

ORDINANCE NO. 23-223

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO GRANT A PERPETUAL PERMANENT EASEMENT TO ERIC AND APRIL MINGUS FOR A PORTION OF A POLE BARN AND COVERED PATIO CONSTRUCTED ON AND ENCROACHING ON CITY PROPERTY DESIGNATED AS A RESERVE AREA LOCATED IN THE COLD CREEK CROSSINGS SUBDIVISION, SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Eric and April Mingus are the current property owners at 708 Cold Creek Boulevard and are requesting a permanent easement for the portion of their pole barn and covered patio that was constructed on the abutting parcel in the Cold Creek Crossing subdivision owned by City and designated as a Reserve Area; and

WHEREAS, this Reserve Area is restricted and dedicated for drainage and storm water run-off areas for the benefit of the Cold Creek Crossing subdivision and is not available for private purchase; and

WHEREAS, the property is currently under contract for sale and in order to proceed with the transfer, it is necessary for an easement to be granted by the City for the portion of the pole barn and covered patio encroaching on the City property; and

WHEREAS, City Staff has reviewed the proposed easement and determined it is the best interest of the City and the Cold Creek Crossing neighborhood to approve the easement and allow for the transfer of the property; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the easement agreement to be immediately executed and recorded and not impede the pending sale of the property; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission authorizes and directs the City Manager to execute an agreement on behalf of the City granting a Perpetual Permanent Easement to Eric and April Mingus for a portion of a pole barn and covered patio constructed on and encroaching on City property designated as a Reserve Area

abutting 708 Cold Creek Boulevard located in the Cold Creek Crossing subdivision, Sandusky, substantially in the same forms as attached to this Ordinance, marked Exhibit "1" and is specifically incorporated if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose.

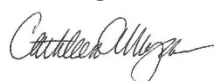
Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: November 27, 2023

PERPETUAL PERMANENT EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS: That, the **City of Sandusky**, herein referred to as the Grantor, whose mailing address is 240 Columbus Avenue, Sandusky, Ohio 44870, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid by **April and Eric Mingus**, herein referred to as the Grantees, whose tax mailing address is 708 Cold Creek Boulevard, Sandusky, Ohio 44870, the receipt and sufficiency of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL, CONVEY, AND RELEASE** to the Grantee, its successors and assigns forever, a perpetual and exclusive permanent Easement to have access to maintain and use the structure as it is presently constructed and is encroaching in the City of Sandusky's Reserve Area Property, at any time or times hereafter, for the area in Exhibit A, including the right of ingress to and egress from and over said premises (real estate) situated in the County of Erie and State of Ohio, and described as:

SEE ATTACHED "LEGAL DESCRIPTION", INCORPORATED HERETO.

SEE ATTACHED EXHIBIT "A", INCORPORATED HERETO FOR ILLUSTRATION PURPOSES ONLY.

(all bearings stated above are assumed for the purpose of this description)

The Grantors claim title to the above described property by virtue of an instrument recorded as RN: 202100404 in the Erie County Recorder's Office.

The consideration recited herein shall constitute full and final payment for said Easement and all damages sustained and/or claimed by the Grantors, their executors, administrators, successors, and assigns, including but not limited to all damages to the remainder of the Grantor's real estate, that arise from or by reason of inspection or other proper and allowed acts as stated above, said damages include but are not limited to those known or unknown, those legal, equitable or otherwise and those direct, incidental or consequential.

TO HAVE AND TO HOLD said Easement, together with all rights and privileges belonging thereto unto the Grantee and its successors and assigns forever. This Easement together with all agreements, covenants, and other provisions recited herein, shall constitute a covenant running with the land for the benefit and use of the Grantee, its successors and assigns forever, but that this Easement is terminable at the will of the Grantor.

IN TESTIMONY WHEREOF, _____, the Grantor, has
executed this Perpetual Permanent Easement this _____ day of
_____, 2023.

STATE OF OHIO }
 }
COUNTY OF ERIE } ss:

Before me a Notary Public in and for said County, personally appeared the above named,
proper signatory for the Grantor, who acknowledged he did sign the foregoing instrument and
that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of
_____, 2023.

Notary Public

THIS INSTRUMENT PREPARED BY:
Sarah S. Chiappone
City of Sandusky Law Director
240 Columbus Avenue
(419) 627-5852

**Contractors Design Engineering
Consulting Engineers and Surveyors
1623 Old State Road, Norwalk, Ohio 44857**

**Legal Description For:
Lot 24 Cold Creek Crossing
Access Easement (0.0105 acres)**

Being part of land located in part of Original Lot 27 and in a Reserve Area (0.6139 acres) in Cold Creek Crossing Subdivision as recorded in P.V. 43, Pg. 82 of the Erie County Recorder's Office, Margaratta Annexation, City of Sandusky, Erie County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a 1" iron rod found in a monument box at the intersection of the centerlines of Ferndale Drive (known as East Perkins Avenue) (66' R/W) and Cold Creek Boulevard (60' R/W); Thence North 03° 30' 00" West, along the centerline of Cold Creek Boulevard, a distance of 396.60 feet to a point; Thence North 86° 30' 00" East, a distance of 30.00 feet to a 5/8" iron rod found at the east right-of-way line of Cold Creek Boulevard and the northwest corner of land now or formerly owned by Eric & April Mingus as recorded in RN 200416477 of the Erie County Recorder's Office, same being the northwest corner of Lot 24 in said Cold Creek Crossing Subdivision; Thence, South 72° 53' 46" East, along the northerly line of said Mingus' land, a distance of 51.07 feet to a point and being the principal place of beginning;

1. Thence, North 17° 06' 14" East, a distance of 10.00 feet to a point;
2. Thence, South 72° 53' 46" East, a distance of 45.74 feet to a point;
3. Thence, South 17° 06' 14" West, a distance of 10.00 feet to a point on the northerly line of said Mingus' (Lot 24) land;
4. Thence, North 72° 53' 46" West, along the northerly line of said Mingus' (Lot 24) land, a distance of 45.74 feet to the principal place of beginning and containing 0.0105 acres of land more or less, but subject to all legal highways, easements and restrictions of record.

Bearings are based on Cold Creek Subdivision Plat as recorded in P.V. 43, Pg. 82 of the Erie County Recorder's Office

Subject Deed Reference: RN 202100404 (City of Sandusky)

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in November, 2023 per Alexander B. Etchill, Registered Surveyor No. 8512 from an actual survey performed October, 2023 on the premises by Contractors Design Engineering.

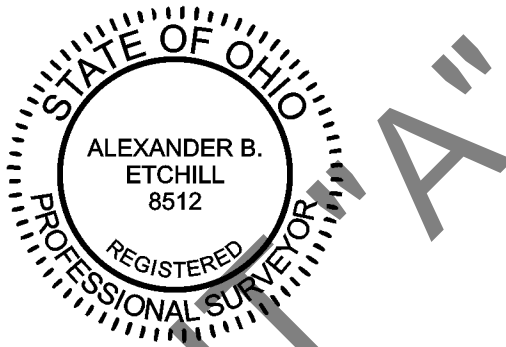
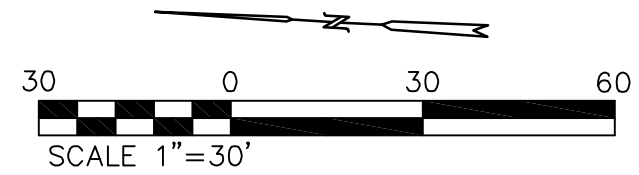


EXHIBIT "A"

File Name: P:\CDEng18\18-000 MISC\Mingus Lot Split\Mingus Building Location revised 11-13-23.dwg

ACCESS EASEMENT
* 0.0105 AC. (457.3505 S.F.)

ORIGINAL LOT 27

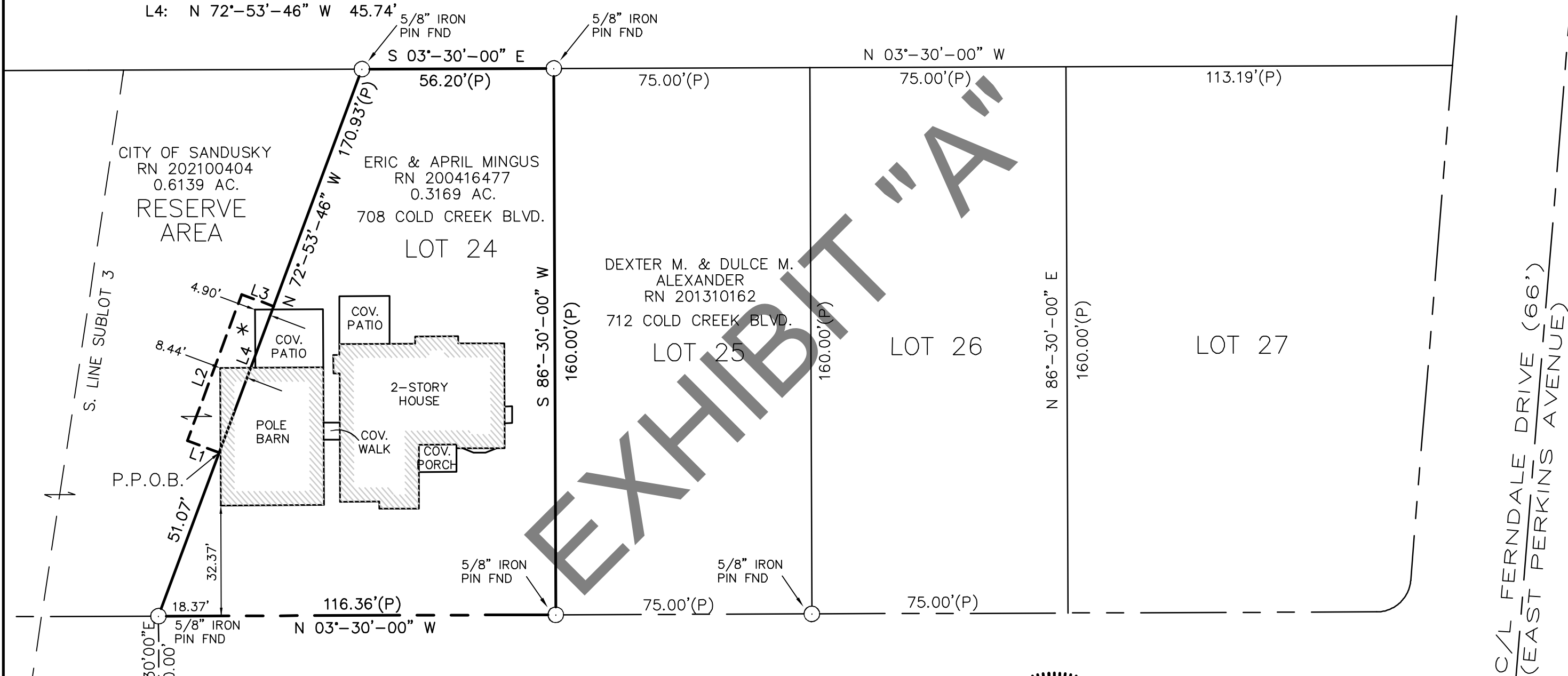


LINE TABLE

L1:	N 17°-06'-14" E	10.00'
L2:	S 72°-53'-46" E	45.74'
L3:	S 17°-06'-14" W	10.00'
L4:	N 72°-53'-46" W	45.74'

SECOND BAPTIST CHURCH
RN 9905713

BEARINGS ARE BASED ON COLD CREEK SUBDIVISION PLAT, P.V. 43, PG. 82
ERROR OF CLOSURE: 1 : 10,000



CITY OF SANDUSKY
RN 202100404
0.6139 AC.
RESERVE
AREA

ERIC & APRIL MINGUS
RN 200416477
0.3169 AC.
708 COLD CREEK BLVD.
LOT 24

DEXTER M. & DULCE M.
ALEXANDER
RN 201310162
712 COLD CREEK BLVD.
LOT 25

LOT 26

LOT 27

LEGEND

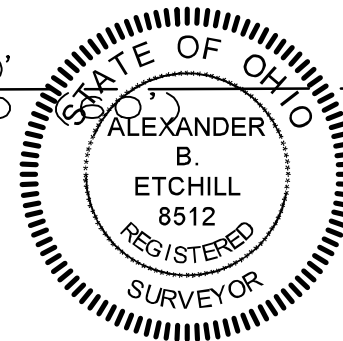
SET	FOUND	DESCRIPTION
●	○	IRON PIN (ROD)
▲	△	MONUMENT BOX
(D)	(M)	DEED MEASURED
(P)	(C)	PLATTED CALCULATED

ALL 5/8" IRON PINS SET ARE 30" LONG REBAR WITH
YELLOW PLASTIC CAPS STAMPED "C.D. ENG 8456/8512"

C/L COLD CREEK BOULEVARD

Easement Plat for
The Mingus Family

Being part of land located in part of Original Lot 27 and in a
Reserve Area in Cold Creek Crossing Subdivision, P.V. 43, Pg. 82,
Margaretta Annex., City of Sandusky, Erie County, Firelands
Connecticut Western Reserve, State of Ohio



CONTRACTORS
DESIGN ENGINEERING
CONSULTING ENGINEERS & SURVEYORS
NORWALK, OHIO PROJECT NO.

DATE: NOV., 2023 DR. BY: ABE 18-000

C/L FERNDALE DRIVE (66')
(EAST PERKINS AVENUE)