NAD 83(2011)).



*Michael J. Hudik P.S.* 11-19-19  
 MICHAEL J. HUDIK, OHIO REGISTERED PROFESSIONAL SURVEYOR, S-6788 DATE:

N/W DESIGNER	DDC
R/W REVIEWER	MJI

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COMMENCING FOR REFERENCE at a one inch iron pin found in a monument box at the intersection of the centerline of Venice Road with the centerline of Edgewater Avenue;

Thence along the centerline of Edgewater Avenue becoming the easterly right-of-way line of Edgewater Avenue, South 01 degrees 42 minutes 48 seconds East for a distance of 707.75 feet to the TRUE POINT OF BEGINNING of the parcel herein described;

Thence crossing through the lands of the Grantor the following three (3) courses:

1. North 88 degrees 17 minutes 12 seconds East for a distance of 15.00 feet to a point;
2. South 01 degrees 42 minutes 48 seconds East for a distance of 20.00 feet to a point;
3. South 88 degrees 17 minutes 12 seconds West for a distance of 15.00 feet to a point;

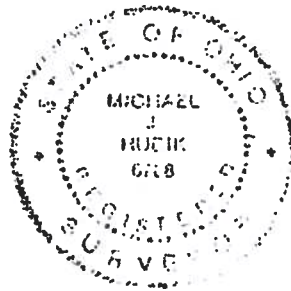
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Michael J. Hudik, S-6788

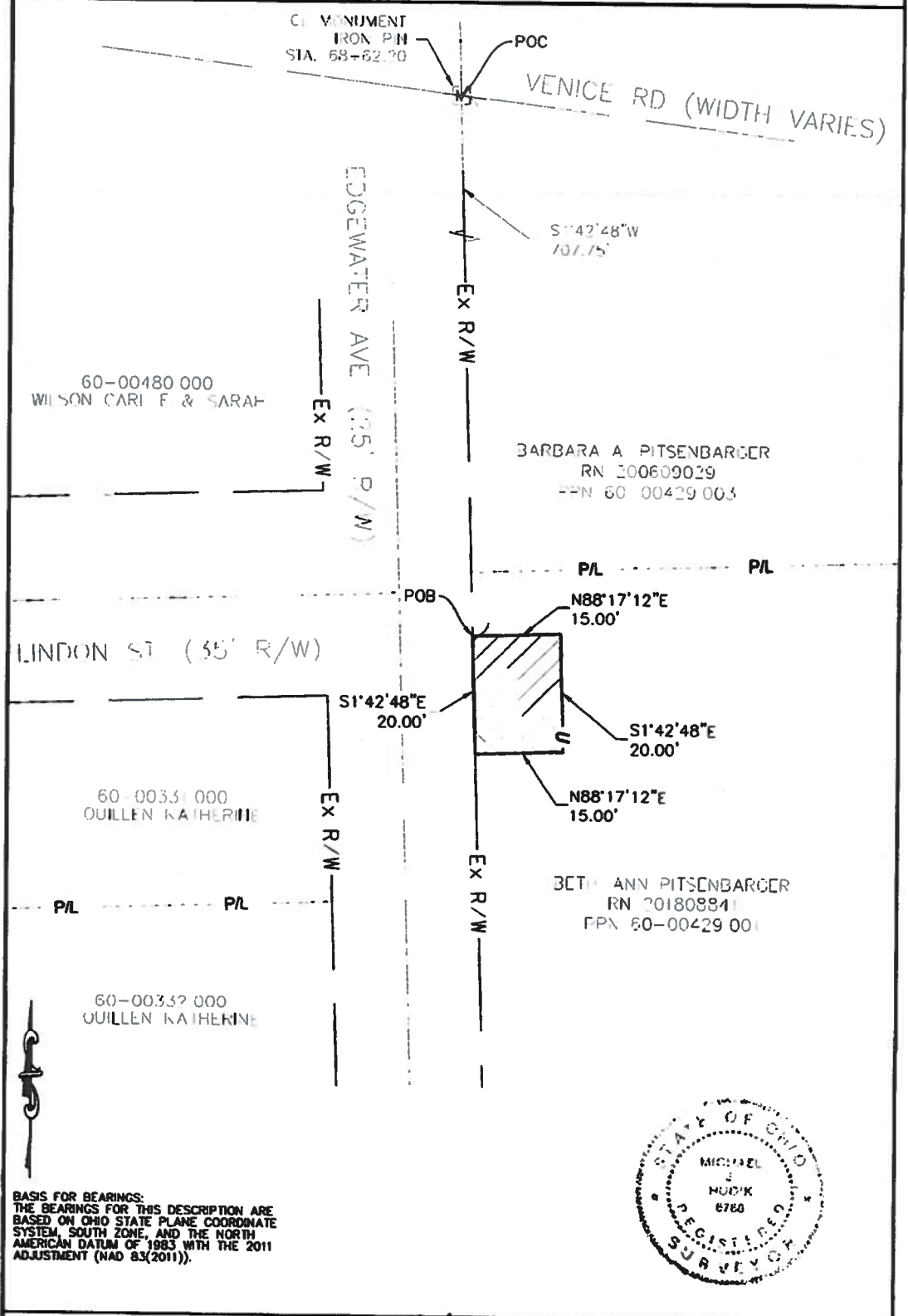
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WEST SIDE UTILITIES  
STATE OF OHIO, ERIE COUNTY,  
CITY OF SANDUSKY  
0.007 ACRE  
UTILITY EASEMENT



20 10 0 20  
1" = 20'

*Michael J. Hudik P.S.* 11-19-19

MICHAEL J. HUDIK, OHIO REGISTERED PROFESSIONAL SURVEYOR, S-6788 DATE: M.J.H.

R/W DESIGNER  
DDC  
R/W REVIEWER  
M.J.H.

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