

ORDINANCE NO. 6 , 2009

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED PROPERTY AND  
CERTAIN EASEMENT RIGHTS AT 9797 MONTGOMERY ROAD,  
MONTGOMERY, OHIO**

**WHEREAS**, Rath & Schutte Group, an Ohio general partnership, is the owner of certain real property located at 9797 Montgomery Road, Montgomery, Ohio 45242, being more fully described on Schedule A attached hereto; and

**WHEREAS**, the City of Montgomery, Ohio intends to erect certain public improvements on a portion of the property held by Rath & Schutte Group, being a bus shelter, support foundation and supporting utilities; and

**WHEREAS**, Rath & Schutte Group has proposed to grant an easement to the City of Montgomery to allow the City to erect and maintain the bus shelter on site, and Council does desire to accept this property right on behalf of the City.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** Council hereby accepts an easement from Rath & Schutte Group upon the property at 9797 Montgomery Road, Montgomery, Ohio, being more particularly described on Schedule A attached hereto and incorporated herein by reference, which easement area is described on Schedule B attached hereto and incorporated herein by reference, which Schedule B includes a Legal Description and Easement Plat. It shall be the City of Montgomery's responsibility to construct and install the bus shelter at this location and to maintain such bus shelter, the support foundation and utilities so long as the shelter is in place and in use for the benefit of the public upon such property. Should the City abandon the bus shelter, the City shall be

responsible to restore the property to its current condition and this easement shall then be abandoned to the adjacent property owner.

**SECTION 2.** The City Manager is directed to execute any and all documentation necessary to accept this property right and thereafter to accept responsibility for maintenance of such improvements upon such property.

**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: September 2, 2009

ATTEST: Susan J. Hamm  
Susan J. Hamm, Clerk of Council

Gerri Harbison  
Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

TRANSFER CERTIFICATE OF TITLE # 194611  
TRANSFER CERTIFICATE OF TITLE  
AUGUST 13, 2002 AT 3:14 PM

PRECEDING CERTIFICATE	DOCUMENT	ORIGINALLY REGISTERED	IN BOOK	PAGE
152776	02-161360	JUNE 10, 1985 OFFICIAL RECORD	345 8995	127130 1849

TRANSFERRED FROM:

ROBERT HEDLESTEN, TRUSTEE, ET AL

THIS IS TO CERTIFY THAT

RATH AND SCHUTTE GROUP, AN OHIO GENERAL PARTNERSHIP,  
WHOSE P.O. ADDRESS IS 9797 MONTGOMERY ROAD  
MONTGOMERY, OHIO 45242

IS THE OWNER IN FEE SIMPLE OF THE LANDS SITUATE IN THE  
CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO,  
AN ACCURATE DESCRIPTION AND PLAT OF EACH SEPARATE BODY OR PARCEL  
OF WHICH ARE AS FOLLOWS, TO-WIT:

SITUATE IN SECTION 3, TOWNSHIP 4, ENTIRE RANGE 1, SYCAMORE TOWNSHIP, CITY  
OF MONTGOMERY, HAMILTON COUNTY, OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF MONTGOMERY ROAD  
WITH THE NORTHERLY LINE OF SECTION 3; THENCE WITH SAID CENTERLINE OF  
MONTGOMERY ROAD, SOUTH 16°45'30" WEST, FOR A DISTANCE OF 208.80 FEET; THENCE  
LEAVING SAID CENTERLINE OF MONTGOMERY ROAD, NORTH 85°26'40" WEST, FOR A  
DISTANCE OF 394.76 FEET; THENCE PARALLEL WITH SAID CENTERLINE OF MONTGOMERY  
ROAD, NORTH 16°45'30" EAST, FOR A DISTANCE OF 126.66 FEET TO A POINT IN THE  
NORTHERLY LINE OF SAID SECTION 3; THENCE WITH SAID NORTHERLY LINE OF SECTION  
3, NORTH 83°31' EAST, FOR A DISTANCE OF 419.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.485 ACRES.

SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF  
MAY 6, 1913, 103 O. L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND  
TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND  
ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON  
THE SHEET OF MEMORIALS ATTACHED HERETO.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL  
SEAL THIS 13TH DAY OF AUGUST 2002.

REBECCA PREM GROPPE  
(SEAL) RECORDER OF HAMILTON COUNTY, OHIO.

BY \_\_\_\_\_ DEPUTY

MEMORIALS OF THE LESSER ESTATES AND LIENS IN AND AGAINST THE LANDS DESCRIBED  
IN CERTIFICATE OF TITLE ISSUED TO:

RATH AND SCHUTTE GROUP, AN OHIO GENERAL PARTNERSHIP  
(PRESENT OWNER INDICATED WITH O)

1 CONDITIONS

FROM CERT.: 152776  
DOCUMENT: 516245  
AGAINST.: (O) CONDITIONS AND RESTRICTIONS  
EXECUTED: MARCH 19, 1958  
RECORDED: APRIL 4, 1958  
DEED BOOK 2953 PAGE 131  
REBECCA PREM GROPPE, RECORDER  
\_\_\_\_\_, DEPUTY

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2 EASEMENT

FROM CERT.: 152776  
DOCUMENT: 521466  
FAVOR OF: C G & E CO AND CINTI BELL INC  
HAMILTON COUNTY, CINCINNATI, OHIO  
AGAINST.: (O) EASEMENT 10'  
EXECUTED: SEPTEMBER 5, 1985  
RECORDED: SEPTEMBER 13, 1985 AT 10:31 AM  
DEED BOOK 4299 PAGE 1164  
REBECCA PREM GROPPE, RECORDER  
\_\_\_\_\_, DEPUTY

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3 EASEMENT

FROM CERT.: 152776  
DOCUMENT: 91-25376  
FAVOR OF: C G & E CO AND CINTI BELL TEL CO  
HAMILTON COUNTY, CINCINNATI, OHIO  
AGAINST.: (O) GRANT OF EASEMENT  
EXECUTED: OCTOBER 25, 1990  
RECORDED: MARCH 8, 1991 AT 2:22 PM  
OFFICIAL RECORD 5508 PAGE 89  
REBECCA PREM GROPPE, RECORDER  
\_\_\_\_\_, DEPUTY

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4 EASEMENT

FROM CERT.: 152776  
DOCUMENT: 91-25377  
FAVOR OF: C G & E CO AND CINTI BELL TEL CO  
HAMILTON COUNTY, CINCINNATI, OHIO  
AGAINST.: (O) GRANT OF EASEMENT  
EXECUTED: FEBRUARY 11, 1991  
RECORDED: MARCH 8, 1991 AT 2:22 PM  
OFFICIAL RECORD 5508 PAGE 91  
REBECCA PREM GROPPE, RECORDER  
\_\_\_\_\_, DEPUTY

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5 MORTGAGE

DOCUMENT: 02-161364  
FAVOR OF: GERALD C. HEDLESTEN, TRUSTEE OF GERALD & JOY HEDLESTEN  
TRUST ROBERT C. HEDLESTEN TRUSTEE OF ROBERT & SUSAN TRUST  
EXECUTED: MAY 31, 2002.  
RECORDED: AUGUST 13, 2002 AT 3:14 PM  
OFFICIAL RECORD 8995 PAGE 1858  
REBECCA PREM GROPPE, RECORDER  
\_\_\_\_\_, DEPUTY



CDS ASSOCIATES, INC.

## LEGAL DESCRIPTION BUS SHELTER EASEMENT

Situated in Section 3, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Bus Shelter Easement over and through the property conveyed to Rath and Schutte Group by Registered Land Certificate No. 194611 (all references made herein to deeds and plats are to the records of the Hamilton County Recorder located in Cincinnati, Ohio) and being more particularly described as follows:

Commencing at the intersection of the northerly line of Section 3 with the centerline of Montgomery Road, being the northeasterly corner of Registered Land Certificate 194611;

Thence with the northerly line of said section and registered land, South 83°29'30" West, a distance of 35.92 feet to the westerly right-of-way line of Montgomery Road;

Thence along said westerly right-of-way line, South 16°45'30" West, a distance of 110.58 feet to the Principal Point of Beginning for this description;

Thence continuing along said westerly right-of-way line, South 16°45'30" West, a distance of 25.50 feet;

Thence through the grantor's property along the herein described bus shelter easement for the following three (3) courses:

1. North 73°14'30" West, a distance of 7.00 feet;
2. North 16°45'30" East, a distance of 25.50 feet;
3. South 73°14'30" East, a distance of 7.00 feet to the point of beginning;

Containing 178 square feet, more or less, and being subject to all rights-of-way, easements, restrictions, covenants and/or conditions of record.

Description Prepared By:

CDS ASSOCIATES, INC.  
June 1, 2009  
File No. 2008015-045

NORTH AND BEARING SYSTEM  
BASED ON REGISTERED LAND  
CERTIFICATE 194611



**EXHIBIT "A"**  
**BUS SHELTER EASEMENT**

SITUATED IN:  
SECTION 3, TOWN 4, ENTIRE RANGE 1  
SYCAMORE TOWNSHIP  
CITY OF MONTGOMERY  
HAMILTON COUNTY, OHIO

603-1-98  
RATH & SCHUTTE GROUP  
REG. LAND CERT. 194611

BUS SHELTER EASEMENT  
178 SQUARE FEET  
S73°14'30"E, 7.00'

N16°45'30"E  
25.50'

N73°14'30"W, 7.00'

S16°45'30"W  
25.50'

P.O.B.

110.58'

S83°29'30"W

35.92'

MONTGOMERY ROAD

PERIN ROAD

SECTION 4, TOWN 4, ENTIRE RANGE 1  
SECTION 3, TOWN 4, ENTIRE RANGE 1

2008015-045  
JUNE 1, 2009  
2008015-045 V EASEMENT EXHIBIT.DWG

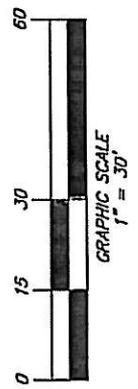


**CDS ASSOCIATES, INC.**

Knowledge ■ Expertise ■ Innovation

www.cds-assoc.com

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(T) 513.791.1936 (T) 859.525.0561



NOTCH FOUND

EX. RW

EX. RW

EX. RW

EX. RW

EX. RW

P.O.C.

NOTCH FOUND