

**ORDINANCE 2021-03**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE ACCEPTANCE OF A LIMITED WARRANTY DEED FOR 0.734 ACRES FROM BROOKSIDE ACRES, LLC, FOR THE INTENDED USE AS A RIGHT OF WAY ON STATE ROUTE 762 WITHIN THE VILLAGE OF COMMERCIAL POINT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village of Commercial Point has the authority to acquire property by gift for any authorized municipal purpose and may hold, manage, and control such property and make any rules and regulations, by ordinance or resolution, required to fully carry out the provisions of any conveyance, deed, or will, in relation to any gift of property pursuant to Ohio Revised Code Section 715.01; and

**WHEREAS**, the Village wishes to acquire by gift and Limited Warranty Deed approximately 0.734 acres of land adjacent to State Route 762 within the Village of Commercial Point for the intended use as a right-of-way; and

**WHEREAS**, Brookside Acres, LLC and M/I Homes have entered into an agreement for the sale of certain real estate owned by Brookside Acres to M/I Homes; and

**WHEREAS**, one component of that agreement calls for the donation of property owned by Brookside Acres to the Village of Commercial Point for the intended use of the property as a right-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:**

**Section 1.** The Village Council hereby authorizes and directs the acceptance of approximately 0.734 acres conveyed to the Village of Commercial Point from Brookside Acres, LLC via Limited Warranty Deed in the same or substantially the same form as Exhibit A, which is attached hereto and incorporated herein by reference.

**Section 2.** The Village Council directs and authorizes Village officials to take all necessary actions to effect the acceptance of the Limited Warranty Deed conveying approximately 0.734 acres from Brookside Acres, LLC to the Village of Commercial Point.

**Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 4.** Because the real estate closing between M/I Homes and Brookside Acres, LLC must be accomplished as soon as possible, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health, or safety in the Village of Commercial Point and, accordingly, shall take effect immediately upon passage.

Vote on Suspension of the Readings:

Motion by: Bruce Moore

2<sup>nd</sup>: Tracy Joiner

Roll Call:

Yes Bruce Moore  
Yes Aaron Grassel

Yes Tracy Joiner  
Yes Ryan Mitchem

Yes Jason Thompson  
N/A Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Bruce Moore

2<sup>nd</sup>: Ryan Mitchem

Roll Call:

Yes Bruce Moore  
Yes Aaron Grassel

Yes Tracy Joiner  
Yes Ryan Mitchem

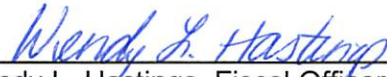
Yes Jason Thompson  
N/A Laura Wolfe

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Adopted this 18<sup>th</sup> day of January, 2021.



Allan D. Goldhardt, Mayor



Wendy L. Hastings, Fiscal Officer

Approved as to Form:



Joshua Cartee, Village Solicitor

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**Exhibit A**

**LIMITED WARRANTY DEED**

**BROOKSIDE ACRES, LLC**, an Ohio limited liability company (“**Grantor**”), for valuable consideration paid, hereby grants and conveys, with limited warranty covenants to **THE VILLAGE OF COMMERCIAL POINT, OHIO**, an Ohio municipal corporation (“**Grantee**”), whose tax mailing address is 10 West Scioto Street, Commercial Point, Ohio 43116, the following described real property situated in Pickaway County, Ohio:

**Property:** That certain 0.734 acre tract of land being more particularly described and depicted on **Exhibit A** attached hereto and made a part hereof (the “**Property**”).

**Tax Parcel Number:** A portion of L40-0-001-00-018-00 (formerly L27-0-001-00-501-00, Auditor’s Office, Pickaway County, Ohio.

**Address:** 0 State Route 762

**Prior Instrument Reference:** Deed OR 768, Page 2932 (Instrument No. 201900007395), Recorder’s Office, Pickaway County, Ohio.

**THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.**

The foregoing conveyance is made subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record; legal highways; and zoning ordinances.

*[Signature on following page.]*

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**Exhibit A (continued)**

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed as of the date of signature below.

**GRANTOR:**

**BROOKSIDE ACRES, LLC**  
an Ohio limited liability company

By: \_\_\_\_\_  
Keavin R. Hill, Trustee of The Keavin  
R. Hill Revocable Trust dated July 2,  
2004, Sole Member

Date: \_\_\_\_\_

STATE OF: Ohio  
COUNTY OF: \_\_\_\_\_

The undersigned, a Notary Public in and for the above state and county, hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_ the \_\_\_\_\_, of **BROOKSIDE ACRES, LLC**, an Ohio limited liability company, who is known to me as the person and officer described in and who executed the foregoing instrument on behalf of said company by proper authority, and that the instrument was the act of the company for the purposes therein stated.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

(SEAL)

This instrument prepared by:  
Underhill & Hodge LLC  
8000 Walton Parkway, Suite 260  
New Albany, Ohio 43054

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**Exhibit A (continued)**

0.734 ACRE

Situated in the State of Ohio, County of Pickaway, Village of Commercial Point, in Virginia Military Survey Number 6775, being part of that 51.476 acre tract of land conveyed to Brookside Acres, L.L.C. by deed of record in Official Record 768, Page 2932 (all references are to the records of the Recorder's Office, Pickaway County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a solid iron pin found in a monument box at the centerline intersection of State Route 762 with State Route 104, as shown on Centerline Plat PIC-104-18.87;

Thence with the centerline of said State Route 762 the following courses and distances:

South 81° 32' 07" West, a distance of 384.79 feet to a solid iron pin found in a monument box;

South 80° 32' 46" West, a distance of 309.27 feet to a solid iron pin found in a monument box at a point of curvature to the right;

With the arc of said curve, having a central angle of 08° 42' 32", a radius of 2291.83 feet, an arc length of 348.36 feet, a chord bearing of South 84° 54' 02" West and chord distance of 348.02 feet to a solid iron pin found in a monument box; and

South 89° 15' 19" West, a distance of 367.37 feet to a mag nail set at a southeasterly corner of said 51.476 acre tract, in the westerly line of that tract conveyed as Parcel 12WD to State of Ohio by deed of record in Official Record 567, Page 395, the TRUE POINT OF BEGINNING for this description;

Thence South 00° 44' 41" East, with the westerly line of said Parcel 12WD, a distance of 25.00 feet to an iron pin set at the southwesterly corner thereof, in the southerly right-of-way line of said State Route 762;

Thence with said southerly right-of-way line and the southerly line of said Parcel 12WD the following courses and distances:

North 89° 15' 19" East, a distance of 60.00 feet to an iron pin set;

South 00° 44' 41" East, a distance of 10.00 feet to an iron pin set;

North 89° 15' 19" East, a distance of 140.00 feet to an iron pin set; and

South 87° 19' 32" East, a distance of 97.19 feet to an iron pin set at the southwesterly corner of that tract conveyed as Parcel 2-WD2 to State of Ohio by deed of record in Official Record 566, Page 2353, a northwesterly corner of that 86.2540 acre tract conveyed as Tract One to Jerry L. Timmons by deed of record in Official Record 636, Page 2382, in the common line of Virginia Military Survey Numbers 6775 and 1234;

Thence South 24° 37' 51" East, with said common line and a westerly line of said Timmons tract, a distance of 10.07 feet to an iron pin set;

Thence South 89° 15' 19" West, crossing said 51.476 acre tract, a distance of 833.69 feet to an iron pin set in the easterly line of that tract conveyed as Parcel Number II to Doersam Farms I, Ltd. by deed of record in Official Record 716, Page 686;

Thence North 24° 39' 10" West, with said easterly line, a distance of 54.69 feet to a mag nail set in the centerline of said State Route 762;

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**Exhibit A (continued)**

0.734 ACRE

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Thence North 89° 15' 19" East, with said centerline, passing a solid iron pin found in a monument box at 479.87 feet, a total distance of 554.77 feet to the TRUE POINT OF BEGINNING, containing 0.734 acre of land, more or less, of which 0.315 acre falls within the presently occupied right-of-way of State Route 762.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by positional solutions derived by the National Geodetic Survey's Online Positioning Users Service software using GPS observations and observations of selected CORS base stations in the National Spatial Reference System. A bearing of North 89° 15' 19" East, assigned to the centerline of State Route 762, is designated the basis of bearings for this survey.

This description is based on an actual field survey performed by, or under the direct supervision of, Matthew A. Kirk, Professional Surveyor Number 7865, in June of 2019.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

6 JAN 21

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

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SURVEY PLAT and LEGAL DESCRIPTION  
MATHEMATICALLY APPROVED  
PICKAWAY COUNTY ENGINEER  
BY Matthew A. Kirk DATE 1/6/21

