

EMERGENCY ORDINANCE NO. 2022-13

AN ORDINANCE RELEASING CERTAIN DEED RESTRICTIONS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, that certain Warranty Deed from William L. Gallaher a/k/a W.L. Gallaher and Sophia Gallaher, husband and wife as Grantor, and the Village of Monroe, now the City of Monroe, as Grantee, dated July 13, 1953, included certain restrictions prohibiting the construction of any building sewer or any unsanitary structure within a three hundred (300) foot radius of the property described therein being conveyed to the City; and

WHEREAS, said restrictions no longer serve any benefit to the City and are inconsistent with the construction plans approved by the City for the property burdened by the aforementioned restrictions, which property is to be developed as a retail fueling station and convenience store.

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

SECTION 1: The deed restriction prohibiting the construction of building sewers and unsanitary structures within a three hundred (300) foot radius of the property conveyed 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 Warranty Deed dated July 13, 1953 and recorded in Warren County deed book 225 pages 233, 234 and 235, and further described on Exhibit "1" attached hereto and made a part hereof is hereby 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 deed restriction 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 "1" E Ord No. 2022-13

Two and eighty-three one-thousandths acres in the northeast quarter (NE) of section five (Sec. 5), Town Three (T 3), Range Three (R3), Turtlecreek Township, Warren County, Ohio and is more nearly described as follows:

Beginning at a point in the center line of State Route 63 as now constricted, same point being N 89° 0' W one-thousand one-hundred forth-two and eighty-nine one-hundredths (1142.89) feet, and S 1° 0' W seventy-four and sixty-two one-hundredths (74.62) feet of the northeast corner (NE Cor.) of said section five (Sec. 5), T 3, R 3, turtlecreek Township, Warren County, Ohio; thence from this point of beginning S 67° 0' W eight and sixty-seven one-hundredths (8.67) feet along the centerline of state route 63, thence S 1° 0' W four-hundred seven and fourteen one-hundredths (407.14) feet, then S 89° 4' E four-hundred fifteen and thirty eight one-hundredths (415.38) feet, to a point one-hundred twenty-five and five one-hundredths (125.05) feet shorth of the centerline of the Pennsylvania (C & L N) RR Rw and this line produced, thence N 38° 30' W one-hundred forty-two and seventy-five one-hundredths (142.75) feet, thence N 45° 33' W four-hundred thirty-six and eighteen one-hundredths (436.18) feet to the point of beginning and containing two and eight-three one-thousandths acres more or less.

Being part of the same premises as more fully described in Deed Book 110, Page 20 in the Deed Records of Warren County and in Deed Book 151, Page 545 inn the Deed Records of Warren County, Ohio.

And as a further consideration for this conveyance, said grantors agree for themselves, their heirs and assigns that they will no construct or permit to be constructed any building sewer or any unsanitary structure within a radius of three hundred (300) feet of the above described premises and/or violate any regulation of the State Department of Health of the State of Ohio within said area of 300 feet.