

RESOLUTION #09-1019-04

Approving a Storm Water Easement for Delaware County near Sawmill Parkway

WHEREAS, there is an electrical easement near Sawmill Parkway, and

WHEREAS, Delaware County is requesting that Liberty Township approve the storm water easement near Sawmill Parkway draining into the Steitz-Powers Ditch, and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO approve the storm water easement for Delaware County near Sawmill Parkway.

This Resolution shall be in force and become effective immediately upon its execution.

Motion made by Guzzo and seconded by Mann.

Vote: 4 Ms. Guzzo 4 Mr. Mann 4 Mr. Sybert

10-19-09
Date

Robert Mann
Robert Mann, Trustee

Curtis J. Sybert
Curtis J. Sybert, Trustee

Peggy Guzzo
Peggy Guzzo, Trustee

CERTIFIED BY:

Mark S. Gerber
Mark S. Gerber, Fiscal Officer

Steitz - Powers

Drainage Easement Analysis - Powers Ditch Swale

The requested easement area for from the Delaware County Engineer to address overland drainage issues on the new section of Sawmill Parkway has been mowed and staked. The proposed swale design is attached. The proposed swale follows the electrical easement and has limited impact on the future development of the six acre site of land just north of the school and south of the new roundabout. The drainage swale is located near the location of one of the two potential access points to the site. Staff and county engineers discussed future potential usage of the site prior to determining the swale design and location. Due to the location of high voltage lines and related electrical easements and location of the powers ditch and related water issues, the existing northern access location, opposite the planned intersection on the northern half of the property, is the only logical choice and therefore the swale location is the most appropriate location and design for the drainage swale.

Staff analysis of the six acre site further indicates it may be too close to the existing fire station for future government use as the location for Station 323, but may serve well as a small park, impacted by the high traffic volume nearby, and as such may be given to a high visibility public institution such as a future public library or similar institutional use that integrated well with the educational campuses adjacent to the site.

EASEMENT FOR DRAINAGE PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, OHIO, hereinafter called the Grantor, in consideration of the sum of **ONE DOLLAR (\$1.00)** and other good and valuable considerations paid by **DELAWARE COUNTY**, herein called the **GRANTEE**, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, convey and release to said **GRANTEE**, its successors and assigns forever, a non-exclusive drainage easement in, over, under and through the lands situated in **Liberty Township, Delaware County, Ohio**, bounded and described on Exhibit A and as depicted on Exhibit B, attached hereto and made a part hereof (the "Easement Area"), for the purpose of constructing, installing, reconstructing, replacing, repairing, maintaining and operating storm water drainage improvements (the "Improvements").

Grantee shall, as soon as practicable after use of the Easement Area for any purpose permitted hereby, restore the Easement Area to its former condition as nearly as is reasonably possible. Grantor may use the surface of the Easement Area provided such use does not unreasonably interfere with Grantee's rights and privileges under this Easement. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within the drainage easement area as delineated on Exhibit "B".

The Grantor hereby covenants with Grantee to be the true and lawful owner of the Easement Area by virtue of a deed of record in Official Record Volume 797, page 1829, in the Office of the Recorder, Delaware County, Ohio, subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record, legal highways and zoning ordinances. Grantor has the full power and authority to grant this easement.

This Easement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of the Grantor and the Grantee.

IN WITNESS WHEREOF, the said GRANTORS who hereby release their respective right and expectancy of dower in said premises have hereunto set their hands this 19 day of October, 2009.

The Board of Trustees of Liberty Township,
Ohio

① By: Robert J. Mann ② By: Curtis J. Sybert
Printed Name: ROBERT J. MANN Printed Name: CURTIS J. SYBERT

③

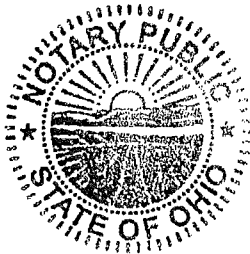
By: *Peggy Guzzo*

Printed Name: Peggy Guzzo

STATE OF OHIO,
COUNTY OF DELAWARE, ss:

On this 19 day of October, 2009, before me, a Notary Public in and for said County, personally came Peggy Guzzo, Robert Mann, & Curtis Sybert, the grantors in the foregoing instrument, who acknowledge that the signing thereof to be their voluntary act and deed.

Witness my official signature and seal on the day last aforesaid.



PATRICIA L. MORTON
Notary Public, State of Ohio
My Commission Expires
01-25-10

Patricia L. Morton
Notary Public

Approved as to Form:

Delaware County Prosecuting Attorney

Centerline of a 30' Drainage Easement

Being situated in Range 19 West, Township 3 North, Quarter Township 2, Farm Lot C of the United States Military District, Liberty Township, Delaware County, State of Ohio and being a portion of Lot 4942 of the Golf Village North Sawmill Parkway Extension as recorded O.R. 736, Pages 2679 – 2683 and stored in P.C. 3, Slide 767 and deeded to The Board of Trustees of Liberty Township, Delaware County, Ohio in Official Record 797, Page 1829 as recorded in the Delaware County Recorder's Office and being more particularly described as follows;

COMMENCING at the Northeast corner of said Lot 4942 on the westerly line of County Road 609 (Sawmill Pkwy.)

Thence along said westerly line, **South 21°-37'-12" East** a distance of **271.56** feet to a point of curvature;

Thence continuing along said westerly line on a curve to the right having a radius of 1357.39 feet, a central angle of 8°-11'-46", length of 194.18 feet and subtended by a chord which bears South 17°-31'-19" East a distance of 194.01 feet to the **POINT OF BEGINNING** of the hereinafter described drainage swale centerline;

Thence leaving said westerly line of County Road 609 across said Lot 4942, **South 51°-18'-39" West** a distance of **12.00** feet to point;

Thence **South 5°-03'-23" East** a distance of **170.00 feet** to a point;

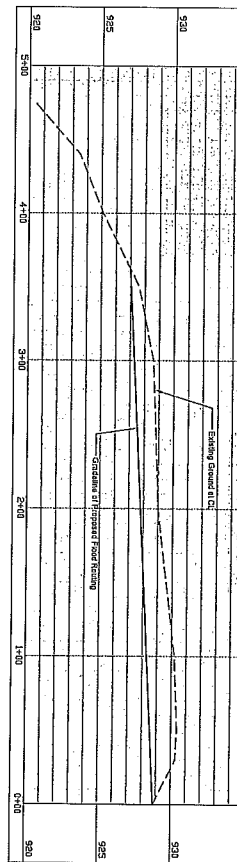
Thence **South 6°-12'-50" West** a distance of **202.00 feet** to the **POINT OF TERMINUS**, said point being approximately the top of bank of an existing drainage ditch as provided by Commissioner's Journal Volume 25, Page 159;

Subject to all legal highways, easements, restrictions, and agreements of record. This description was prepared from a survey performed by William F. Stillions, Registered Professional Surveyor Number 8420, on October 7, 2009.

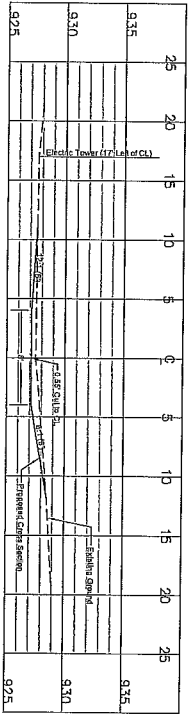
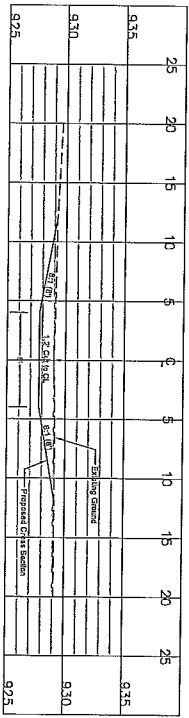
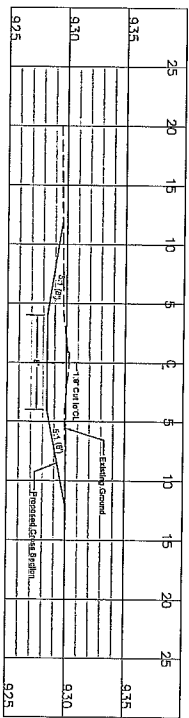
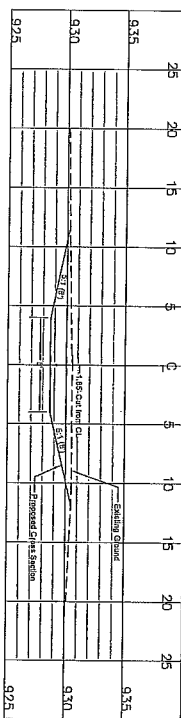
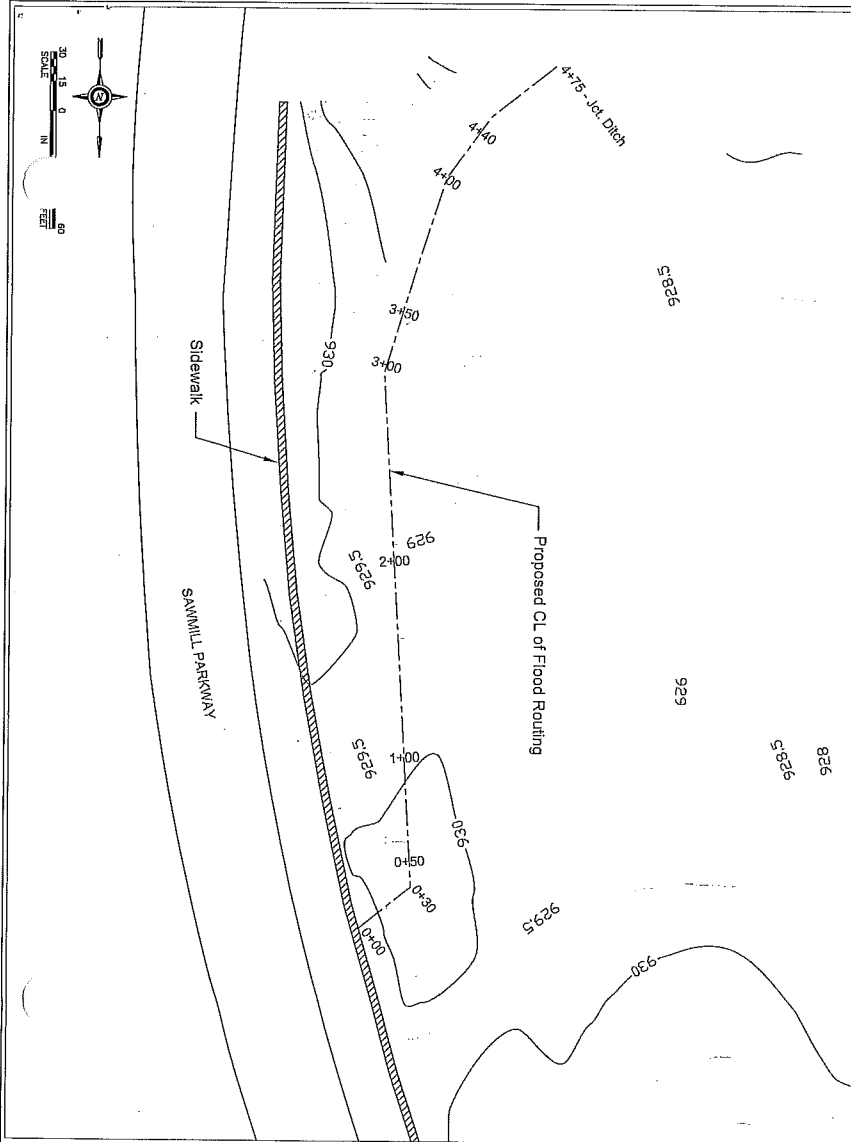
Prior Deed: O.R. 797, Page 1829

Basis of bearings is from the Golf Village North Sawmill Parkway Extension as recorded O.R. 736, Pages 2679 – 2683 and stored in P.C. 3, Slide 767 by Richard F. Mathias, P.S. 7798, and dated July 25, 2006

PROFILE ALONG CENTERLINE OF PROPOSED FLOOD ROUTING



PLAN VIEW



SAWMILL PARKWAY FLOOD ROUTING

DELAWARE COUNTY ENGINEER
 CHRIS E. BAUSERMAN, P.E., P.S.
 50 CHANNING STREET
 DELAWARE, OH 43015
 VOICE: (740) 833-2400 FAX: (740) 833-2399

DELAWARE SOIL & WATER CONSERVATION DISTRICT
 357-A SUNBURY ROAD (US 36 - SR 37)
 DELAWARE, OH 43015
 VOICE: (740) 368-1921
 FAX: (740) 368-8321

Designed by _____ Date _____
 Drawn by CSW 9/00 Title _____
 Checked by _____ Construction Approved _____
 Title _____