

ORDINANCE NO. 2007 - 132

**AUTHORIZING ACQUISITION OF AN EASEMENT FOR THE STORM
SEWER ON THE ROSEANN AND DANIEL COSTELLO PROPERTY
AT 108 S. EAST STREET, FOR \$5,200.00**

WHEREAS, the City of Mason has determined that it is necessary to acquire a permanent easement from Roseann and Daniel Costello, which is necessary for the construction of a portion of the Storm Sewer Improvements from Forest Avenue to the Muddy Creek; and

WHEREAS, the City of Mason has negotiated with Roseann and Daniel Costello for the acquisition of said easement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That acquisition of an easement on Parcel No. 16-36-287-0111 and 16-6-287-0112 also known as 108 S. East Street owned by Roseann and Daniel Costello for the purpose of installing a storm sewer in accordance with the Forest to the Muddy Creek Storm Sewer Improvements, is hereby approved.

Section 2. That the easement set out in Exhibit "A", attached hereto and incorporated herein by reference, is hereby declared to be needed for the municipal purpose of the construction of the storm sewer in accordance with the Forest to the Muddy Creek Storm Sewer Improvements.

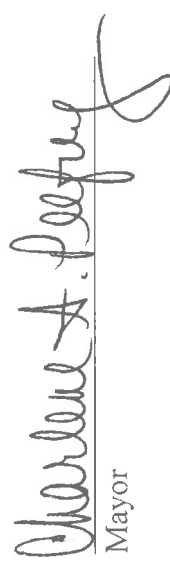
Section 3. That the City Manager is hereby authorized and directed to execute any and all documents necessary to acquire said easement.

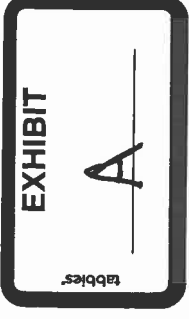
Section 4. That the Finance Director is hereby directed to pay the amount of \$5,200.00 to Roseann and Daniel Costello for said easement.

Passed this 24th day of September 2007.

Attest:


Clerk of Council


Mayor



GRANT OF SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **Roseann Moss Costello** and **Daniel M. Costello** wife and husband, the GRANTOR(S), the Fee Simple owners of the real estate (the Property), located at 108 S. East Street, Mason, Ohio 45040 within the City of Mason, Ohio, identified as Lot #17 in Official Record Revised Plat Book 1 Page 220 of Warren County, Ohio, for and in consideration of the sum of Five Thousand Two Hundred Dollars (\$5,200.00) and for other good and valuable consideration, the receipt an adequacy of which are hereby acknowledged, does hereby grant, bargain, sell, convey and release to the **City of Mason, Ohio** an Ohio municipal corporation, whose tax mailing address is 6000 Mason-Montgomery Road, Mason, Ohio 45040 (Grantee), and to their agents employees, successors and assigns forever, a non-exclusive perpetual easement for the construction, operation, maintenance, repair and/or replacement of a sanitary sewer and storm sewer system on, above, under and through that portion of the aforementioned Property marked as 1636287011 and as described in Exhibit A (the Easement Area), attached hereto and made a part hereof.

All costs and expenses associated with the Grantee's construction, operation, maintenance, repair, replacement and restoration activities within the Easement Area described on Exhibit A shall be borne solely by the Grantee.

Grantors shall not construct any improvement within or upon the Easement Area or otherwise use the Easement Area in a manner that would materially interfere with the exercise by Grantee of its rights provided by this document.

Grantee shall, as soon as practical after the completion of any construction, maintenance, repair or replacement activities, restore the surface of the Easement Area to the same condition or better as existed immediately prior to the commencement of such activities by Grantee or its agents, employees or contractors.

The terms and agreement set forth herein shall be deemed to be covenants running with the land and shall inure to the benefit of and be binding upon, as the case may be, the parties and their respective successors and assigns.

It is agreed that wherever a party is named in this instrument there shall be intended and included, in each case, that party, his heirs, administrators, successors, and assigns.

IN WITNESS WHEREOF, Daniel M. Costello and Roseann Moss Costellohave hereunto set their hands this 10 day of October

In the year or your Lord, two thousand seven (2007.)

Roseann Moss Costello(Grantor): Roseann Moss Costello
Roseann Moss Costello, Owner**Daniel M. Costello**(Grantor): Daniel M Costello
Daniel M. Costello, Owner**ACKNOWLEDGEMENT (PERSONAL)**

STATE OF OHIO)

COUNTY OF Hamilton) ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named **Daniel M. Costello and Roseann Moss Costello** wife & husband, who acknowledged they 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 official seal this
10 day of October, 2007.

Dion T. Connor
Notary Public

My Commission Expires:

DION CLAYTON CONNOR

Notary Public, State of Ohio

My Commission Expires May 31, 2009

APPROVED AS TO FORM AND EXECUTION:

Jeffrey Mills
330834

Prepared by: Wood & Lamping, LLP.

August 28, 2007

DESCRIPTION OF A SEWER EASEMENT

SOUTH OF MAIN STREET

EAST OF EAST STREET

MASON, OHIO

E/O
PT 16-36-287-011
DET

Situated in the State of Ohio, County of Warren, City of Mason, Section 36, Town 4 East, Range 2 North, being a 10 foot wide strip of land located in Lot 17 as shown and delineated on the Revised Plat of the Village of Mason, of record in Plat Book 1, Page 220, as described in a deed to Roseann Moss Costello and Daniel M. Costello, of record in Official Record Book 1054, Page 992, all references herein being to the records located in the Recorder's Office, Warren County, Ohio, and being more particularly described as follows:

Beginning **FOR REFERENCE** at the northwesterly corner of said Lot 17, also being a point in the easterly right-of-way line of East Street (40 feet in width); Thence South 05° 45' 11" West, along the westerly line of said Lot 17 and said easterly right-of-way line, a distance of 93.09 feet to the **TRUE PLACE OF BEGINNING**;

Thence **South 83° 31' 20" East**, through said Lot 17, a distance of **132.28 feet** to a point on the easterly line of said Lot 17;

Thence **South 05° 49' 36" West**, along said easterly line, a distance of **10.00 feet** to a point at the southeasterly corner of said Costello Tract;

Thence **North 83° 31' 20" West**, along the southerly line of said Costello Tract and through said Lot 17, a distance of **132.24 feet** to a point on the westerly line of said Lot 17, also being a point in the easterly right-of-way line of said East Street;

Thence **North 05° 45' 11" East**, along the westerly line of said Lot 17 and said easterly right-of-way line, a distance of **10.00 feet** to the **TRUE PLACE OF BEGINNING** and containing 0.030 acre.

Bearings herein are based on Warren County GPS Monuments "Mason 504" and "Mason 507 A", NAD 83, Ohio State Plane Coordinate System, South Zone.

The above described easement being the same premises as an existing sewer line easement of record in Book 333, Page 536.

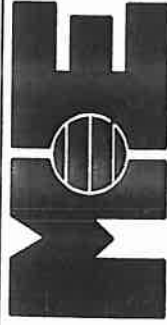
Ohio.
NICK NELSON CO.

AUDITOR, WARREN CO. OHIO

OCT 23 2007

TRANSFER NOT NECESSARY
NICK NELSON, AUDITOR
WARREN COUNTY, OHIO

This Description was prepared by M-E Companies, Civil Group, Cincinnati,



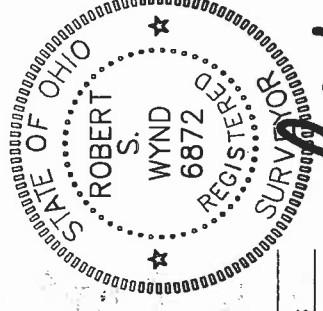
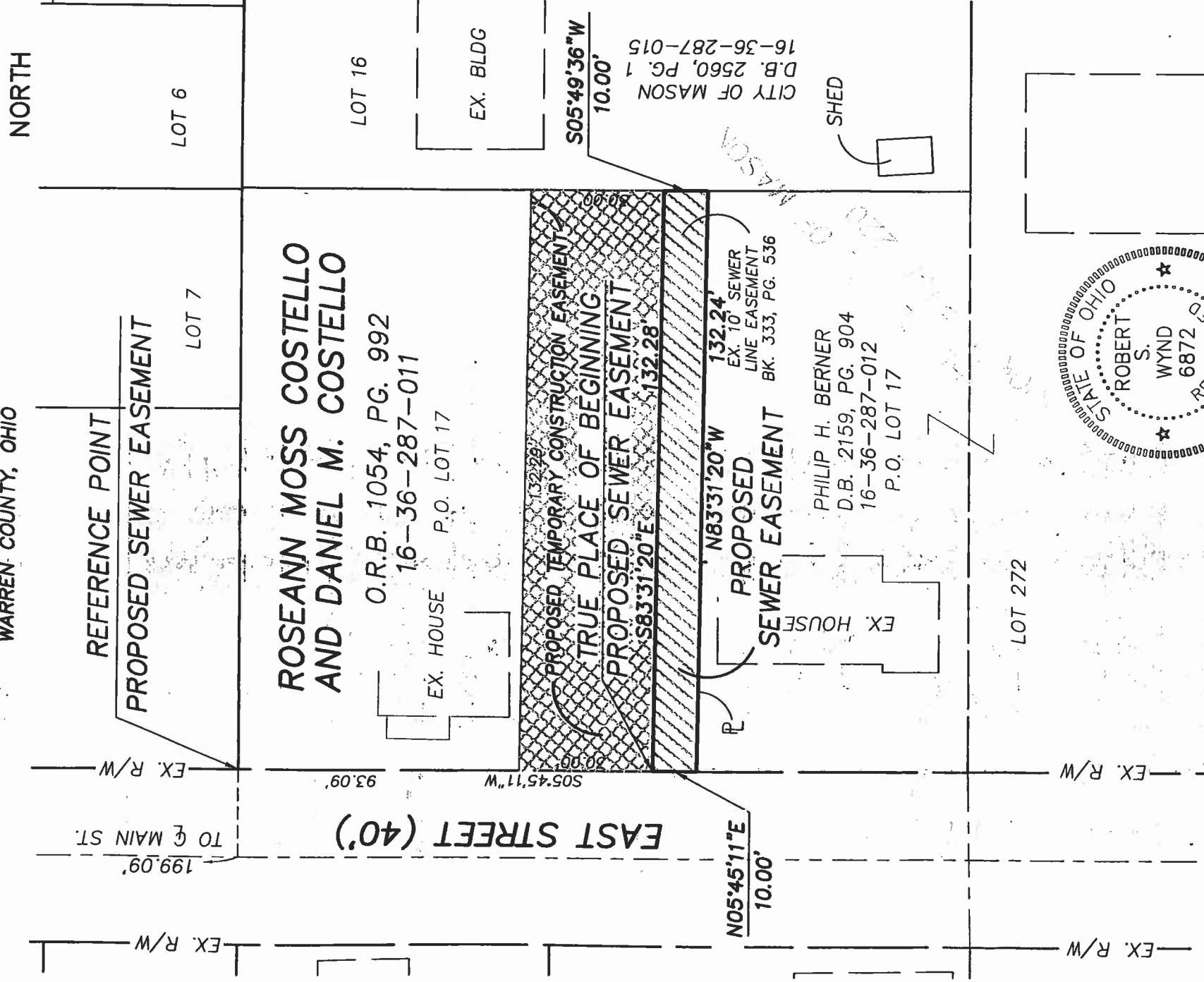
C O M P A N I E S

23 Triangle Park Drive, Suite 2300
Cincinnati, Ohio 45246
513-942-3141 Ext. 243
Fax 881-2263

SEWER EASEMENT EXHIBIT



LOCATED IN LOT 17
REVISED PLAT OF THE VILLAGE OF MASON
PLAT BOOK 1, PAGE 220
WARREN COUNTY, OHIO



SCALE: 1"=30'

SURV'D	DRAW	CHECKED
JD	BA	RT

DATE 04/11/05 02-421
REVISED DATES 08/28/07
JOB NUMBERS

BY *Robert S. Wynd* 09/07/07
REGISTERED SURVEYOR No.