ORDINANCE NO. 7 , 2011

AN ORDINANCE ACCEPTING PUBLICLY DEDICATED PROPERTY AND CERTAIN EASEMENT RIGHTS FROM THE SYCAMORE CITY SCHOOL DISTRICT ON CORNELL ROAD

WHEREAS, the Board of Education of the Sycamore City School District, an Ohio City School District, ("Sycamore") is the owner of certain real property located on Cornell Road in Montgomery, Ohio, being Auditor parcel numbers 603-0026-0025, 603-0026-0027 and 603-0026-0045, and which are more fully described on Schedules A-1, A-2 and A-3 attached hereto; and

WHEREAS, the City of Montgomery, Ohio intends to construct a public sidewalk on a portion of such properties owned by Sycamore; and

WHEREAS, Sycamore has agreed to grant certain temporary and permanent easement rights to the City of Montgomery to allow the City access to the property to construct such public improvements and to continue to maintain such public improvements; and

WHEREAS, Council does desire to accept this property right for and 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 both Temporary Construction Easements and Permanent Sidewalk Easements from the Board of Education of the Sycamore City School District upon property at Cornell Road, being Auditor's parcel numbers 603-0026-0025, 603-0026-0027 and 603-0026-0045, and being more

particularly described on Schedules A-1, A-2, and A-3 attached hereto and incorporated herein by reference, which Easement Areas are described on the attached Schedules B-1 through B-8 and which are set forth in plats of the Easement depicted in Schedules C-1 through C-4 attached hereto. It shall be the City of Montgomery's responsibility to construct and install the public improvements at these locations and to maintain such public improvements consistent with the terms of a separate Easement Agreement to be executed with Sycamore.

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

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

PASSED: May 4, 2011

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

SCHEDULE B-1

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
SIDEWALK EASEMENT

603-26-25

Situated	in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Sidewalk Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deed recorded in Deed Book 3851, Page 166 (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 grantor's southwesterly property corner;
Thence	along the grantor's westerly property line, North 04°55'55" East, a distance of 41.76 feet to a point in the existing northerly right-of-way line of Cornell Road and the Principal Point of Beginning for this description;
Thence	continuing along said westerly properly line, North 04°55'55" East, a distance of 24.43 feet;
Thence	through the grantor's property, along the herein described sidewalk easement, South 65°05'47" East, a distance of 177.83 feet to a point in the grantor's property line;
Thence	along the grantor's property line, South 05°18'55" West, a distance of 12.96 feet to a point in the existing northerly right-of-way line of Cornell Road;
Thence	along said existing northerly right-of-way, North 68°23'05" West, a distance of 205.55 feet to the point of beginning;
Containing	3,592 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.
March 10, 2011
File No. 2010025

SCHEDULE B-2

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

603-26-25

Situated	in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Temporary Construction Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deed recorded in Deed Book 3851, Page 166 (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 grantor's southwesterly property corner;
Thence	along the grantor's westerly property line, North 04°55'55" East, a distance of 66.19 feet to the Principal Point of Beginning for this description;
Thence	continuing along said westerly properly line, North 04°55'55" East, a distance of 5.37 feet;
Thence	through the grantor's property, along the herein described temporary construction easement, South 64°56'20" East, a distance of 158.29 feet;
Thence	continuing through the grantor's property, along the herein described temporary construction easement, South 52°54'40" East, a distance of 21.87 feet to a point in the northerly line of the proposed sidewalk easement;
Thence	continuing through the grantor's property, along the northerly line of the proposed sidewalk easement, North 65°05'47" West, a distance of 177.83 feet to the point of beginning;
Containing	810 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.
March 10, 2011
File No. 2010025

SCHEDULE B-3

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
SIDEWALK EASEMENT
AREA 1

603-26-27

Situated in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Sidewalk Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deeds recorded in Deed Book 3881, Page 284 and Deed Book 3881, Page 287 (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 grantor's southeasterly property corner;

Thence along the grantor's easterly property line, North 04°55'55" East, a distance of 41.76 feet to a point in the existing northerly right-of-way line of Cornell Road;

Thence along said existing northerly right-of-way line, North 68°23'05" West, a distance of 484.07 feet;

Thence continuing along said existing northerly right-of-way line, North 41°30'48" West, a distance of 44.69 feet;

Thence continuing along said existing northerly right-of-way line, North 68°00'35" West, a distance of 148.82 feet;

Thence continuing along said existing northerly right-of-way line, North 65°46'26" West, a distance of 53.26 feet to the Principal Point of Beginning for this description;

Thence continuing along said existing northerly right-of-way line, North 65°46'26" West, a distance of 190.30 feet

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

1. South 77°12'12" East, a distance of 60.56 feet;
2. South 65°46'26" East, a distance of 75.61 feet;
3. South 53°32'15" East, a distance of 56.62 feet to the point of beginning;

SCHEDULE B-3

Containing 1,595 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.
March 10, 2011
File No. 2010025

SCHEDULE B-4

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
SIDEWALK EASEMENT
AREA 2

603-26-27

Situated in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Sidewalk Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deeds recorded in Deed Book 3881, Page 284 and Deed Book 3881, Page 287 (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 grantor's southeasterly property corner;

Thence along the grantor's easterly property line, North 04°55'55" East, a distance of 41.76 feet to a point in the existing northerly right-of-way line of Cornell Road and the Principal Point of Beginning for this description;

Thence along said existing northerly right-of-way line, North 68°23'05" West, a distance of 484.07 feet;

Thence continuing along said existing northerly right-of-way line, North 41°30'48" West, a distance of 44.69 feet;

Thence through the grantor's property, along the northerly line of the proposed sidewalk easement, for the following five (5) courses:

1. South 73°04'04" East, a distance of 65.52 feet;
2. South 67°45'20" East, a distance of 171.99 feet;
3. South 61°01'56" East, a distance of 71.73 feet;
4. South 73°04'51" East, a distance of 125.85 feet;
5. South 62°07'21" East, a distance of 83.68 feet to a point in the grantor's easterly property line;

Thence along the grantor's easterly property line, South 04°55'55" West, a distance of 24.43 feet to the point of beginning;

Containing 9,648 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.
March 10, 2011
File No. 2010025

SCHEDULE B-5

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
AREA 1

603-26-27

Situated in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Temporary Construction Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deeds recorded in Deed Book 3881, Page 284 and Deed Book 3881, Page 287 (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 grantor's southeasterly property corner;

Thence along the grantor's easterly property line, North 04°55'55" East, a distance of 41.76 feet to a point in the existing northerly right-of-way line of Cornell Road;

Thence along said existing northerly right-of-way line, North 68°23'05" West, a distance of 484.07 feet;

Thence continuing along said existing northerly right-of-way line, North 41°30'48" West, a distance of 44.69 feet;

Thence continuing along said existing northerly right-of-way line, North 68°00'35" West, a distance of 148.82 feet;

Thence continuing along said existing northerly right-of-way line, North 65°46'26" West, a distance of 243.56 feet to the Principal Point of Beginning for this description;

Thence continuing along said existing northerly right-of-way line, North 65°46'26" West, a distance of 22.71 feet;

Thence through the grantor's property, along the herein described temporary construction easement, for the following three (3) courses:

1. South 77°12'12" East, a distance of 80.74 feet;
2. South 65°46'26" East, a distance of 27.31;
3. South 25°36'18" West, a distance of 4.00 feet to a point in the northerly line of a proposed sidewalk easement;

SCHEDULE B-5

Thence	along the northerly line of said proposed sidewalk easement, North 65°46'26" West, a distance of 24.29 feet;
Thence	continuing along the northerly line of said proposed sidewalk easement, North 77°12'12" West, a distance of 60.56 feet to the point of beginning;
Containing	275 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.
March 10, 2011
File No. 2010025

SCHEDULE B-6

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
AREA 2

603-26-27

Situated in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Temporary Construction Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deeds recorded in Deed Book 3881, Page 284 and Deed Book 3881, Page 287 (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 grantor's southeasterly property corner;

Thence along the grantor's easterly property line, North 04°55'55" East, a distance of 41.76 feet to a point in the existing northerly right-of-way line of Cornell Road;

Thence along said existing northerly right-of-way line, North 68°23'05" West, a distance of 484.07 feet;

Thence continuing along said existing northerly right-of-way line, North 41°30'48" West, a distance of 44.69 feet to the Principal Point of Beginning for this description;

Thence continuing along said existing northerly right-of-way line, North 68°00'35" West, a distance of 87.89 feet;

Thence through the grantor's property, along the northerly line of the herein described temporary construction easement, for the following three (3) courses:

1. South 78°09'15" East, a distance of 28.08 feet;
2. South 68°59'11" East, a distance of 19.18 feet;
3. South 60°41'45" East, a distance of 41.41 feet to the point of beginning;

Containing 275 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.
March 10, 2011
File No. 2010025

SCHEDULE B-7

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
AREA 3

603-26-27

Situated in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Temporary Construction Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deeds recorded in Deed Book 3881, Page 284 and Deed Book 3881, Page 287 (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 grantor's southeasterly property corner;

Thence along the grantor's easterly property line, North 04°55'55" East, a distance of 66.19 feet to the Principal Point of Beginning for this description;

Thence through the grantor's property, along the northerly line of the proposed sidewalk easement, for the following five (5) courses:

1. North 73°04'04" West, a distance of 83.68 feet;
2. North 67°45'20" West, a distance of 125.85 feet;
3. North 61°01'56" West, a distance of 71.73 feet;
4. North 73°04'51"West, a distance of 171.99 feet;
5. North 62°07'21" West, a distance of 7.69 feet;

Thence continuing through the grantor's property, along the herein described temporary construction easement, for the following nine (9) courses:

1. North 50°08'11" East, a distance of 17.40 feet;
2. South 78°33'13" East, a distance of 16.12 feet;
3. South 05°36'38" East, a distance of 17.77 feet;
4. South 73°40'24" East, a distance of 145.53 feet;
5. South 62°13'26" East, a distance of 84.96 feet;
6. South 68°08'09" East, a distance of 54.04 feet;
7. North 76°45'08" East, a distance of 22.69 feet;
8. South 69°39'47" East, a distance of 33.10 feet;
9. South 64°56'20" East, a distance of 90.62 feet to a point in the grantor's easterly property line;

SCHEDULE B-7

Thence	along the grantor's easterly property line, South 04°55'55" West, a distance of 5.37 feet to the point of beginning;
Containing	2,896 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.
March 10, 2011
File No. 2010025

SCHEDULE B-8

CDS ASSOCIATES, INC.

LEGAL DESCRIPTION
SIDEWALK EASEMENT

603-26-45

Situated	in Section 6, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County, Ohio, being a Sidewalk Easement over and through the property conveyed to The Board of Education of the Sycamore City School District by deed recorded in Deed Book 3882, Page 828 (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 grantor's southeasterly property corner;
Thence	along the grantor's easterly property line, North 05°18'55" East, a distance of 20.84 feet to a point in the existing northerly right-of-way line of Cornell Road and the Principal Point of Beginning for this description;
Thence	along said existing northerly right-of-way, North 68°23'05" West, a distance of 216.62 feet to a point in the grantor's westerly property line;
Thence	along the grantor's westerly property line, North 05°18'55" East, a distance of 12.96 feet;
Thence	through the grantor's property, along the herein described Sidewalk Easement, for the following three (3) courses: 1. South 67°00'12" East, a distance of 76.42 feet; 2. South 58°35'25" East, a distance of 25.25 feet; 3. South 67°09'52" East, a distance of 117.90 feet to a point in the grantor's easterly property line;
Thence	along the grantor's easterly property line, South 05°18'55" East, a distance of 3.95 feet to the point of beginning;
Containing	1,665 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.
March 10, 2011
File No. 2010025

SCHEDULE C-1

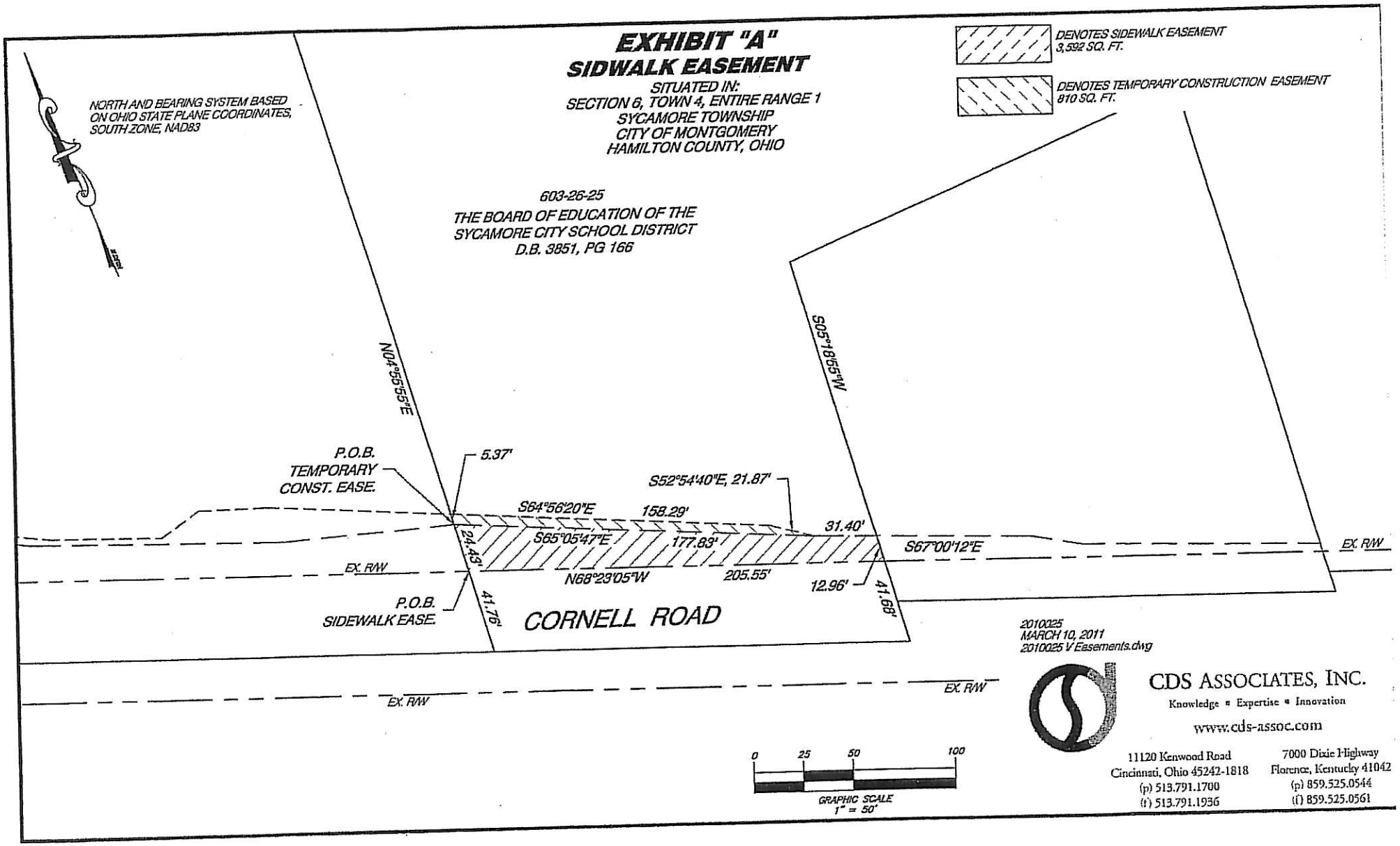
EXHIBIT "A"
SIDWALK EASEMENT
SITUATED IN:
SECTION 6, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO
DENOTES SIDEWALK EASEMENT
3,592 SQ. FT.
DENOTES TEMPORARY CONSTRUCTION EASEMENT
810 SQ. FT.
NORTH AND BEARING SYSTEM BASED ON OHIO STATE PLANE COORDINATES, SOUTH ZONE, NAD83
603-26-25
THE BOARD OF EDUCATION OF THE
SYCAMORE CITY SCHOOL DISTRICT
D.B. 3851, PG 166
N04°55'55"E
S05°18'55"W
P.O.B.
TEMPORARY
CONST. EASE.
5.37'
S52°54'40"E, 21.87'
S64°56'20"E
158.29'
31.40'
S65°05'47"E
177.83'
S67°00'12"E
EX. R/W
24.43'
N68°23'05"W
205.55'
12.96'
41.68'
P.O.B.
SIDEWALK EASE.
41.76'
CORNELL ROAD
2010025
MARCH 10, 2011
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CDS ASSOCIATES, INC.
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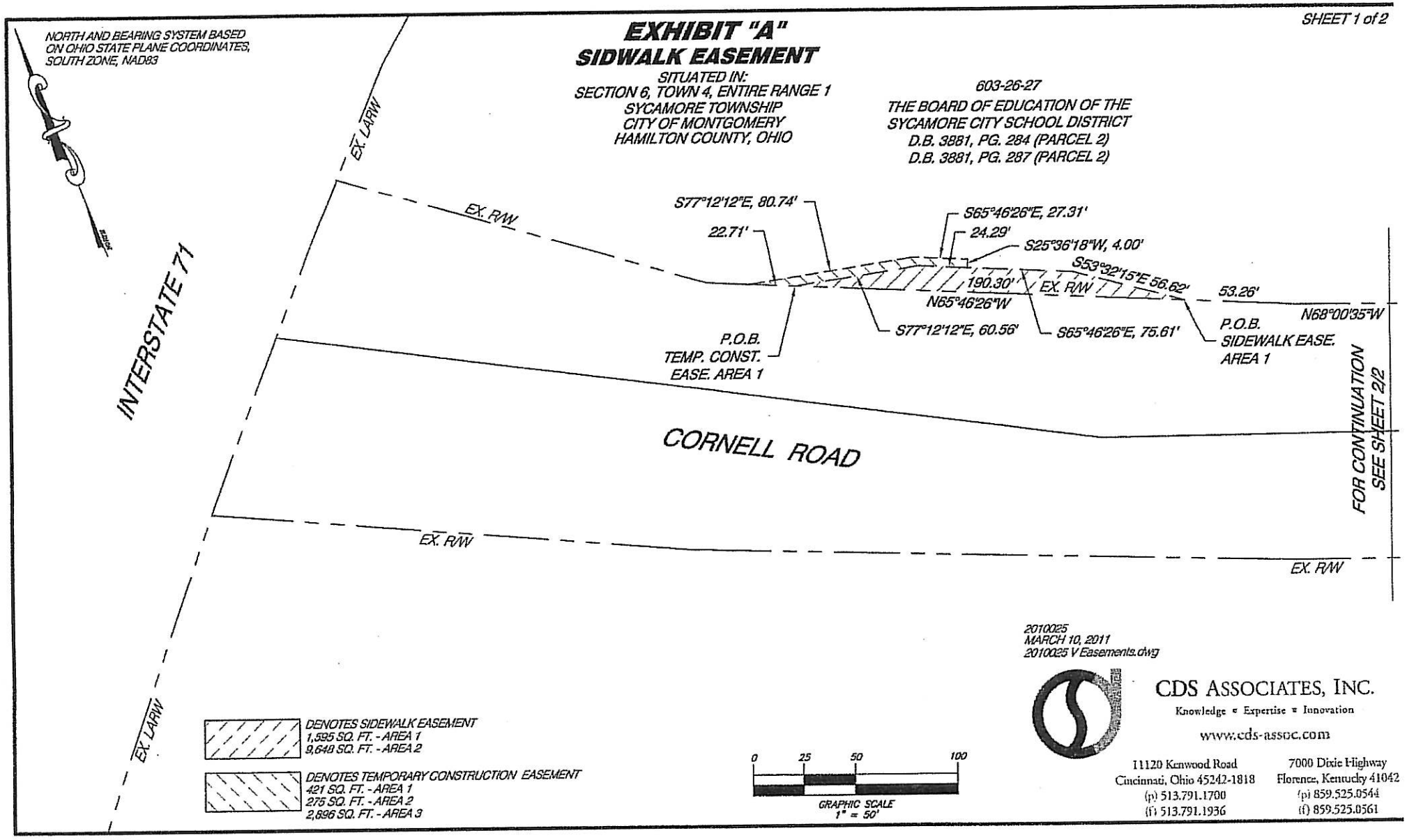
www.cds-assoc.com
11120 Kenwood Road
Cincinnati, Ohio 45242-1818
(p) 513.791.1700
(f) 513.791.1936
7000 Dixie Highway
Florence, Kentucky 41042
(p) 859.525.0544
(f) 859.525.0561
0 25 50 100
GRAPHIC SCALE
1" = 50'

SCHEDULE C-2


SHEET 1 of 2
NORTH AND BEARING SYSTEM BASED ON OHIO STATE PLANE COORDINATES, SOUTH ZONE, NAD83
EXHIBIT "A"
SIDWALK EASEMENT
SITUATED IN:
SECTION 6, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO
603-26-27
THE BOARD OF EDUCATION OF THE
SYCAMORE CITY SCHOOL DISTRICT
D.B. 3881, PG. 284 (PARCEL 2)
D.B. 3881, PG. 287 (PARCEL 2)
EX. LARW
EX. R/W
S77°12'12"E, 80.74'
22.71'
S65°46'26"E, 27.31'
24.29'
S25°36'18"W, 4.00'
S53°32'15"E 56.62'
190.30'
N65°46'26"W
53.26'
N68°00'35"W
S77°12'12"E, 60.56'
S65°46'26"E, 75.61'
P.O.B.
TEMP. CONST.
EASE. AREA 1
P.O.B.
SIDEWALK EASE.
AREA 1
INTERSTATE 71
CORNELL ROAD
FOR CONTINUATION
SEE SHEET 2/2
EX. R/W
EX. R/W
EX. LARW
DENOTES SIDEWALK EASEMENT
1,595 SQ. FT. - AREA 1
9,648 SQ. FT. - AREA 2
DENOTES TEMPORARY CONSTRUCTION EASEMENT
421 SQ. FT. - AREA 1
275 SQ. FT. - AREA 2
2,896 SQ. FT. - AREA 3
0 25 50 100
GRAPHIC SCALE
1" = 50'
2010025
MARCH 10, 2011
2010025 V Easements.dwg
CDS ASSOCIATES, INC.
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(f) 513.791.1936
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Florence, Kentucky 41042
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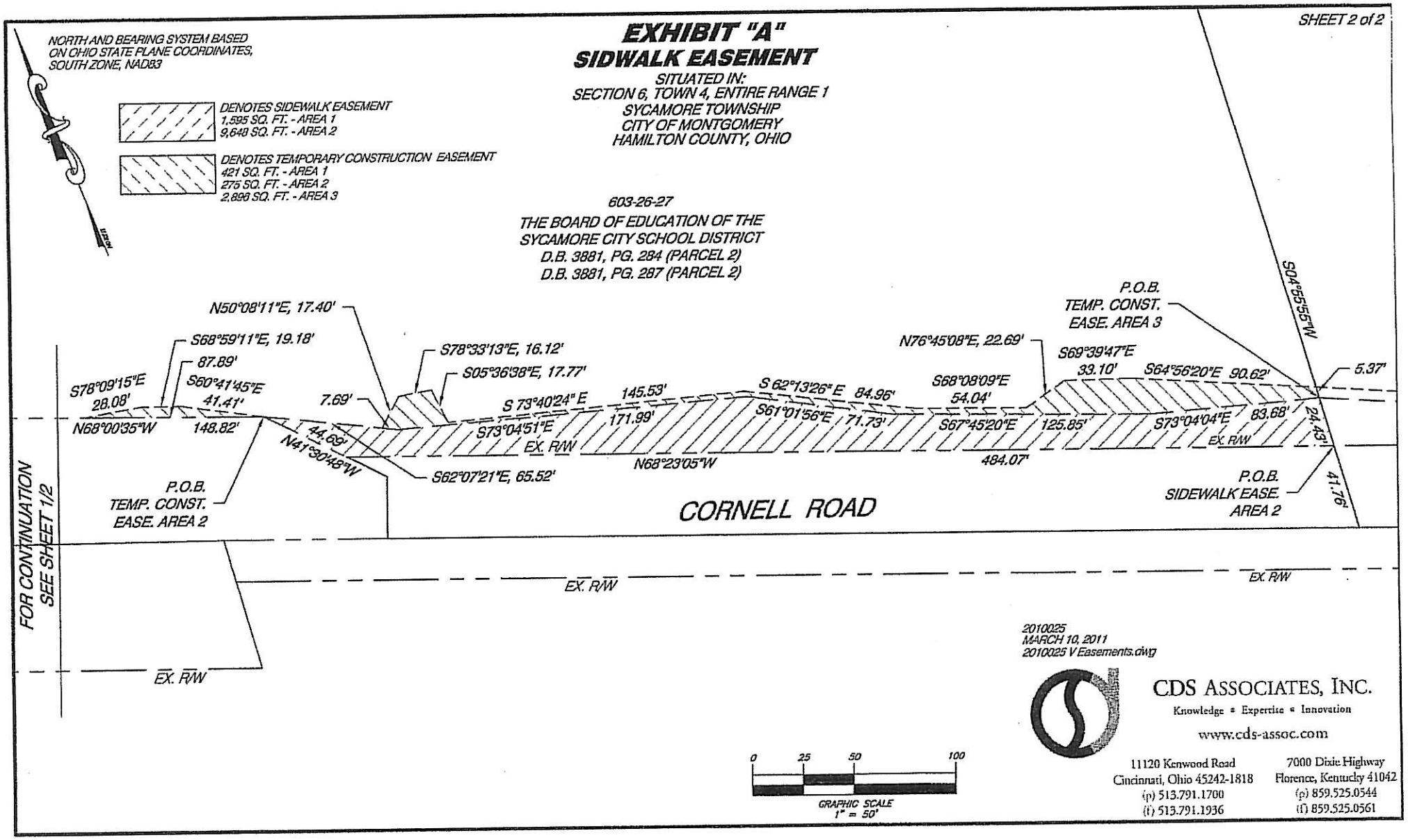
(f) 859.525.0561

SCHEDULE C-3


SHEET 2 of 2
EXHIBIT "A"
SIDWALK EASEMENT
SITUATED IN:
SECTION 6, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO
NORTH AND BEARING SYSTEM BASED ON OHIO STATE PLANE COORDINATES, SOUTH ZONE, NAD83
DENOTES SIDEWALK EASEMENT
1,595 SQ. FT. - AREA 1
9,648 SQ. FT. - AREA 2
DENOTES TEMPORARY CONSTRUCTION EASEMENT
421 SQ. FT. - AREA 1
275 SQ. FT. - AREA 2
2,896 SQ. FT. - AREA 3
603-26-27
THE BOARD OF EDUCATION OF THE
SYCAMORE CITY SCHOOL DISTRICT
D.B. 3881, PG. 284 (PARCEL 2)
D.B. 3881, PG. 287 (PARCEL 2)
N50°08'11"E, 17.40'
S68°59'11"E, 19.18'
87.89'
S78°09'15"E
28.08'
S60°41'45"E
41.41'
N68°00'35"W
148.82'
7.69'
44.69'
N41°30'48"W
S78°33'13"E, 16.12'
S05°36'38"E, 17.77'
S62°07'21"E, 65.52'
S 73°40'24" E
S73°04'51"E
145.53'
171.99'
EX. R/W
N68°23'05"W
S 62°13'26" E
S61°01'56"E
84.96'
71.73'
N76°45'08"E, 22.69'
S68°08'09"E
54.04'
S67°45'20"E
125.85'
484.07'
S69°39'47"E
33.10'
S64°56'20"E
90.62'
S73°04'04"E
83.68'
EX. R/W
5.37'
24.43'
41.76'
S04°55'55"W
P.O.B.
TEMP. CONST.
EASE. AREA 3
P.O.B.
TEMP. CONST.
EASE. AREA 2
P.O.B.
SIDEWALK EASE.
AREA 2
CORNELL ROAD
EX. R/W
EX. R/W
EX. R/W
FOR CONTINUATION
SEE SHEET 1/2
2010025
MARCH 10, 2011
2010025 V Easements.dwg
CDS ASSOCIATES, INC.
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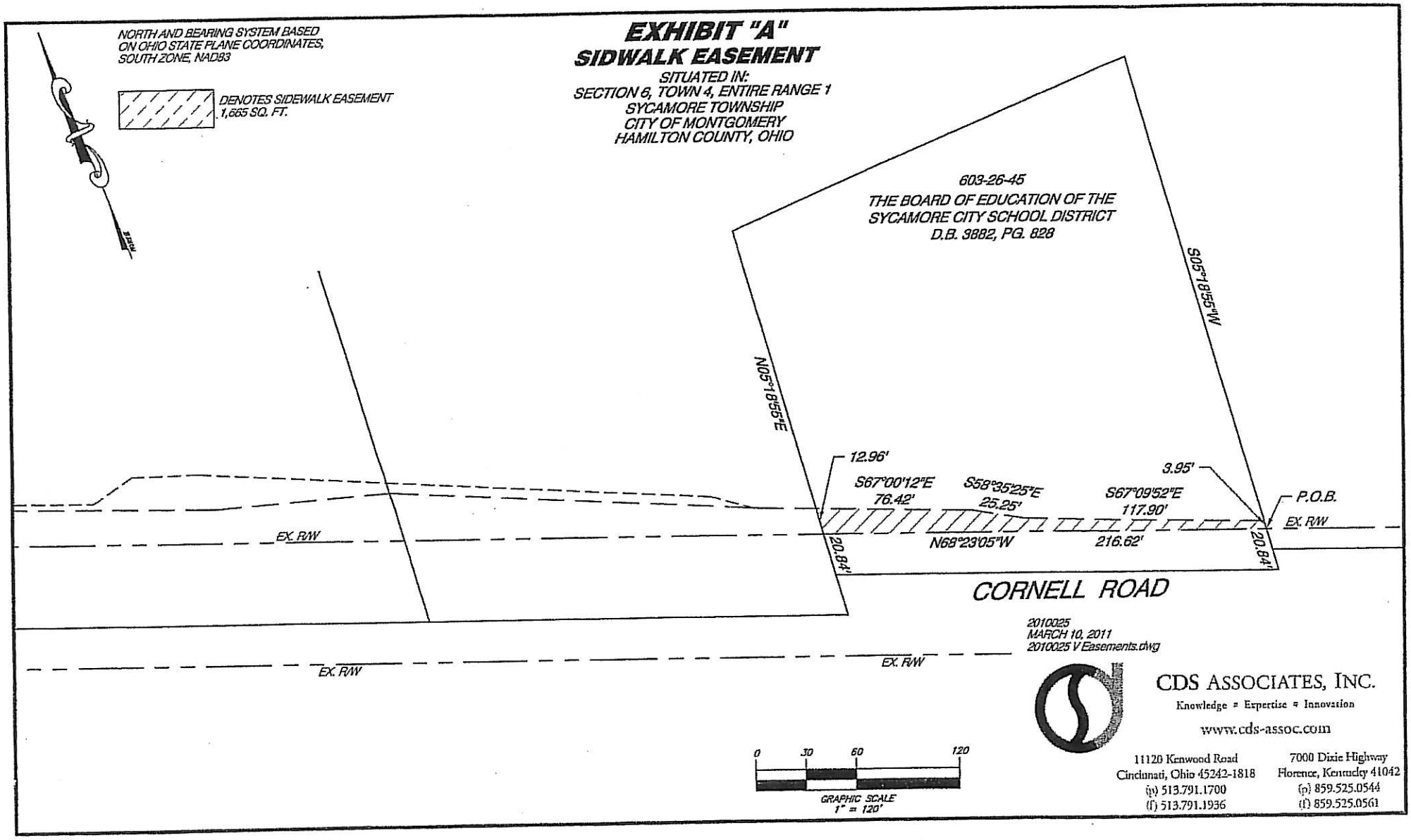
7000 Dixie Highway
Florence, Kentucky 41042
(p) 859.525.0544
(f) 859.525.0561
0
25
50
100
GRAPHIC SCALE
1" = 50'

SCHEDULE C-4


NORTH AND BEARING SYSTEM BASED ON OHIO STATE PLANE COORDINATES, SOUTH ZONE, NAD83
DENOTES SIDEWALK EASEMENT 1,665 SQ. FT.
EXHIBIT "A"
SIDWALK EASEMENT
SITUATED IN:
SECTION 6, TOWN 4, ENTIRE RANGE 1
SYCAMORE TOWNSHIP
CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO
603-26-45
THE BOARD OF EDUCATION OF THE SYCAMORE CITY SCHOOL DISTRICT
D.B. 3882, PG. 828
S05°18'55"W
N05°18'55"E
12.96'
S67°00'12"E 76.42'
S58°35'25"E 25.25'
S67°09'52"E 117.90'
3.95'
P.O.B.
EX. R/W
N68°23'05"W 216.62'
20.84'
20.84'
CORNELL ROAD
EX. R/W
EX. R/W
2010025
MARCH 10, 2011
2010025 V Easements.dwg
0 30 60 120
GRAPHIC SCALE 1" = 120'
CDS ASSOCIATES, INC.
Knowledge ▪ Expertise ▪ Innovation
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