

VILLAGE OF BUCKEYE LAKE

ORDINANCE NO. 2020-07

AN ORDINANCE TO VACATE AN UNUSED EASEMENT.

WHEREAS, a petition by Walter & Haverfield atty. On behalf of owners of the Taco Bell property located at 10800 Hebron Rd Se has been presented to Council praying that an unused waterline easement to the Village of Buckeye Lake be vacated; and

WHEREAS, the above-mentioned Firm is the property owner's agent for the land containing said easement; and

WHEREAS, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for and that it will not be detrimental to the general public interest and ought to be made;

**THEREFORE, FOLLOWING AN AFFIRMATIVE VOTE OF AT LEAST TWO THIRDS (2/3) OF THE COUNCIL TO DISPENSE WITH THE REQUIREMENT OF THE BUCKEYE LAKE VILLAGE CHARTER SECTION 4.04 TO READ AN ORDINANCE ON THREE SEPARATE DAYS WITH AT LEAST ONE WEEK BETWEEN READINGS,**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, STATE OF OHIO, THAT**

SECTION 1: The portion of the easement to be vacated is shown on the plat attached hereto and made a part hereof and said easements are described as follows:

Easement No 1: Situated in the State of Ohio, County of Licking and in the Village of Buckeye Lake and being a 10' strip of land located within that Kent Family LLC tract of land, described as parcel # (Tract VII), of record in Instrument NO. 200002170005113, all references to records herein to those of Recorders Office, Licking County, Ohio.

Said Water Line Easement is hereby vacated.

SECTION 2: This Ordinance shall take effect at the earliest opportunity allowed by law.

ADOPTED this 10<sup>th</sup> day of February, 2020

Attest: Valerie L. Hans  
Council Clerk, Valerie L. Hans

John Geiger  
Council President, John Geiger

Date filed with Mayor: 2-10, 2020

Date Approved by Mayor: 3/24/20, 2020

Peggy A. Wells  
Mayor, Peggy A. Wells

Approved as to Form: \_\_\_\_\_  
, Solicitor

February 5, 2020

VIA Email c/o Toby Miller, [tmiller@buckeyelakevillage.com](mailto:tmiller@buckeyelakevillage.com)

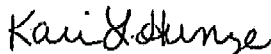
Buckeye Lake Village Council  
5192 Walnut Road S.E.  
Buckeye Lake, Ohio 43008

Re: 10800 Hebron Road, Buckeye Lake, Ohio 43008 (the "Property")

Dear Sir or Madam,

Our firm represents 10800 Hebron Road, LLC, the owner of the above-captioned Property. 10800 Hebron Road, LLC recently purchased the Property on October 31, 2019. During the due diligence portion of the purchase process, an American Land Title Association ("ALTA") survey was completed regarding the Property. The ALTA survey identified a waterline easement to the Village of Buckeye Lake (the "Village") on the Property, recorded as Instrument 200912020025916 in Licking County, Ohio (the "Easement"). The Easement is attached as Exhibit A. The ALTA survey concluded that the waterline was actually constructed by the Village on a separate easement located south of the Property, and no waterlines have been constructed by the Village on the Property. As the Easement is not currently in use, and is unlikely to ever be used, 10800 Hebron Road, LLC asks that the Village release and vacate the Easement.

Thank you,



Kari L. Heinze, Esq.

Enclosures

200912020025916  
Pg. 4 \$44.00 T20090024602  
12/02/2009 10:20AM MEPHE COMPANY  
Bryan A Long  
Licking County Recorder

# Waterline Easement Village of Buckeye Lake Licking County, Ohio

KNOW ALL MEN BY THESE PRESENTS, that Kent Family, LLC, the Grantor herein, in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby GRANT and RELEASE unto the Village of Buckeye Lake, its successors and assigns, forever, a permanent easement for the right to construct, repair, replace, re-lay, maintain, operate, and inspect a waterline and the necessary appurtenances thereto and forever to have and to hold such rights for the purposes and under the conditions hereinafter set forth across the following real estate situated in the County of Licking, Village of Buckeye Lake, and State of Ohio, and more particularly bounded and described as follows:

See "Exhibit A" for a complete legal description, which is attached hereto and incorporated herein.

In addition, it is understood and agreed that the Village of Buckeye Lake shall be entitled to occupy a permanent easement commonly known as a "Permanent Waterline Easement".

That the said Grantor shall fully use and enjoy the said premises except for the purposes herein granted to the Grantee provided that the said Grantor shall not construct nor permit to be constructed any house, structure, or obstruction on or over the permanent easement that will interfere with the construction, maintenance, or operation of waterlines or appurtenances constructed hereunder and will not change the grade over waterline, except with Village approval.

This grant is made upon the expressed conditions that the Village of Buckeye Lake shall, as far as possible after the construction of said waterline and all alterations and repairs thereto, restore all property belonging to the Grantor, except buildings or other structures within the permanent easement to its original conditions, and shall reasonably compensate the Grantor for any property damaged or destroyed, except buildings or other structures\* located on the permanent easement which cannot be restored to their original conditions as the result of or consequence of such construction, maintenance, or repairs of said water line.

That the location of the above-described easement shall be as indicated on plans on file in the office of the Village Clerk-Treasurer.

To have and to hold said premises unto the said Grantee, its successors and assigns forever for the uses and purposes hereinbefore mentioned.

TRANSFER NOT NECESSARY  
Date NOVEMBER 2, 2009  
[Signature]  
Licking County Auditor TH

Grantor further covenants with the said Grantee, its successors and assigns, that he/she is well seized of the said premises as stated and in fee simple and that she will warrant and defend the title of said premises against all claims except taxes, assessments due and to become due, easements and restrictions contained in all former instruments of record.

IN WITNESS WHEREOF, the said Grantor Kent Family, LLC. has hereunto set his/her/their hand this 19 day of Nov, 2009.

Signed and acknowledged  
In the presence of:

Ruth E. Anholt

[Signature]  
Kent Family LLC Grantor

[Signature]

Witness-printed name

\_\_\_\_\_ Grantor

RUTH E. ANHOLT

BUANE E. SHAFFER

Witness-printed name

STATE OF Florida, COUNTY OF Lee ss:

BE IT REMEMBERED, that on this 19<sup>th</sup> day of November, 2009, before me the subscriber, a Notary Public in and for said county and state, personally came the above-named Kent Family, LLC., the Grantor to the foregoing easement, and acknowledged the signing of the same to be his/her/their voluntary act and deed for the uses and purposes therein mentioned.

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



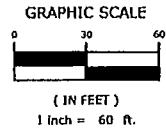
[Signature]  
Notary public, State of ~~Ohio~~ Florida

\*other structures include trees over 3" diameter at 2 feet above ground.



**35** Celebrating 35 years of service  
 635 Brookside Boulevard  
 Westerville, OH 43081  
 Contact: DAVE CHIESA  
 614-818-4900 ext. 225  
 Fax: 614-818-4902  
 www.mecompanies.com

**EXHIBIT "A"**  
**WATER LINE**  
**EASEMENT EXHIBIT**  
 BUCKEYE LAKE, OHIO



FREDERICK W. ENGLEFIELD IV &  
 BENJAMIN B. ENGLEFIELD  
 O.R. 614, PG. 316  
 12.15 ACRES

KENT FAMILY LLC  
 I.N. 200002170005113  
 PARCEL 3 (TRACT VII)

APPROACH "A"  
 STATE OF OHIO  
 LIC-79-4.05

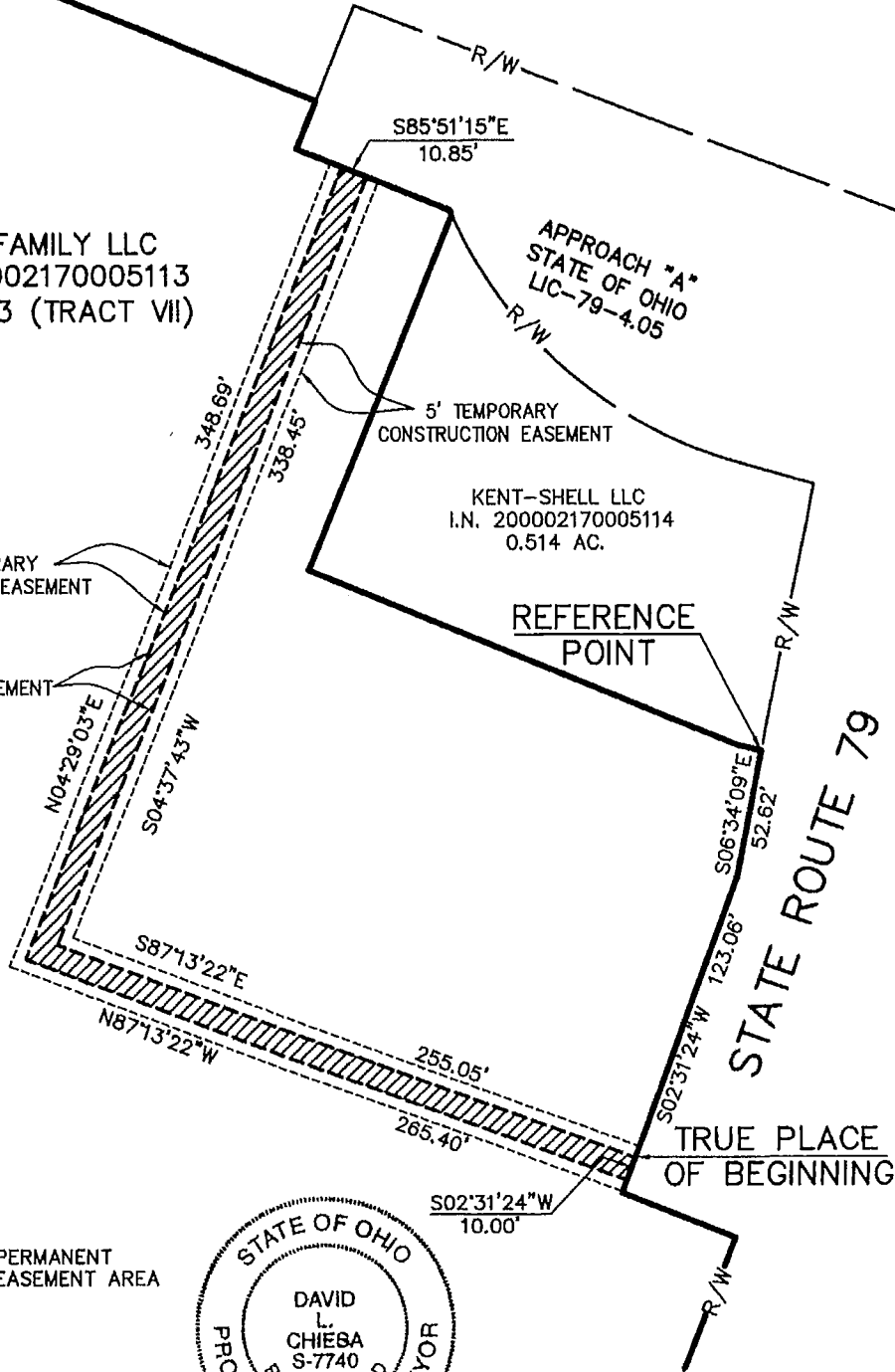
5' TEMPORARY  
 CONSTRUCTION EASEMENT

KENT-SHELL LLC  
 I.N. 200002170005114  
 0.514 AC.

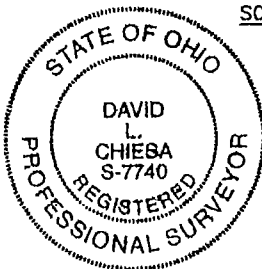
REFERENCE  
 POINT

5' TEMPORARY  
 CONSTRUCTION EASEMENT

10' PERMANENT EASEMENT



= PERMANENT  
 EASEMENT AREA



*David L. Chiesa* 7740 11/2/09  
 REGISTERED SURVEYOR NO. DATE

November 12, 2009

DESCRIPTION OF A WATER LINE EASEMENT  
WEST OF STATE ROUTE 79  
SOUTH OF INTERSTATE 70  
BUCKEYE LAKE, OHIO

Situated in the State of Ohio, County of Licking, Village of Buckeye Lake, being a 10.00 foot wide strip of land located within that **Kent Family LLC** tract of land, described as Parcel 3 (Tract VII), of record in Instrument No. 200002170005113, all references to records herein being to those of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

Beginning FOR REFERENCE at a point in the westerly right-of-way line of State Route 79 (width varies) at the southeasterly corner of that 0.514 acre tract of land as described in a deed to Kent-Shell LLC, of record in instrument No. 200002170005114; thence South 06°34'09" East, along said westerly right-of-way line, a distance of 52.62 feet to a point; thence South 02°31'24" West, continuing along said westerly right-of-way line, a distance of 123.06 feet to the TRUE PLACE OF BEGININIG;

Thence South 02°31'24" West, continuing along said westerly right-of-way line, a distance of 10.00 feet to a point;

Thence North 87°13'22" West, through said Kent tract, a distance of 265.40 feet to a point;

Thence North 04°29'03" East, continuing through said Kent tract, a distance of 348.69 feet to a point in the southerly right-of-way line of Approach "A" for State Route 79, as shown and delineated on State of Ohio Right-of-Way Plan No. LIC-79-4.05;

Thence South 85°51'15" East, along said southerly right-of-way line, a distance of 10.85 feet to a point;

Thence South 04°37'43" West, through said Kent tract, a distance of 338.45 feet to a point;

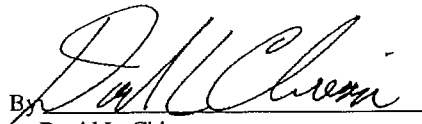
Thence South 87°13'22" East, continuing through said Kent tract, a distance of 255.05 feet to the TRUE PLACE OF BEGINNING.

Together with strips of land 5.00 feet wide for a Temporary Construction Easement, located along both sides of the above described Permanent Water Line Easement, to be release on completion of construction for said water line.

This description was prepared by M•E Companies, Inc.

M•E Companies, Inc.



By   
David L. Chiesa  
Registered Surveyor No. 7740

AN ORDINANCE TO VACATE AN UNUSED EASEMENT.

1st Reading X

2nd Reading \_\_\_\_\_

3rd Reading \_\_\_\_\_

MOTION TO SUSPEND THE RULES

1st French

2nd Goodman

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>
BEARD, Melissa	<u>X</u>	_____	_____
CABLE, Don	<u>X</u>	_____	_____
<u>X</u> FRENCH, Bill	<u>X</u>	_____	_____
GEIGER, John	<u>X</u>	_____	_____
GOODMAN, Linda	<u>X</u>	_____	_____
LEMMON, John	<u>X</u>	_____	_____
ZWISSLER, Kitty	<u>X</u>	_____	_____
TOTALS	<u>7</u>	_____	<u>0</u>
MOTION PASSES/FAILS (Majority Required)			

MOTION TO ADOPT

1st French

2nd Cable

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>
BEARD, Melissa	<u>X</u>	_____	_____
CABLE, Don	<u>X</u>	_____	_____
<u>X</u> FRENCH, Bill	<u>X</u>	_____	_____
GEIGER, John	<u>X</u>	_____	_____
GOODMAN, Linda	<u>X</u>	_____	_____
LEMMON, John	<u>X</u>	_____	_____
ZWISSLER, Kitty	<u>X</u>	_____	_____
TOTALS	<u>7</u>	_____	<u>0</u>
MOTION PASSES/FAILS (Majority Required)			

I certify that the above action is a true and accurate account of the proceedings.

Valerie Hans  
Valerie Hans  
Clerk of Council