

**EMERGENCY ORDINANCE NO. 2022-12**

AN ORDINANCE VACATING A CERTAIN WATER LINE EASEMENT CONTAINING 2608.28 SQUARE FEET NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, Council adopted Emergency Ordinance No. 2022-10 authorizing a Development Agreement on June 14, 2022, wherein certain easements and restrictions would be granted from and to the City related to the construction of a retail fueling station and convenience store; and

WHEREAS, a perpetual easement for construction, maintenance operation, repair, replacement and removal of a water line was granted to the Village of Monroe, now the City of Monroe, on July 13, 1953; and

WHEREAS, said easement and water line are located within a portion of the servient estate that are inconsistent with the construction plans for such property approved by the City, which property is to be developed as a retail fueling station and convenience store, and such water line and related facilities have been relocated to a different area within the servient estate and placed within a new easement granted to the City; and

WHEREAS, in light of the foregoing the original water line easement no longer serves any benefit to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

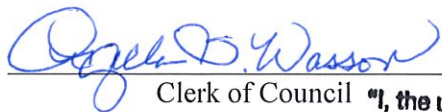
SECTION 1: The perpetual easement for construction, maintenance operation, repair, replacement and removal of a water line granted to the Village of Monroe, now the City of Monroe by William L. Gallaher a/k/a W.L. Gallaher and Sophia Gallaher, husband and wife via Easement Agreement dated July 13, 1953 and recorded in Warren County deed book 225 pages 236, 237 and 238, and further described on Exhibit "I" attached hereto and made a part hereof is hereby vacated, terminated and released.


SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to vacate the within described easement at the earliest possible date to avoid delay in the construction of the new business. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: June 28, 2022

ATTEST:

APPROVED:

  
Clerk of Council

  
Mayor

**"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.**

**This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.**

  
Clerk of Council  
City of Monroe, Ohio

**Exhibit "T" E Ord No. 2022-12**

Situated in Section 5, Town 3, Range 3, Turtlecreek Township, Warren County, Ohio, and lying in the northeasterly corner of the farm of the Grantors herein.

Said easement being 4.00 feet in width and 652.07 in length (along the center line) and running from a 2.083 acre tract of land to be conveyed by the Grantors to the Village of Monroe, Ohio, westwardly, passing approximately midway between the house and garage situated on said Grantors lands, to the southeasterly right of way line of the original location of the Monroe-Lebanon Road, and bounded and described as follows:

beginning at a point in the westerly line of the aforesaid 2.083 acre tract, 348.00 feet, S 1°-00' W from the present centerline of the Monroe-Lebanon Road;

thence S 1°-00' W, 4.00 feet;

thence S 89°-56' W, 656.88 feet to a point in the southeasterly right of way line of the aforesaid road as originally located;

thence N 67°-32' E along the last aforesaid right of way line, 10.50 feet;

thence N 89°-56' E, 647.26 feet to the point of beginning.