

City of Cincinnati

CHM

AWB

An Ordinance No. _____ - 2021

ACCEPTING AND CONFIRMING the dedication of a permanent utility easement granted by Grand Communities, LLC in favor of the City of Cincinnati for the construction, maintenance, and repair of watermains and appurtenances in and upon certain real property being part of the Magnolia Woods Subdivision, Section 3 in Colerain Township, Hamilton County, Ohio, in accordance with an easement plat recorded in Plat Book 480, Page 62, Hamilton County, Ohio Records.

WHEREAS, Grand Communities, LLC f/k/a Grand Communities, LTD has granted a permanent utility easement in favor of the City of Cincinnati for the construction, maintenance, and repair of watermains and appurtenances in and upon property located near Forfeit Run Road and Daybreak Drive in Colerain Township, Hamilton County, Ohio, as depicted on an easement plat entitled *WSL #3587-Magnolia Woods-P3-E-1029*, attached to this ordinance as Attachment A and incorporated herein by reference, and recorded in Plat Book 480, Page 62, Hamilton County, Ohio Records (the "Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and has been found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the dedication of said public utility easement; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the easement granted by Grand Communities, LLC f/k/a Grand Communities, LTD to the City of Cincinnati for the construction, maintenance, and repair of watermains and appurtenances in and upon certain real property located near Forfeit Run Road and Daybreak Drive in Colerain Township, Hamilton County, Ohio, as more particularly depicted and described on the easement plat entitled *WSL #3587-Magnolia Woods-P3-E-1029*, attached to this ordinance as Attachment A and incorporated herein by reference, and recorded in Plat Book 480, Page 62, Hamilton County, Ohio Records (the "Easement Plat"), is hereby accepted and confirmed.

The real property burdened by the public utility easement is more particularly described as follows:

Situated in Section 26, Town 2, Entire Range 1, Colerain Township, Hamilton County, Ohio, and being parts of Lots G-1, 92, 93, 94, and 95 of Magnolia Woods Subdivision, Section 3, as recorded in Plat Book 484, Pages 88-90, Hamilton County, Ohio Recorder's Office.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

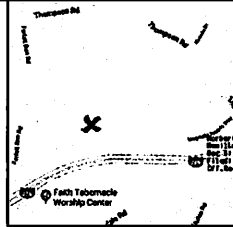
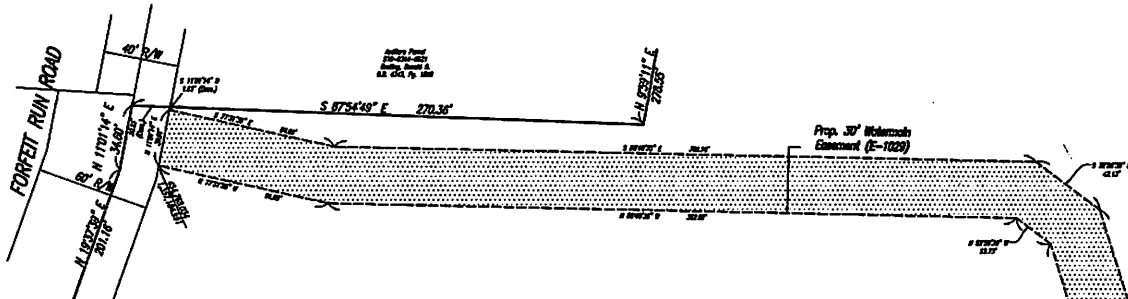
Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

NOT BE USED AS A BASIS FOR ANY OTHER CONSTRUCTION, SURVEY, OR RECORD.



Map prepared by: **AC**
 Date: 11/18/2020
 Scale: 1" = 30'

MAGNOLIA WOODS SUBDIVISION
PHASE J - HSL #5587

3-9-20	C.R.	D.P.	1" = 30'
HAMILTON COUNTY, KENTUCKY DEPARTMENT OF PUBLIC WORKS RECORDS & PERMITS DIVISION			

NOTICE OF EASEMENT RESERVATION

NO BUILDING, STRUCTURE OR IMPROVEMENT OF ANY KIND SHALL BE MADE ON THE WIDER MAIN EASEMENT WHICH WILL MAINTAIN WITH ACCESS TO AN OPERATOR OF THE WATER MAIN AND THE CITY OF CHICKASAW SHALL HAVE THE RIGHT TO USE ANY PRESENT OR FUTURE CONDUIT OF SAID PROPERTY OR PRESENT OR FUTURE CONDUIT OF PROPERTY WITH RIGHTS OF ACCESS AND EGRESS OVER SAID PROPERTY FOR ANY CHANGE TO BE MADE TO SAID CONDUIT TO SERVE SANITARY, TRUCK, FIREWORK, EGRESS IMPROVEMENT OR OTHER IMPROVEMENTS WHICH MAY BE REQUIRED IN THE FUTURE, BY REASON OF CHANGING FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE OR REPAIRING THE WATER MAIN. FURTHER, THE CITY OF CHICKASAW, AND SHALL NOT BE RESPONSIBLE TO ANY PRESENT OR FUTURE OWNERS OF SAID PROPERTY OR FUTURE OWNERS OF PROPERTY WITH RIGHTS OF ACCESS AND EGRESS OVER SAID PROPERTY FOR ANY CHANGES WHICH MAY BE REQUIRED IN THE FUTURE, BY REASON OF CHANGING FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE OR REPAIRING THE WATER MAIN. CONDUITS OF PLUG OR WELLS OR (1) OVER THE FULL WIDTH PORTION OF THIS WATER MAIN EASEMENT ARE NOT PERMITTED AT ANY TIME SO AS TO NOT IMPACT ANY PRESENT OR FUTURE WATER MAIN OPERATIONS, ANY RECORD, STRUCTURE OR IMPROVEMENT TO BE CONSTRUCTED ON THE PROPERTY, IN WHICH SAID EASEMENT CROSS, SHALL BE NOT LESS THAN THREE (3) FEET FROM THE CENTER LINE UNLESS THE USE OF THE PROPOSED EASEMENT, STRUCTURE OR IMPROVEMENT, THE FULL WIDTH PORTION AREA BEING ACCESSIBLE AT ALL TIMES FOR FUTURE MAINTENANCE AND OPERATIONS PURPOSES.

OWNER SHALL OBTAIN FROM COUNCIL, REASONABLY ACCEPTABLE TO THE CITY, ACCEPTANCE, AND HOLD THE CITY HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, COSTS INCLUDING REASONABLE ATTORNEY FEES, LITIGATION AND PROCEEDINGS, SUSTAINED OR INCURRED BY OR ASSIGNED AGAINST THE CITY IN CONNECTION WITH ANY AND ALL SUCH WATER MAIN EASEMENT CROSS, RECORDS AND ENCUMBRANCES, WHETHER OR NOT OF RECORD, ASSOCIATED WITH THE EASEMENT AND COVERED BY THIS PLAN, ARISING FROM MATTERS WHICH OCCURRED PRIOR TO OR WHILE OWNER OWNS THE SUBJECT PROPERTY.

WE, THE UNDERSIGNED GRAND COMMUNITIES, LLC (P/A/A GRAND COMMUNITIES, LLC), BEING ALL OF THE OWNERS OF THE EASEMENT AREA, HEREBY AND EXPRESSLY AGREE ("EASEMENT AREA"), TO HEREBY GRANT A PERMANENT NON-EXCLUSIVE EASEMENT ("EASEMENT") FOR THE CONSTRUCTION, MAINTENANCE, RECONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, IMPROVEMENT, AND REMOVAL OF WATER MAINS AND RELATED FACILITIES, EQUIPMENT AND APPURTENANCES ("WATER FACILITIES") THROUGH THE EASEMENT AREA AND FOR THE RIGHT TO ACCESS THE EASEMENT AREA AND THE WELLS TACKLES, WHICH EASEMENT SHALL RUN WITH THE LAND AND BE IN THE BENEFIT OF THE CITY OF CHICKASAW ("CITY") AND BE BOUND UPON SUCCESSORS, HEIRS, ASSIGNS, AND THEIR SUCCESSORS-IN-INTEREST TO THE EASEMENT AREA. OWNERS SHALL COMPLY WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH IN THE RULES AND REGULATIONS OF THE CHICKASAW WATER WORKS AS TO WATER MAIN DECISIONS.

SIGNED: **GRAND COMMUNITIES, LLC (P/A/A GRAND COMMUNITIES, LLC)**
 A KENTUCKY LIMITED LIABILITY COMPANY

[Signature]
 TERRY E. HALL, PRESIDENT

COMMISSIONER OF RECORDS
 COUNTY OF BOONE, KY

BE IT REMEMBERED THAT ON THIS 11th day of March, 2020, before me, a NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF KENTUCKY, PERSONALLY APPEARED BEFORE ME, TERRY E. HALL, PRESIDENT OF GRAND COMMUNITIES, LLC (P/A/A GRAND COMMUNITIES, LLC), A KENTUCKY LIMITED LIABILITY COMPANY, WHO REPRESENTED THAT HE IS FULLY AUTHORIZED IN THE PREMISES AND WHO ACKNOWLEDGED THAT HE HAS READ THE FOREGOING INSTRUMENT AND THAT THE SAME IS HIS VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES IN SAID INSTRUMENT RECORDED IN KENTUCKY RECORDS. I HEREBY SET MY HAND AND AFFIX MY NOTARIAL SEAL ON THE DAY AND DATE ABOVE.



[Signature]
 NOTARY PUBLIC, COMMISSION EXPIRES 08/20/23

THE LAND COMPRISING THIS EASEMENT WAS CONVEYED TO GRAND COMMUNITIES, LLC RECORDED IN OFFICIAL RECORD BOOK 12523, PAGE 2108 OF THE HAMILTON COUNTY, AND GRAND COMMUNITIES REFERENCE 210-2043-0121.

ACCEPTANCE

(X) ALL YES ACCEPTED BY THE COUNCIL OF THE CITY OF CHICKASAW. EASEMENT TO BE SUBMITTED AND WILL BE RECEIVED SEPARATELY BY COME UPON COUNCIL'S ACCEPTANCE.

() ACCEPTED AS CITED BELOW.

I HEREBY CERTIFY THAT THIS PLAN WAS ACCEPTED BY CHICKASAW, KY, PASSED BY COUNCIL OF THE CITY OF CHICKASAW, KY ON THE ____ DAY OF _____, 20__.

CLERK OF COURSE _____

APPROVED BY: *[Signature]* 3/18/2020
 CHERYL CHICKASAW WATER WORKS CHIEF ENGINEER

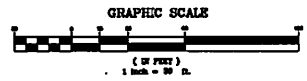
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS EASEMENT AND VIEWED ALL ENCUMBRANCES.

[Signature] 3-06-2020
 STEPHEN L. OREL
 AND REGISTERED SURVEYOR #782

DESCRIPTION ACCEPTABLE
 HAMILTON COUNTY ENGINEER
 THE MAP: *[Signature]*
 CADS: _____

APPROVED AS TO FORM:

[Signature] 3/18/2020
 ASSISTING CITY CLERK



NO NORTH ARROW TRANSFER NOT NECESSARY
 10-11-01 911111222
 HAMILTON COUNTY ENGINEER

OWNER/DEVELOPER:
GRAND COMMUNITIES, LLC
 3940 OLYMPIC BOULEVARD
 ETLANGER, KENTUCKY 41018
 (859) 344-4709



Abercrombie & Associates, Inc.
 CIVIL ENGINEERING & SURVEYING
 2177 Campbell Street, Ste. 110
 ETLANGER, KY 41018
 (859) 344-4709
 www.aberacrombieinc.com

CADastre - 04/02/2020

Mark: 22811311	Dist: 1201.0023
Line Course S 28-20-22 E	Length: 388.2144
Mark: 22723214	Dist: 1428.2813
Line Course S 21-20-22 E	Length: 427.7121
Mark: 22828217	Dist: 1463.1814
Line Course S 17-20-22 E	Length: 255.0140
Mark: 22812019	Dist: 1543.6700
Line Course S 28-20-22 E	Length: 33.7709
Mark: 22812019	Dist: 1572.1201
Line Course S 17-20-22 E	Length: 96.4829
Mark: 22828217	Dist: 1620.1114
Curve Length: 22.2127	Radius: 43.0220
Mark: 14-02-23	Dist: 78.1232
Curve S 18-20-22 E	Length: 110.2424 E
Curve S 18-20-22 E	Length: 27-22-42 W
Mark: 22828217	Dist: 1745.0020
Line Course S 21-20-22 E	Length: 110.2424 E
Mark: 22828217	Dist: 1825.4607
Line Course S 17-20-22 W	Length: 192.9720
Mark: 22828217	Dist: 1888.1520
Line Course S 28-20-22 W	Length: 86.1479
Mark: 22828217	Dist: 1938.3003
Line Course S 17-20-22 W	Length: 228.3000
Mark: 22828217	Dist: 1943.3028
Line Course S 17-20-22 W	Length: 22.7707
Mark: 22828217	Dist: 1974.2828
Line Course S 21-20-22 W	Length: 362.2828
Mark: 22828217	Dist: 1997.4823
Line Course S 17-20-22 W	Length: 81.8228
Mark: 22828217	Dist: 1973.8228
Line Course S 17-20-22 E	Length: 33.0228
Mark: 22828217	Dist: 1972.5428
Line Course S 17-20-22 E	Length: 23.6228
Mark: 22828217	Dist: 1985.8223

Postcode: 40512222 Ave: 304428 Sp: 11, 01812 Ave
 Northch Chms - (Plan label corners and clouds)
 Date Change: 02/22/2020 Date: 02-03-2020
 Date: 02/22/2020 Date: 02/22/2020
 File No: 18332010000 Date: 02/22/2020

PB 480 PG 62