

ORDINANCE NO. 29 - 2023

AN ORDINANCE GRANTING AND AUTHORIZING THE MAYOR TO EXECUTE A UTILITY EASEMENT TO THE EAST OHIO GAS COMPANY FOR A NATURAL GAS LINE ACROSS PERMANENT PARCEL NUMBER 02-A-008-E-00-005-0; AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Madison owns PPN 02-A-008-E-00-005-0, the same being 33 North Lake Street; and

WHEREAS, The East Ohio Gas Company d/b/a Dominion Energy Ohio ("Dominion") is a regulated provider of natural gas that owns and operates an existing natural gas line running through this parcel; and

WHEREAS, Dominion is in the process of installing a new natural gas line along North Lake Street and upon survey for connection of this new line to the existing gas line running through the Village's parcel discovered that no recorded easement exists for the gas line; and

WHEREAS, the existing line is believed to be vintage 1961 and the reason no recorded easement exists is unknown; and

WHEREAS, to clarify the permitted use, maintenance and other responsibilities related to this gas line located within the Village's parcel, a written easement agreement to be recorded is deemed mutually beneficial to both parties; and

WHEREAS, the Council now desires to grant Dominion a written easement agreement for a natural gas line.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

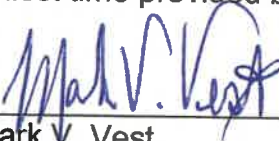
SECTION 1. An underground gas line easement is and shall be granted to Dominion across PPN 02-A-008-E-00-005-0, the same being 33 North Lake Street, the terms and conditions of which are as stated in the "Gas Pipeline Easement" attached hereto as Exhibit "1" and which is incorporated herein as if fully re-written.

SECTION 2. The Mayor is hereby authorized to execute the easement grant in accordance with the provisions of this Ordinance as set forth in Section 1.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the inhabitants of the Village of Madison, and, for the further reason that immediate passage is necessary to meet construction deadlines for public utility upgrades, therefore, take effect and be in full force from and upon its adoption if adopted by the affirmative vote of at least four members of Council and otherwise at the earliest time provided by Ohio law.

PASSED:



Mark V. Vest,
President of Council

1st Reading:

8-28-23

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Date:

8/28/2023



Sam Britton, Jr.,
Mayor



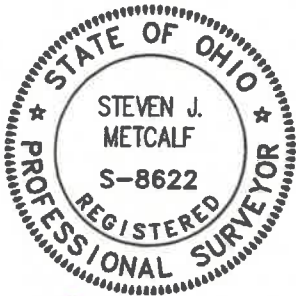
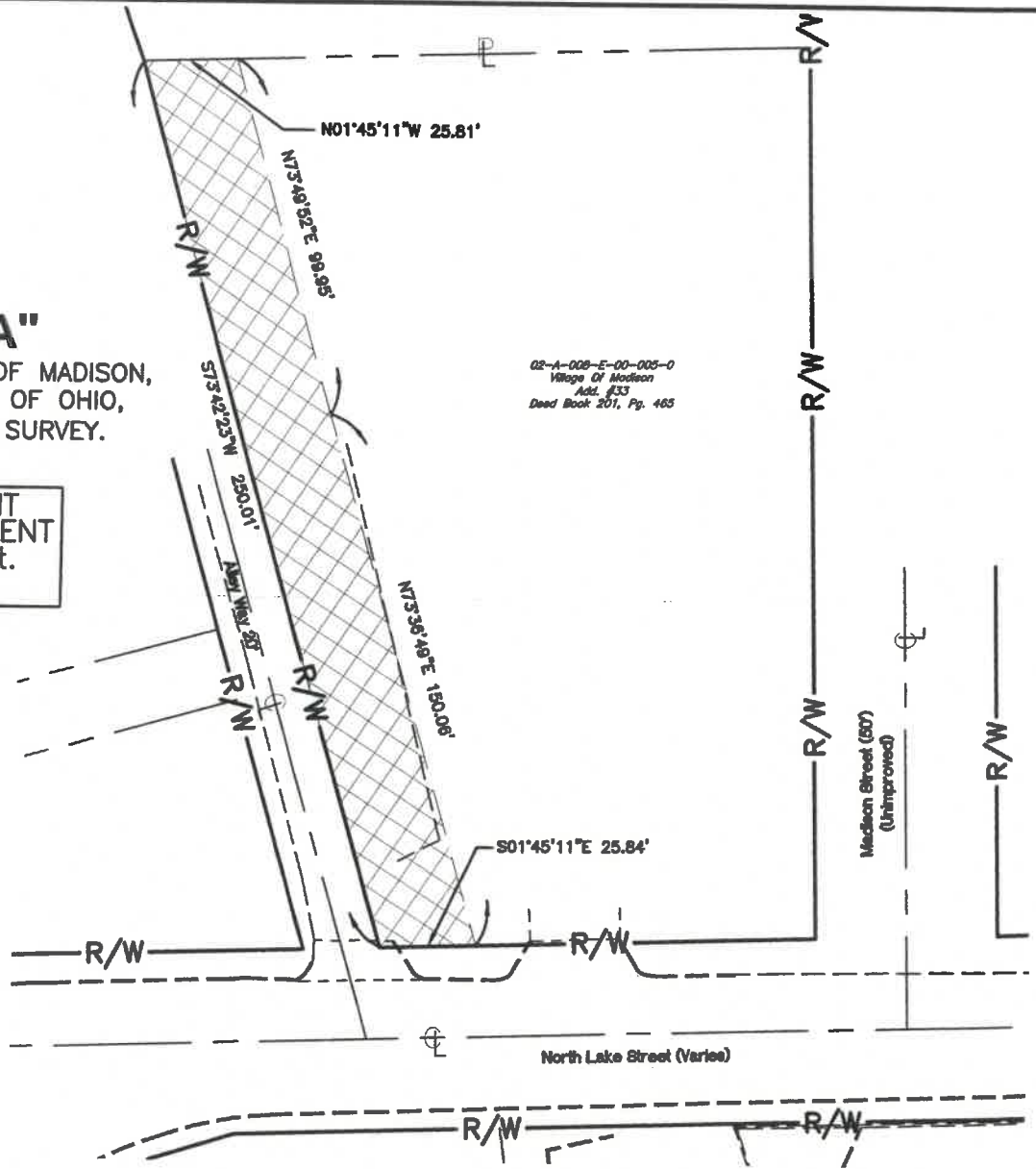
0 30' 60'
SCALE: 1"=60'

EXHIBIT "A"

SITUATED IN THE VILLAGE OF MADISON,
COUNTY OF LAKE, STATE OF OHIO,
LOTS 1 & 2 HARVEY'S SURVEY.

25' PERMANENT
DOMINION EASEMENT
6,221.27 Sq.Ft.
0.1428 Ac.

02-A-008-E-00-005-0
Village Of Madison
Add. #33
Deed Book 201, Pg. 465



Steven J. Metcalf
STEVEN J. METCALF
REGISTERED SURVEYOR
No. 8622-OHIO
DATE: 09-12-22

SYMBOL LEGEND:

- ⊕ CENTER LINE
- ⊔ PROPERTY LINE
- ⊙ IRON PIN/PIPE FOUND
- DRILL HOLE FOUND

AN EASEMENT DATED: _____
FROM: **VILLAGE OF MADISON**
TO: **DOMINION ENERGY**
PREPARED BY: **NEFF & ASSOCIATES**
BASIS OF BEARINGS: NAD83-OHIO NORTH 3401.
THIS DESCRIPTION WAS PREPARED IN ACCORDANCE WITH A RECENT SURVEY PERFORMED BY NEFF & ASSOCIATES IN DECEMBER, 2022 AS REQUESTED BY DOMINION EAST OHIO.

THE OWNER DOES NOT WARRANT THE ACCURACY, SUFFICIENCY, OR COMPLETENESS OF THIS DRAWING OR MAP FOR ANY PURPOSE, AND RELIANCE HEREON AND USE HEREOF IS AT THE RISK OF THE USER, WHO AGREES TO HOLD HARMLESS AND INDEMNIFY THE OWNER AGAINST ANY AND ALL LIABILITY IN CONNECTION WITH ITS USE.

VILLAGE OF MADISON

PROJECT ID#: P#402190498
SAP #654290498
DRAWING SCALE: 1" = 50'
PROGRAM MANAGER: T.HARSMAN
PARCEL NO: 02-A-008-E-00-005-0
DWG. NO.: 14500-083-C3D-ESMT



DRAWN BY: TEW
DATE: 08/22/2023
CHECKED: SJM
APPROVED:
REV. DATE:
OPERATING AREA: 2Y

GAS PIPELINE EASEMENT

THIS EASEMENT, made and entered into as of the date set forth below, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **Village of Madison**, having a principal place of business at 33 East Main Street, Madison, Ohio, 44057, its successors, and assigns (hereinafter called "Grantor"), does hereby grant, convey, and warrant unto **The East Ohio Gas Company d/b/a Dominion Energy Ohio**, an Ohio corporation, having a principal place of business at 1201 East 55th Street, Attention: Land Services, Cleveland, Ohio, 44103, its successors and assigns (hereinafter called "Grantee"), the perpetual right-of-way and easement to lay, construct, maintain, operate, alter, repair, replace or replace parallel to, inspect, conduct necessary tests, connect to, change the size of, abandon in place, and remove underground pipelines, together with such above or below grade meters, valves, tap valves, fittings, cathodic protection equipment, data acquisition and communication lines and devices, pipeline markers, and other appurtenant facilities (collectively the "Pipeline Facilities"), all of which shall be and remain the property of Grantee, for the transmission of natural gas and all by-products thereof, over, under, across, and upon the lands described in this Easement, together with the right to excavate and refill ditches and trenches for the location of such Pipeline Facilities, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of the Pipeline Facilities, along with the right of ingress and egress to the Pipeline Facilities at all times, on the following described land owned by Grantor, being the Subject Property.

SUBJECT PROPERTY AND EASEMENT AREA

Known as being part of Lots 1 and 2 in the Harvey's Survey in the Village of Madison, Madison Township, County of Lake, and State of Ohio, and Containing 0.7603 acres, more or less.

Tax Parcel No.: 02-A-008-E-00-005-0

Deed Reference: Deed Volume 201, Page 465 (the "Subject Property").

The Pipeline Facilities laid pursuant to this Easement will be located within the limits of an easement area of a width deemed necessary by Grantee and further defined and depicted in Exhibit "A" (the "Easement Area"), attached hereto and made a part hereof.

Grantor shall not install, construct, or permit to be installed or constructed, any house, shed, tree, structure, or obstruction of any kind, excepting for Grantor's repair, maintenance, and in-kind replacement of existing parking lots and drive aisles within the Easement Area (collectively, the "Obstructions") on or over said Easement Area that will interfere with the construction, maintenance, or operation of the Pipeline Facilities constructed hereunder. Grantee has the right to remove the Obstructions on or over the Easement Area without liability to Grantor, excepting for Grantor's existing parking lots and drive aisles within the Easement Area.

GRANTEE'S USE AND REPAIR. Grantee shall repair, replace, or compensate Grantor for any harm or damage that Grantee inflicts upon Grantor's existing and permitted improvements within the Easement Area, or improvements outside the Easement Area in the process of Grantee exercising any of its herein declared rights upon the Subject Property. Grantee shall compensate Grantor for any damages it inflicts upon crops, regardless of whether the crops were damaged by Grantee in or outside of the Easement Area.

MISCELLANEOUS. No implied covenant, agreement, or obligation shall be read into this Easement. Grantor represents and warrants that the individual executing this Easement on behalf of Grantor is a duly authorized representative of Grantor and has the authority to bind Grantor as set forth herein. This Easement shall be interpreted, enforced, and governed under the laws of the State of Ohio.

IN WITNESS WHEREOF, Grantor hereby acknowledges, understands, and agrees to all the contents, terms, conditions, restrictions, and effects of this instrument and grants this Easement by executing this document as of the 28 day of August, 2023.

GRANTOR
Village of Madison

Sign: [Signature]
Print: Sam Britton Jr.
Title: Mayor

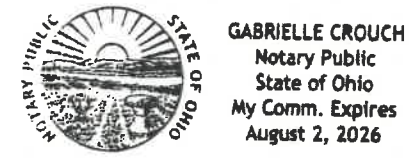
STATE OF OHIO)
) SS
COUNTY OF LAKE)

SWORN TO BEFORE ME, the undersigned, a Notary Public in and for said County, and State, personally appeared Sam Britton Jr. as Sam Britton Jr., Mayor known to me or proved to me, on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged that he was authorized to execute the same on behalf of the company and did so as a free act and deed.

WITNESS my hand and official seal this 28 day of August, 2023.

My Commission expires:
August 2, 2026

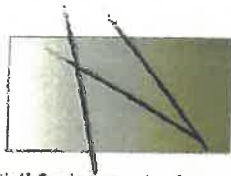
[Signature]
Notary Public



Ohio Law requires all parties to contact OHIO811 Before You Dig. Call 811 (or 1-800-362-2764) at least 48 hours but not more than 10 working days before digging or excavating. ORC - 3781.28 A&B

This Instrument Was Prepared By:
Dominion Energy Ohio, August 2023

File # _____ Reference 23-0183 SAP #654290498



NEFF
 & ASSOCIATES

Civil Engineers + Landscape Architects + Planners + Surveyors

Legal Description
 Dominion Energy
 Permanent DEO Easement
 August 22, 2023
 File No. 14500-083-C3D-ESMT
Village of Madison
 Page 1 of 1

Situated in the Village of Madison, County of Lake, State of Ohio and known as being part of Lots 1 & 2 in the Harvey's Survey, being contained within Permanent Parcel Number **02-A-008-E-00-005-0** and further bounded and described as follows:

Beginning at the intersection of the Westerly right of way for North Lake Street (Width Varies) and the Northerly right of way for Alley Way (20' Wide) and being the place of beginning of the easement herein described;

- Course 1 Thence South 73°42'23" West, along the Northerly right-of-way of said Alley Way, a distance of 250.01 feet to the Southwesterly corner of the property conveyed to the Village of Madison by deed recorded in Deed Book 201, Page 465 of Lake County Records;
- Course 2 Thence North 01°45'11" West, along the Westerly line of said Village of Madison Property, a distance of 25.81 feet;
- Course 3 Thence North 73°49'52" East, a distance of 99.95 feet;
- Course 4 Thence North 73°36'49" East, a distance of 150.06 feet to a point on the Westerly right of way for said North Lake Street;
- Course 5 Thence South 01°45'11" East, along the Westerly right of way for said North Lake Street, a distance of 25.84 feet to the place of beginning and said permanent easement containing 0.1428 Acre (6,221.27 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.


 Steven J. Metcalf
 Registered Survey No. 8622-Ohio
 Neff & Associates

