

ORDINANCE NO. 24-076

AN ORDINANCE APPROVING A PERMANENT EASEMENT AND TEMPORARY EASEMENT GRANTED TO THE CITY BY WEST SIDE SPORTS CENTER LLC FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Bay Pathway is a coastal trail that stretches along the waterfront from the east corporation limit to the west corporation limit with several other on-street and off-street trails networking City roads and the City-wide park system; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into an agreement for professional design services with Environmental Design Group, LLC, of Akron, Ohio, to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of the Sandusky Bay Pathway, by Ordinance No. 19-115, passed on June 24, 2019; and

WHEREAS, West Side Sports Center LLC is the owner of property located at 2525 W. Monroe Street, Parcel No. 59-00135.000, and is granting the City a permanent easement and a temporary easement for a portion of their property necessary for the continuation of the Sandusky Bay Pathway; and

WHEREAS, the cost of the temporary easement is \$835.80 and the cost of the permanent easement is \$1715.00 for a total cost of \$2,550.80 and will be paid with Capital Projects Funds; 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 consultant to proceed with finalizing construction plans for the next phase of the Sandusky Bay Pathway; 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 approves a Permanent Easement and Temporary Easement granted to the City by West Side Sports Center LLC for a portion of the property located at 2525 W. Monroe Street, Parcel No. 59-00135.000, for the purpose of utilizing for the Sandusky Bay Pathway, copies of which are attached and marked Exhibits "1" and "2" and are specifically incorporated as if fully rewritten herein, together with any revisions or additions

PAGE 2 - ORDINANCE NO. 24-076

as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance.

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: April 9, 2024

EASEMENT

West Side Sports Center LLC, an Ohio limited liability company, the Grantor(s), in consideration of the sum of \$1,715.00, to be paid by City of Sandusky, an Ohio municipal corporation, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): 59-0135.000 - PE

City of Sandusky – Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 59-0135.000

Prior Instrument Reference: Instrument No. 202302831, Erie County Recorder's Office.

Grantor(s), for itself and its successors and assigns, covenant(s) with the Grantee, its successors and assigns, that it is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, 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 property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, and maintenance of a public pathway. Grantee shall release the Grantor from any damages that may be caused by the normal operations of the Grantor, which include the crossing of the public pathway in the rear of the property and the property to the east of the Grantor's property, by large fuel tankers, semis and other heavy equipment that are utilized by Grantor or grantor's contractors, agents and/or assignees.

In Witness Whereof West Side Sports Center LLC, an Ohio limited liability company has caused its name to be subscribed by Phillip G. Myers, its sole Member, and its duly authorized agent on the 29 day of February, 2024.

West Side Sports Center LLC,
an Ohio limited liability company

Phillip G. Myers
By: Phillip G. Myers
Title: Sole Member

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 29 day of February, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Phillip G. Myers, who acknowledged being the and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Phillip G. Myers, its sole member, and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Elaine S. Popke
Notary Public
My Commission expires: June 7, 2026

John Orzech, City Manager
City of Sandusky

ELAINE S. POPKE
Notary Public - State of Ohio
My Commission Expires 6-7-2026

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.



Exhibit A

**LEGAL DESCRIPTION
FOR
Permanent Easement
West Side Sports Center, LLC**

Situated in the City of Sandusky, County of Erie and State of Ohio and known as being part of Outlots 78 and 79 and more fully described as follows:

Beginning at a 1 inch iron rod found in a monument at the centerline intersection of Huron Street (50 feet in width) and Monroe Street (66 feet in width);

Thence North 88 degrees 03 minutes 28 seconds East along the centerline of said Monroe Street, a distance of 702.66 feet to a point;

Thence North 1 degrees 56 minutes 32 seconds West, a distance of 33.00 feet to a 3/4 inch iron rod found on the northerly right of way line of said Monroe Street and the true point of beginning for the parcel herein described;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 7.93 feet to a point;

Thence North 88 degrees 03 minutes 28 seconds East, a distance of 201.03 feet to a point;

Thence South 53 degrees 28 minutes 53 seconds West, a distance of 7.93 feet to a point of the northerly right of way line of said Monroe Street;

Thence South 88 degrees 03 minutes 28 seconds West along the northerly right of way line of said Monroe Street, a distance of 201.03 feet to the point of true beginning and containing 905 square feet or 0.021 acres of land, more or less.

Dennis W. Stoffer

Dennis W. Stoffer

Ohio Registered Professional Surveyor No. 7604

CORPORATE

450 Grant Street / Akron, OH 44311
P 330.375.1390 / F 330.375.1590
TF 800.835.1390

COLUMBUS OFFICE

7965 North High Street, Suite 050
Columbus, Ohio 43235

CLEVELAND OFFICE

2814 Detroit Avenue
Cleveland, Ohio 44113

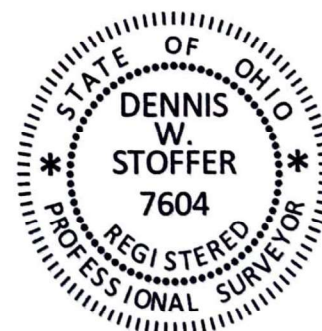
MARIETTA OFFICE

204 Front Street
Marietta, Ohio 45750

NEWARK OFFICE

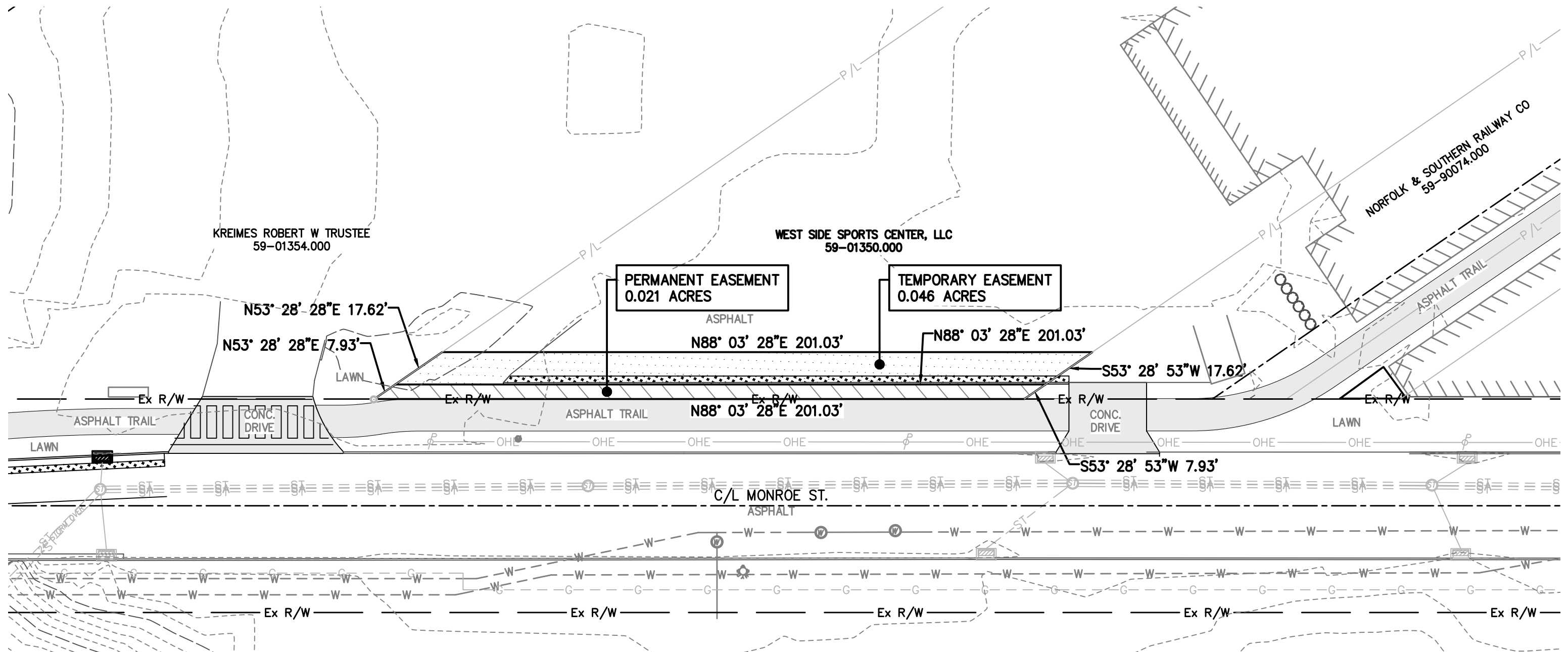
33 West Main Street, Suite 206-A
Newark, Ohio 43055

envdesigngroup.com



The community impact people.

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LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- Ex R/W — EXISTING RIGHT-OF-WAY
- P/L — EXISTING PROPERTY LINE

GRAPHIC SCALE

Environmental Design Group
AKRON / CLEVELAND / COLUMBUS
HQ 450 GRANT ST., AKRON, OH 44311
P 330.375.1390 / TF 800.835.1390
W ENVDESIGNGROUP.COM

**SANDUSKY BAY PATHWAY
CITY OF SANDUSKY**
WEST SIDE SPORTS CENTER, LLC EASEMENTS
JUNE 20, 2023

TEMPORARY EASEMENT

West Side Sports Center LLC, an Ohio limited liability company, the Grantor(s), in consideration of the sum \$835.80, to be paid by City of Sandusky, an Ohio municipal corporation, the Grantee, do grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 59-0135.000 -T

City of Sandusky - Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 59-0135.000

Prior Instrument Reference: Instrument No. 202302831, Erie County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors. Grantee will not impede the conduct of Grantor's business operations and shall ensure uninterrupted ingress and egress to and from Grantor's business premises for Grantor and Grantor's invitees, employees, representatives and guests.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment and construction of a public pathway.

In Witness Whereof West Side Sports Center LLC, an Ohio limited liability company has caused its name to be subscribed by Phillip G. Myers, its sole Member, and its duly authorized agent on the 29 day of February, 2024.

West Side Sports Center LLC,
an Ohio limited liability company

Phillip G. Myers

By: Phillip G. Myers

Title: Sole Member

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 29 day of February, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Phillip G. Myers, who acknowledged being the sole Member and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Phillip G. Myers, its sole Member, and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Elaine S. Popke

Notary Public

My Commission expires:

June 7, 2026

John Orzech, City Manager
City of Sandusky

ELAINE S. POPKE
Notary Public - State of Ohio
My Commission Expires 6-7-2026

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.



LEGAL DESCRIPTION
FOR
Temporary Easement
West Side Sports Center, LLC

Situated in the City of Sandusky, County of Erie and State of Ohio and known as being part of Outlots 78 and 79 and more fully described as follows:

Beginning at a 1 inch iron rod found in a monument at the centerline intersection of Huron Street (50 feet in width) and Monroe Street (66 feet in width);

Thence North 88 degrees 03 minutes 28 seconds East along the centerline of said Monroe Street, a distance of 702.66 feet to a point;

Thence North 1 degrees 56 minutes 32 seconds West, a distance of 33.00 feet to a 3/4 inch iron rod found on the northerly right of way line of said Monroe Street;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 7.93 feet to the point of true beginning for the parcel herein described;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 17.62 feet to a point;

Thence North 88 degrees 03 minutes 28 seconds East, a distance of 201.03 feet to a point;

Thence South 53 degrees 28 minutes 53 seconds West, a distance of 17.62 feet to a point;

Thence South 88 degrees 03 minutes 28 seconds West, a distance of 201.03 feet to the point of true beginning and containing 2,010 square feet or 0.046 acres of land, more or less.

Dennis W. Stoffer

Ohio Registered Professional Surveyor No. 7604

CORPORATE

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Cleveland, Ohio 44113

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Marietta, Ohio 45750

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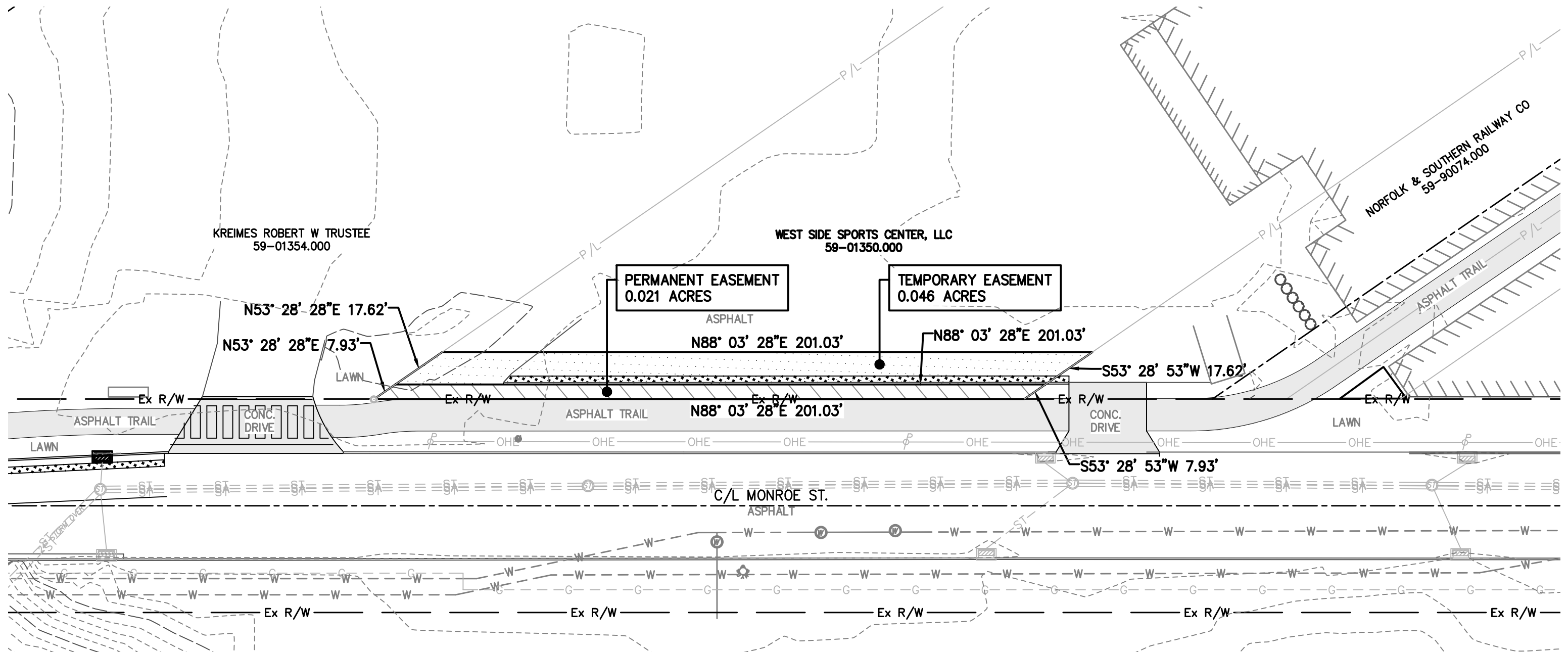
33 West Main Street, Suite 206-A

Newark, Ohio 43055

envdesigngroup.com



The community impact people.



LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- Ex R/W — EXISTING RIGHT-OF-WAY
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GRAPHIC SCALE

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LAW DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5852
www.cityofsandusky.com

MEMORANDUM

TO: CATHY MYERS, COMMISSION CLERK

FROM: STEW HASTINGS, LAW DIRECTOR

DATE: APRIL 23, 2024

RE: **ORDINANCE NO. 24-076**

Upon further review of Ordinance 24-076, a typo was discovered in the Parcel No. described in the ordinance. The address of 2525 W. Monroe Street is correct, and the official legal description attached to the ordinance is correct.

Section 1 of the ordinance states that:

This City Commission approves a Permanent Easement and Temporary Easement granted to the City by West Side Sports Center LLC for a portion of the property located at 2525 W. Monroe Street, Parcel No. 59-00135.000, for purpose of utilizing for the Sandusky Bay Pathway, copies of which are attached and marked Exhibits "1" and "2" and are specifically incorporated as 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 of the terms of this Ordinance.

As Law Director, I approve the revisions in the Easement to correct the Parcel No. 59-00135.000 to 59-01350.000 as reflected in the legal description as being a revision not substantially adverse to the City and consistent with the carrying out of the terms of the ordinance.