

ORDINANCE NO. 2007- 168

**ACCEPTING DEDICATION OF A RIGHT-OF-WAY AND EASEMENTS
AND AUTHORIZING THE EXECUTION OF A DEED FOR THE
WESTERN ROW ROAD IMPROVEMENT PROJECT (HOPE
EVANGELICAL FREE CHURCH, 4934 WESTERN ROW ROAD)**

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


Section 1. That the dedication of right-of-way and easements located along the north side of Western Row Road, east of Mason-Montgomery Road, situated on property owned by Hope Evangelical Free Church, and which property is more particularly described on Exhibits "A" and "B", attached hereto and incorporated herein by reference are hereby accepted.


Section 2. That the City Manager is hereby authorized to execute any and all documents necessary to complete the dedication.

Section 3. That this ordinance shall be effective from and after the earliest period allowed by law.

Passed this 26th day of November, 2007.

Attest:


Clerk of Council


Mayor

Certification

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance _____, adopted by the Council of the City of Mason on _____, 2007.

Clerk of Council

EXHIBIT

A

WARRANTY DEED

2/28

KNOW ALL MEN BY THESE PRESENTS THAT: Hope Evangelical Free Church, an Ohio Not For Profit, the Grantor(s) herein, in consideration of the sum of One Dollar, (\$1.00), to be paid by the Grantee, herein, does hereby grant, bargain, sell, convey and release, with general Warranty covenants, to the City of Mason, Ohio said Grantee, its successors and assigns forever, all right, title, and interest in fee in the following described real estate:

PARCEL(S): 33WD
Western Row Road

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: OR877-515 , Warren County Recorder's Office.

And the said Grantor(s), for its selves and its, successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

IN WITNESS WHEREOF, Hope Evangelical Free Church, an Ohio Not For Profit, by and through Michael J. McGuire, the Secretary of Hope Evangelical Free Church, an Ohio Not For Profit, has hereunto subscribed his name on the 11th day of March, 2007.

Hope Evangelical Free Church, an Ohio Not For Profit

By: *Michael McGuire*

STATE OF OHIO, COUNTY OF WARREN SS:

BE IT REMEMBERED, that on, that on the 11th day of March, 2007, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Michael J. McGuire, who acknowledged being the Secretary of Hope Evangelical Free Church, an Ohio Not For Profit, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said Hope Evangelical Free Church, an Ohio Not For Profit .

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

Susan M. Scheel
NOTARY PUBLIC
My Commission expires: 4-2-08

BOOK 4523 PAGE 880

PLANNING COMMISSION
CITY OF MASON, OHIO
NO PLAT REQUIRED
APPROVED: B-15-07

This instrument was prepared by or on behalf of the City of Mason, Ohio.

Page 1 of 2

DATE
[Signature]

BETH DECKARD - WARREN COUNTY RECORDER
WARRANTY DEED WITH RESERVATION OF ACCESS # 661633 Type: DEED
WESTERN ROW ROAD Parcel 33WD Filed: 8/21/2007 12:35:07 \$ 28.00
Hope Evangelical Free Church 4523 Page: 880 Return: N
PREM GARG Rec#: 15597 Pages: 2

Situate in Section 29, Town 4 East, Range 2 North, Between the Miamis Survey, in the City of Mason, Warren County, State of Ohio, and being part of a 18.2313 acre parcel of land as conveyed to Hope Evangelical Free Church, by instrument as recorded in Official Record 877, Page 515 of the records of the Warren County Recorder, and Parcel 33WD being more particularly bounded and described, per a survey performed by LJB, Inc. in 2004 with bearings based on Ohio State Plane Coordinates, South Zone (NAD83), as follows:

Commencing at a monument found at the southwest corner of Section 29, being 0.76 feet right of the centerline of construction of Western Row Road Station 62+77.05;

Thence with the south line of said section, South 86° 29' 41" East 102.85 feet to a point 2.39 feet right of the centerline of construction of Western Row Road Station 63+79.95;

Thence at right angles to south line of said section, North 03° 30' 19" East 40.00 feet to a southwest corner of said 18.2313 acre parcel, being the point of tangency of a curve between the existing north right of way line of Western Row Road and the east right of way line of Mason Montgomery Road, also being 37.61 feet left of the centerline of construction of Western Row Road Station 63+79.94, said point being the TRUE POINT OF BEGINNING;

Thence with the west line of said 18.2313 acre parcel and the said east right of way line along the arc of a curve to the right having a radius of 50.00 feet, a chord bearing North 70° 43' 28" West 27.18 feet for an arc distance of 27.52 feet to an iron pin set in the new north right of way line of Western Row Road, being 45.00 feet left of the centerline of construction of Western Row Road Station 63+53.79;

Thence with the new north right of way line of Western Row Road South 86° 29' 31" East 966.83 feet to an iron pin set in the east line of the said 18.2313 acre parcel, being also the west line of a 9.801 acre tract of land as conveyed to Hope Evangelical Free Church by instrument as recorded in Official Record 877, Page 518, Warren County Records, said pin being 45.00 feet left of the centerline of construction of Western Row Road Station 73+20.62;

Thence with said lines South 05° 36' 19" West 7.35 feet to the southeast corner of said 18.2313 acre parcel and the southwest corner of said 9.801 acre tract, being 37.66 feet left of the centerline of construction of Western Row Road Station 73+20.35;

Thence with the existing north right of way line of Western Row Road, North 86° 29' 41" West 940.40 feet to the TRUE POINT OF BEGINNING, containing 0.162 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 33WD above was calculated and derived from a survey made under the supervision of Harry G. Herbst III, Ohio Registered Surveyor Number 6596. *SR 131-79*

The above described area is contained within the Warren County Auditor's Parcel Identification Number 16293250240. Within said bounds of the 0.162 acres, more or less, is the present road right of way which occupies 0.000 acres, more or less.

Gross Take 0.162 Ac.
P.R.O. 0.000 Ac.
Net Take 0.162 Ac.

Old 16-29-325-024 18.2313 ac.
New 16-29-325-026 0.162 ac.
Rem 16-29-325-027 18.0693 ac.

TRANSFERRED

AUG 21 2007
Page 2 of 2

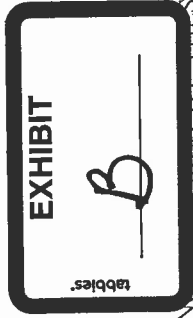
BOOK 4523 PAGE 881

SEC. 319.902 CUMPLI...
NICK NELSON
WARREN COUNTY

APPROVED
WARREN CO. MAP DEPT.

DATE: *Aug. 14, 2007*

BY: *[Signature]*



2/28

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Hope Evangelical Free Church, an Ohio Not For Profit, the Grantor(s) herein, in consideration of the sum of One Dollar, (\$1.00), to be paid by the Grantee, herein, does hereby grant, bargain, sell, convey and release, with general Warranty covenants, to the City of Mason, Ohio said Grantee, its successors and assigns forever, all right, title, and interest in fee in the following described real estate:

PARCEL(S): 33WD2
Western Row Road

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Prior Instrument Reference: OR877-518, Warren County Recorder's Office.

And the said Grantor(s), for its selves and its, successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

IN WITNESS WHEREOF, Hope Evangelical Free Church, an Ohio Not For Profit, by and through Michael J. McGwire, the Secretary of Hope Evangelical Free Church, an Ohio Not For Profit, has hereunto subscribed his name on the 11th day of March, 2007.

Hope Evangelical Free Church, an Ohio Not For Profit

By: [Signature]

STATE OF OHIO, COUNTY OF WARREN SS:

BE IT REMEMBERED, that on, that on the 11th day of March, 2007, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Michael J. McGwire, who acknowledged being the Secretary of Hope Evangelical Free Church, an Ohio Not For Profit, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said Hope Evangelical Free Church, an Ohio Not For Profit.

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

[Signature]
NOTARY PUBLIC
My Commission expires: 4-2-08

BOOK 4523 PAGE 882

PLANNING COMMISSION

CITY OF MASON, OHIO

NO PLAT REQUIRED

APPROVED: [Signature] DATE 3-15-07

This instrument was prepared by or on behalf of the City of Mason, Ohio.

WESTERN ROW ROAD
Hope Evangelical Free Church

Situate in Section 29, Town 4 East, Range 2 North, Between the Miamis Survey, in the City of Mason, Warren County, State of Ohio, and being part of a 9.801 acre parcel of land as conveyed to Hope Evangelical Free Church, by instrument as recorded in Official Record 877, Page 518 of the records of the Warren County Recorder, and Parcel 33WD2 being more particularly bounded and described, per a survey performed by LJB, Inc. in 2004 with bearings based on Ohio State Plane Coordinates, South Zone (NAD83), as follows:

Commencing at a monument found at the southwest corner of Section 29, being 0.76 feet right of the centerline of construction of Western Row Road Station 62+77.05;

Thence with the south line of said section, South 86° 29' 41" East 1335.83 feet to the southwest corner of Village Lakes Section 3, Block "A" as recorded in Plat Book 29, Pages 38 and 39 of the Plat Records of Warren County, being 7.22 feet right of the centerline of construction of Western Row Road Station 76+12.82;

Thence with the east line of said Village Lakes Section 3, Block "A", North 05° 21' 49" East 40.02 feet to the southeast corner of said 9.801 acre parcel, being in the existing north right of way line of Western Row Road, being 32.74 feet left of the centerline of construction of Western Row Road Station 76+15.01, said point being the TRUE POINT OF BEGINNING;

Thence with the south line of said 9.801 acre parcel and the existing north right of way line of Western Row Road North 86° 29' 41" West 293.87 feet to the southwest corner of said 9.801 acre parcel, being also the southeast corner of an 18.2313 acre parcel of land as conveyed to Hope Evangelical Free Church by instrument as recorded in Official Record 877, page 515, Warren County Records, said point being 37.66 feet left of the centerline of construction of Western Row Road Station 73+20.35;

Thence with the west line of the said 9.801 acre parcel and the east line of said 18.2313 acre parcel North 05° 36' 19" East 7.35 feet to an iron pin set in the new north right of way line of Western Row Road, being 45.00 feet left of the centerline of construction of Western Row Road Station 73+20.62;

Thence with the said new north right of way line South 86° 29' 31" East 73.94 feet to an iron pin set, being 45.00 feet left of the centerline of construction of Western Row Road Station 73+94.56;

Thence continuing with the said new north right of way line South 87° 46' 49" East 220.11 feet to an iron pin set in the east line of the said 9.801 acre parcel and in the west line of said Village Lakes Section Three Block "A", being 45.00 feet left of the centerline of construction of Western Row Road Station 76+15.68;

Thence with the east line of the said 9.801 acre parcel and the west line of said plat South 05° 21' 49" West 12.28 feet to the TRUE POINT OF BEGINNING, containing 0.062 acres, more or less, subject to all legal easements and restrictions of record.

The description for parcel number 33WD2 above was calculated and derived from a survey made under the supervision of Harry G. Herbst III, Ohio Registered Surveyor Number 6596. *SR 131-79*

The above described area is contained within the Warren County Auditor's Parcel Identification Number 1622250250. Within said bounds of the 0.062 acres, more or less, is the present road right of way which occupies 0.000 acres, more or less.

Old 16-29-325-025 9.8010 Ac.
New 16-29-325-028 0.062 Ac.
Rem 16-29-325-029 9.736 Ac.

Gross: 0.062 Ac.
P.R.: 0.000 Ac.
Net: 0.062 Ac.

TRANSFERRED

AUG 21 2007
SEC. 319 882 COMPLETED WITH
MICK NELSON, Auditor
WARREN COUNTY, OHIO

APPROVED

WARREN CO. MAP DEPT.

DATE: 8/10/07

BY: *[Signature]*