



Ordinance No. 15 20 18

ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR TO ENTER INTO A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH TERREX HARRIS AVE, LLC FOR HARRIS AVENUE WEST OF FOREST AVENUE TO ALLOW SITE TO BE MADE SHOVEL READY FOR COMMERCIAL OFFICE BUILDING, AND DECLARING AN EMERGENCY

WHEREAS, Terrex Harris Ave, LLC, is redeveloping an industrial site along the western end of Harris Avenue, formerly known as the Zumbiel site, for an approximately 75,000 to 100,000 square foot office building within the City of Norwood; and,

WHEREAS, Terrex Harris Ave, LLC has contractually committed to preparing a shovel ready commercial pad for the development by the end of 2018; and,

WHEREAS, the Temporary Construction Easement Agreement (attached hereto) will allow Terrex Harris Ave, LLC to continue to redevelop the real property there; now therefore,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. This Council authorizes the Mayor and/or Safety-Service Director to enter into a Temporary Construction Easement Agreement with Terrex Harris Ave, LLC. A copy of the Temporary Construction Easement Agreement is attached to this ordinance and incorporated by reference herein as Exhibit "A".

SECTION 2. This ordinance is hereby declared to be an emergency ordinance and a measure necessary for the immediate preservation of the public peace, health, safety and general welfare so that Terrex Harris Ave, LLC can proceed toward redeveloping the former Zumbiel industrial site to make it a shovel ready commercial pad as soon as possible, and shall go into effect forthwith.

PASSED June 12, 2018
Date

Donna M. Laake
Donna M. Laake
President of Council

ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 12th day of June, 2018 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 13 day of June, 2018.

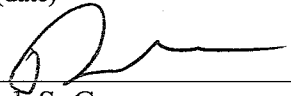
Joseph S. Geers
Joseph S. Geers
Clerk of Council

APPROVED 6/13/18

Thomas F. Williams
Thomas F. Williams
Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this Ordinance was published in the
Enquirer on 6/19/18 and 6/26/18.
(Name of Newspaper) (date) (date)



Joseph S. Geers
Clerk of Council

ORDINANCE READINGS

1st Reading _____
Date

2nd Reading _____
Date

3rd Reading _____
Date

All 3 Readings 6/18/18
Date

Tabled _____
Date

Vetoed _____
Date

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

This Temporary Construction Easement Agreement (this "Agreement") is made as of June __, 2018 by the **CITY OF NORWOOD, OHIO**, a municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the "City"), with an address of 4645 Montgomery Road, Suite 200, Norwood, Ohio 45212, and **TERREX HARRIS AVE, LLC**, an Ohio limited liability company ("**Developer**"), with an address of 3200 Madison Road, Suite 2B, Cincinnati, Ohio 45209.

A. The City is the owner of a public right of way, known as Harris Avenue, west of Forest Avenue, located in Norwood, Hamilton County, Ohio, as shown on **Exhibit A-1** and described in **Exhibit A-2** attached hereto and by this reference made a part hereof (the "Easement Area");

B. Developer is the owner of certain parcels of real property to the north and south of Harris Avenue, known as 2339 Harris Avenue, located in Norwood, Hamilton County, Ohio, and described in **Exhibit B** attached hereto and by this reference made a part hereof (the "Developer's Parcels");

C. Developer's Parcels were purchased to develop an approximately 75,000 to 100,000 square foot commercial office building within the City of Norwood (the "Development");

D. In order to facilitate the timely construction of the Development, Developer requires entry onto the Easement Area to construct a shovel ready commercial pad for the Development.

NOW THEREFORE, for one dollar and other and good valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

1. The City hereby grants to Developer a temporary non-exclusive easement to enter into, upon, over, under and through the Easement Area to construct a shovel ready commercial pad for the Development (the "Pad") and to conduct all activities related to the construction of the Pad, including but not limited to, activities such as surveying, grading, excavation, relocation of utilities, installation, and other site development and construction activities. Such easement shall automatically terminate, with the exception of the rights and obligations of the parties contained in Paragraph 7, without the need for further action by the City, Developer, or any other person, upon the first to occur of (a) the vacation of the Easement Area by the City; or (b) June 30, 2019.

2. The rights, obligations, agreements, and easement set forth in this Agreement are intended to be and shall be construed as covenants running with the land, and shall inure to the benefit of Developer and be binding upon the City and their successors and assigns, including without limitations, all subsequent owners of the Easement Area and all persons claiming under them.

3. Developer shall perform all activities under this Agreement in a good and workmanlike manner and in compliance with all applicable laws, rules, regulations, orders, and ordinances, at no cost to the City. Developer shall be solely responsible for all cost of maintenance, repair, and replacement of the Pad, at no cost to Owner. Upon completion of any maintenance, repair, or replacement, any portion of the Easement Area disturbed by Developer or its agents, employees, contractors, or subcontractors, shall be promptly restored by Developer, at Developer's sole cost, to as nearly its original condition as is reasonably possible.

4. Developer shall indemnify, defend, and hold harmless the City from and against any and all loss, costs, damage, injury, or expense, including but not limited to reasonable attorney fees, arising by reason of injury to persons or damage to property arising out of the construction of the Pad. Developer shall keep the Easement Area free and clear of all mechanic's and other liens on account of work done for or by Developer or persons claiming under Developer. Should any such lien be filed against the Easement Area, if Developer does not have such lien released or bonded off within thirty (30) days after filing, the City may, without notice to Developer, elect to obtain the release of such lien and any sums expended by the City shall be immediately repaid to the City by Developer upon demand, together with interest at the rate of twelve percent (12%) per annum.

5. If Developer is adjudicated to have breached its obligations under this Agreement to perform all construction activities in a good and workmanlike manner or to comply with all applicable laws, rules, regulations, orders, and ordinances, or Developer fails to keep the Easement Area free and clear of all mechanic's and other liens, Developer shall be in default of this Agreement and the City may terminate this Agreement, but only after giving Developer written notice at the above address and ninety (90) days to cure such default.

6. If the City terminates this Agreement pursuant to Paragraph 5 and the construction of the Pad is not substantially complete at the time of the City's termination, the City may require Developer to restore the Easement Area to as nearly its original condition, prior to the date of this Agreement, as is reasonably possible.

7. Should Developer not commence the planned unit development approval process pursuant to Chapter 1155 of the Codified Ordinances of the City of Norwood, Ohio on or before June 30, 2020, the City may require Developer to restore the Easement Area to as nearly its original condition, prior to the date of this Agreement, as is reasonably possible.

8. This Agreement represents the entire understanding of the parties with respect to the matters contained herein and shall not be amended, altered, or changed, except by written instrument in writing executed by the parties hereto. This Agreement shall be governed by the laws

of the State of Ohio. This Agreement may be executed in counterparts, each of which shall be deemed an original, and both of which, taken together, shall constitute one and the same agreement.

[Remainder of Page Intentionally Left Blank – Signature Page to Follow]

IN WITNESS WHEREOF, the City and Developer have executed this Agreement as of the date set forth above.

THE CITY:

Approved as to form and correctness:

THE CITY OF NORWOOD, OHIO, an Ohio
municipal corporation

By: Timothy A. Garry, Jr. (Ohio #0032901)
Title: Assistant Law Director

By: _____
Title: _____

DEVELOPER:

TERREX HARRIS AVE, LLC, an Ohio
limited liability company

By: _____
Title: _____

STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing instrument was acknowledged before me this ____ day of June, 2018, by _____, the _____ of the City of Norwood, Ohio, an Ohio municipal corporation, on behalf of the municipal corporation.

Notary Public

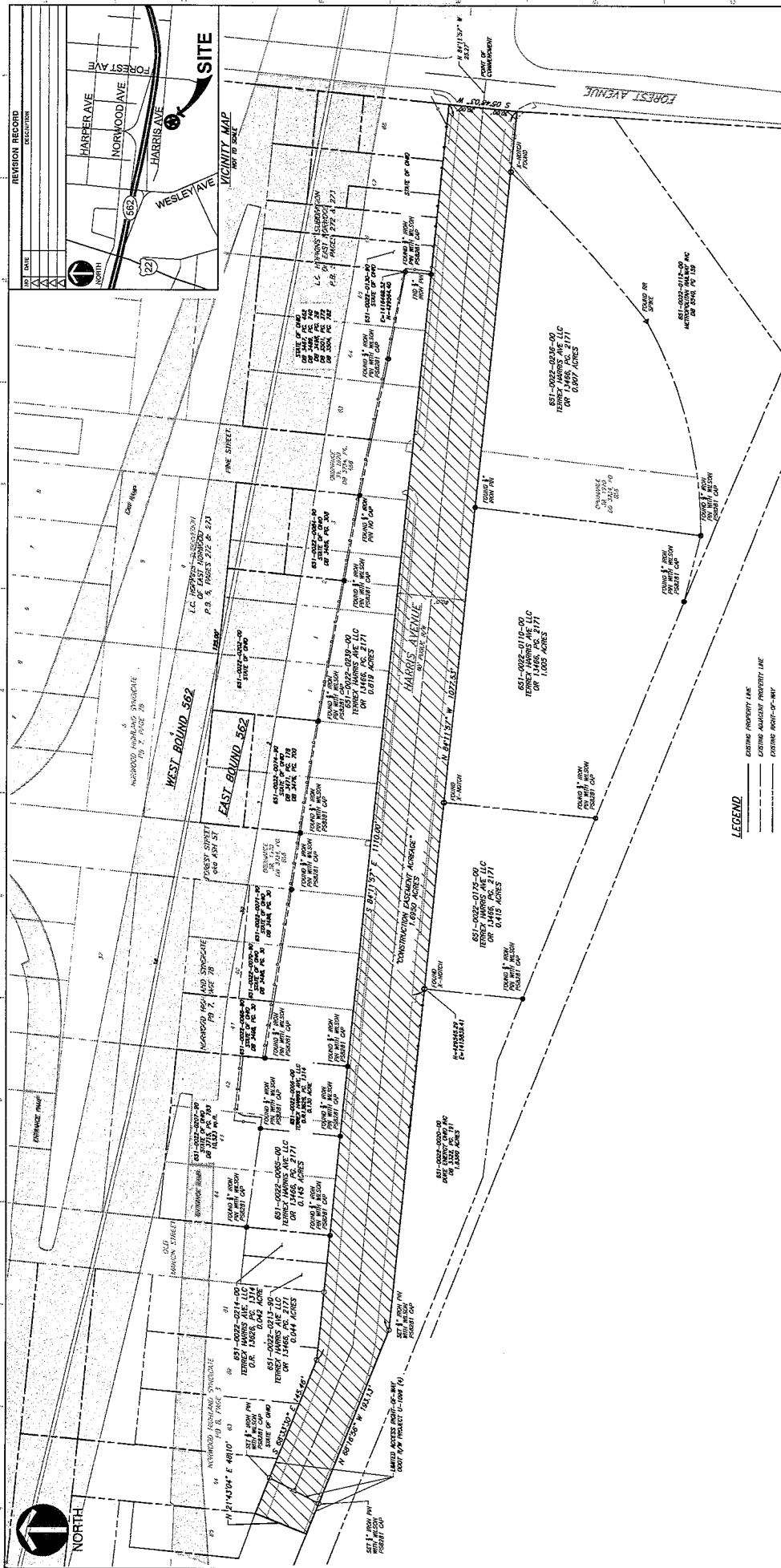
STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing instrument was acknowledged before me this ____ day of June, 2018, by Thomas B. Rowe, the Authorized Signatory of TERREX HARRIS AVE, LLC, an Ohio limited liability company, on behalf of the limited liability company.

Notary Public

EXHIBIT A-1

Easement Area Drawing



REVISION RECORD

NO.	DATE	DESCRIPTION
1		

LEGEND

- EXISTING PROPERTY LINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING CHANGING EASE
- ADJACENT STREET FRONT
- ADJACENT STREET FRONT
- EXISTING MARK TOWNSHIP
- EXISTING MARK TOWNSHIP
- EXISTING MARK TOWNSHIP
- EXISTING MARK TOWNSHIP
- EXISTING MARK TOWNSHIP

DATE: 06/04/2018
SCALE: 1" = 40' HORIZONTAL
PROJECT NO.: 172-04
APPROVED BY: DMT
DATE: 06/04/2018
PROJECT NO.: 172-04
APPROVED BY: DMT

Civil & Environmental Consultants, Inc.
 819 Hamilton Blvd., Cincinnati, OH 45203
 PH: 513.241.2222 FAX: 513.241.2228
 WWW.CECINC.COM

HARRIS AVENUE CONSTRUCTION EXHIBIT
 SECTION 34, TOWN 4, F.R. 2
 MIAMI PURCHASE

CITY OF NORWORTH
 HAMILTON COUNTY, OHIO
 TERREX HARRIS AVE, LLC
 2339 HARRIS AVENUE, CINCINNATI, OHIO

DRAFT

SV05

EXHIBIT A-2

Easement Area Legal Description



**LEGAL DESCRIPTION OF
HARRIS AVENUE CONSTRUCTION EASEMENT
1.6950 ACRES
CITY OF NORWOOD, HAMILTON COUNTY, OHIO**

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being part of the 60-foot Harris Avenue public right-of-way, and being more particularly described as follows:

COMMENCING at the centerline intersection of Forest Avenue and Harris Avenue, thence with the centerline of Harris Avenue N 84°11'57" W a distance of 25.27 feet to a point in the centerline of Harris Avenue, and the **REAL POINT OF BEGINNING** for the lands herein described;

Thence leaving Harris Avenue centerline, S 05°40'03" W a distance of 30.00 feet to a point in the existing southern right of way line of Harris Avenue and at the northeast corner of the lands now or formerly owned by Metropolitan Railway, Inc. as recorded in Official Record 5540, Page 159 of the Hamilton County, Ohio, Records;

Thence with said southern right-of-way line the following two courses and distances:

N 84°11'57" W a distance of 1077.53 feet to an found 5/8 inch iron pin with cap (Wilson #8281);

N 68°16'56" W a distance of 193.13 feet to a point at the approximate terminus of improved Harris Avenue;

Thence leaving said southern right-of-way, N 21°43'04" E a distance of 48.10 feet to a point in the existing northern right of way line of Harris Avenue and also being the southeastern corner of Lot 85 of Norwood Highland Syndicate as recorded in Plat Book 8, Page 3 of the Hamilton County, Ohio, Records;

Thence along said northern right of way line and in part with the southern line of said Norwood Highland Syndicate, the following two courses and distances:

S 68°33' 30" E a distance of 145.46 feet to a found 5/8 inch iron pin with cap (Wilson #8281);

S 84°11'57" E a distance of 1110.00 to the southeastern corner of Lot 68 of L.C. Hopkins' Subdivision of East Norwood as recorded in Plat Book 5, Pages 272 and 273 of the aforesaid records and the existing western right of way line of Forest Avenue;

Thence leaving said northern right-of-way, with the western right of way line of Forest Avenue, S 05°48'03" W a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 1.6950 acres of land, more or less, and being subject to all legal highways and any and all easements of record.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations DI2232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

The above legal description was prepared by Dennis T. Dinkelacker, Ohio Registered Land Surveyor No.7736, on June 4, 2018 and based on a field survey performed by Civil & Environmental Consultants, Inc. on July 24, 2017.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

CEC Project 172-041

Dennis T. Dinkelacker, P.S.
Registered Surveyor No. 7736

Date

Date Prepared: June 4, 2018

File Name: P:\2017\172-041\Survey\Documents\Harris Avenue Construction Easement\172041-LD-1.6950 Acre Construction Easement.docx

Date Prepared: January 23, 2017

Page 2 of 2

File Name: P:\2017\172-041\Survey\Documents\Harris Avenue Construction Easement\172041-LD-1.6950 Acre Construction Easement.docx

EXHIBIT B

Developer's Parcels Legal Descriptions

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 7/28/17 AC

CAGIS - _____

Tract 1 - Parcel Nos. 651-0022(0236, 0237 & 0238 CONS.)ST

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to The Zumbiel C. W. Company by Deed Book 3881, Page 984 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue, N 84°11'57" W a distance of 374.69 feet to a point;

Thence leaving said centerline of Harris Avenue, S 06°53'56" W a distance of 30.01 feet to a set 5/8" iron pin in the southerly right-of-way of Harris Avenue, said point also being the northeast corner of a 1.048 acre tract of land conveyed to The Zumbiel C. W. Company as recorded in Deed Book 1836, Page 150, and the POINT OF BEGINNING for the herein described tract of land;

Thence along said southerly right-of-way S 84°11'57" E a distance of 296.74 feet to a set cross notch in the westerly line of a parcel conveyed to Metropolitan Railway Inc. as recorded in Deed Book 5540, Page 159;

Thence along said westerly line, along a curve to the right with a radius of 1081.28 feet, an arc length of 177.53 feet, a chord bearing S 47°47'47" W and a chord distance of 177.33 feet to a found railroad spike;

Thence continuing along said westerly line, along a curve to the right with a radius of 385.28 feet, an arc length of 195.86 feet, a chord bearing of S 75°38'56" W and a chord distance of 193.76 feet to a set 5/8" iron pin in the easterly line of said 1.048 acre parcel;

Thence along said easterly line, N 06°53'56" E a distance of 198.58 feet to the POINT OF BEGINNING containing approximately 0.907 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

13466

02175

DESCRIPTION ACCEPTABLE

HAMILTON COUNTY ENGINEER

Tax Map - 7/25/17 AC

CAGIS - _____

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set are 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

Tract 2 - Parcel No. 651-0022-0175 ST

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to Canora Corporation by Deed Book 2557, Page 27 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 635.70 feet to a point;

Thence leaving said centerline of Harris Avenue S 05°48'03" W a distance of 30.00 feet to a set cross notch in the southerly right-of-way of Harris Avenue, said point also being the northwest corner of a 1.048 acre tract of land conveyed to The Zumbiel Realty Corporation as recorded in Deed Book 1836, Page 150, and the POINT OF BEGINNING for the herein described tract of land;

Thence leaving said southerly right of way, along said westerly line, S 05°48'03" W a distance of 133.38 feet to a set 5/8" iron pin;

Thence leaving said westerly line, N 68°16'57" W a distance of 171.13 feet to a set 5/8" iron pin in the easterly line of a 1.8360 acre parcel conveyed to Duke Energy Ohio Inc. by Deed Book 3322, Page 191;

Thence along said easterly line, N 05°48'03" E a distance of 86.45 feet to a set cross notch in said southerly right-of-way of Harris Avenue;

Thence along said southerly right-of-way S 84°11'57" E a distance of 164.57 feet to the POINT OF BEGINNING containing approximately 0.415 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 7/25/17 AC

CAGIS - _____

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

Tract 3 - Parcel Nos. 651-0022, ^{cons} 0239 through 248 ST
Situating in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase. Being part of Lots 65, 64, 63, 3, 2 and 1 of L.C. Hopkins Subdivision of East Norwood as recorded in Plat Book 5, Pages 272 & 273, and all of the land vacating part of Pine Street as described in Ordinance 39, 1970 as recorded in Deed Book 3734, Page 656, and part of the Lots 1, 2, 3, 39, 40 and 41 of Norwood Highland Syndicate as recorded in Plat Book 7, Page 78, and all of the land vacating Ash Street as described in Ordinance 39, 1970 recorded in Deed Book 3734, Page 656, and conveyed to The Zumbiel Realty Company by Deed Book 2484, Page 316 and Deed Book 3692, Page 130 of the Hamilton County Recorder's Office and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 175.19 feet to a point;

Thence leaving said centerline, N 05°40'03" E a distance of 30.00 feet to a set 5/8" iron pin at the northerly right-of-way of Harris Avenue, said iron pin also being the southeast corner of said Lot 65 and the POINT OF BEGINNING for the herein described tract of land;

Thence with said northerly right-of-way, and the southerly lines of said L.C. Hopkins Subdivision of East Norwood Lots 65, 64, 63, and the southerly line of said vacated Pine Street, and the southerly lines of Lots 3, 2 and 1, the southerly lines of said Norwood Highland Syndicate Lots 1, 2, 3, and said vacated Ash Street, and the southerly lines of Lots 39, 40, and 41, N 84°11'57" W a distance of 700.00 feet to a set 5/8" iron pin at the southwest corner of said Lot 41, said point also being the southeast corner of a 0.4360 acre parcel conveyed to Duke Energy Ohio, Inc. by Deed Book 1439, Page 121;

Thence leaving said northerly right of way, along the east line of said 0.4360 acre parcel, N 05°40'03" E a distance of 72.50 feet to a set 5/8" iron pin in the southerly right-of-way of eastbound S.R. 562;

Thence along said southerly right-of-way of said eastbound S.R. 562 the following eight (8) courses:

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEERTax Map - 7/25/17 AC

CAGIS - _____

1. Thence through said Lots 41, 40 and 39, S 81°14'30" E a distance of 150.22 feet to a set 5/8" iron pin in the westerly right-of-way of vacated Ash Street;
2. Thence S 81°14'43" E a distance of 50.07 feet to a set 5/8" iron pin in the easterly right-of-way of vacated Ash Street;
3. Thence through said Lots 3 and 2, S 81°14'25" E a distance of 100.15 feet to a set 5/8" iron pin in the easterly line of said Lot 2;
4. Thence through Lots 1 of Norwood Highland Syndicate, and Lot 1 and 2 of L.C. Hopkins Subdivision of East Norwood, S 79°49'34" E a distance of 125.38 feet to a set 5/8" iron pin;
5. Thence continuing through said Lot 2 and 3, S 79°49'31" E a distance of 75.23 feet to a found 5/8" iron pin with no cap in the westerly right-of-way of vacated Pine Street;
6. Thence S 78°29'14" E a distance of 50.26 feet to a set 5/8" iron pin in the easterly right-of-way of vacated Pine Street, said point also being the westerly line of said Lot 63;
7. Thence through said Lots 63 and 64, S 78°28'23" E a distance of 72.37 feet to a set 5/8" iron pin;
8. Thence continuing through said Lot 64 and 65, S 79°13'03" E a distance of 78.32 feet to a set 5/8" iron pin in the east line of said Lot 65;

Thence leaving said southerly right-of-way, along the east line of Lot 65, S 05°40'03" W a distance of 22.70 feet to the POINT OF BEGINNING containing 0.819 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

Tract 4 - Parcel No. 651-0022-0110 *st*

Situated in the State of Ohio, Hamilton County, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being all of the land conveyed to The Zumbiel Realty Company by Deed Book 1836, Page 150 of the Hamilton County Recorder's Office, and being more particularly described as follows:

BEGINNING FOR REFERENCE at the centerline intersection of Forest Avenue and Harris Avenue along the centerline of Harris Avenue N 84°11'57" W a distance of 374.69 feet to a point;

Thence leaving said centerline of Harris Avenue S 06°53'56" W a distance of 30.01 feet to a set 5/8" iron pin in the southerly right-of-way of Harris Avenue, said point also being the northwest corner of a 0.880 acre tract of land conveyed to The Zumbiel C.W. Company as recorded in Deed Book 3881, Page 984, and the POINT OF BEGINNING for the herein described tract of land;

Thence leaving said southerly right of way, along said westerly line of said Zumbiel C.W. Company tract, S 06°53'56" W a distance of 198.58 feet to a set 5/8" iron pin in the northerly line of a parcel conveyed to Metropolitan Railway Inc. by Deed Book 5540, Page 159;

Thence continuing along said northerly line, N 75°58'52" W a distance of 59.26 feet to a set 5/8" iron pin;

Thence leaving said northerly line N 68°13'10" W a distance of 205.93 feet to a set 5/8" iron pin in the easterly line of a 0.423 acre parcel conveyed to Canora Corporation by Deed Book 2557, Page 27;

Thence along said easterly line N 05°48'03" E a distance of 133.38 feet to a set cross notch in the southerly right-of-way of Harris Avenue;

Thence along said southerly right-of-way S 84°11'57" E a distance of 260.43 feet to the POINT OF BEGINNING containing approximately 1.0053 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations D12232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on December 16, 2015.

All iron pins set at 5/8" x 30" with "CEC" or "Wilson 8281" stamped caps.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 7/25/17 AC

CAGIS - _____

Tract 5 - Parcel No. 651-0022-0065 51

Situate in Section 34, T4, FR2, Columbia Township, Hamilton County, State of Ohio and in the City of Norwood, being part of Lots 43 and 44 of Norwood Highland Syndicate Subdivision as shown and recorded in Plat Book 7, Page 78, Hamilton County Recorder's Office, and being more particularly described as follows:

Beginning at the southwest corner of said Lot 44, said corner being the intersection of the easterly line of Marion Avenue with the northerly line of Harris Avenue; thence from said place of beginning, South $84^{\circ}11'13''$ East, along the northerly line of Harris Avenue, 87.94 feet to a point, said point being North $84^{\circ}11'13''$ West, 12.06 feet from the southeast corner of said Lot 43; thence departing from the northerly line of Harris Avenue, North $5^{\circ}40'47''$ East, 70.06 feet to a point in the southerly limited access right of way line of State Route 562 (Norwood Lateral); thence North $82^{\circ}11'44''$ West along the southerly limited access right of way line of said Highway, 88.00 feet to a point in the easterly line of Marion Avenue; thence South $5^{\circ}40'47''$ West along the easterly line of said Marion Avenue, 73.12 feet to the southwest corner of said Lot 44, the place of beginning, containing 6295.7 sq. ft. of land, more or less. (The above described property was surveyed by Jack K. Bridges, Registered Surveyor, #4050, State of Ohio.)

Tract 6 - Parcel No. 651-0022-0213 51

Situate in Hamilton County, Ohio, Columbia Township, Section 34, Town 4, Fractional Range 2, City of Norwood, and being more particularly described as follows:

Beginning at the intersection of the existing northerly right-of-way line of Harris Avenue and the existing westerly right-of-way line of Marion Avenue, said point being the southeasterly corner of Lot No. 81 on the Plat of the Norwood-Highland Syndicate's 2nd Subdivision as recorded in Plat Book 8, Volume 1, Page 3, of the Hamilton County Recorder's Office; thence N $5^{\circ}40'47''$ E, along the existing westerly right-of-way line of Marion Avenue, the east line of said Lot 81, and the southerly Limited Access right-of-way line of S.R. 562 for a distance of 73.32 feet to a point; thence S $83^{\circ}57'02''$ E, along the southerly Limited Access right-of-way line of S. R. 562 for a distance of 25.00 feet to a point in the center of Marion Avenue; thence S $5^{\circ}40'47''$ W, along the center of Marion Avenue for a distance of 73.22 feet to a point in the existing northerly right-of-way line of Harris Avenue; thence N $84^{\circ}11'13''$ W, along the existing northerly right-of-way line of Harris Avenue for a distance of 25.00 feet to the point of beginning. Contains 1832 Square Feet, including present road with occupies 1832 Square Feet but subject to the occupancy of all existing utilities. Being all of the land acquired by the State of Ohio from the City of Norwood as recorded in City of Norwood, Council Ordinance No. 46, 1973.

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER

Tax Map - 7/25/17 AR

CAGIS - _____

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER



Tax Map - 3/16/2018 MR

Civil & Environmental Consultants, Inc.

CAGIS - _____

BOUNDARY DESCRIPTION
0.1304 ACRES
CITY OF NORWOOD, HAMILTON COUNTY, OHIO

Situated in the State of Ohio, Hamilton County, Columbia Township, City of Norwood, Section 34, Township 4, Fractional Range 2 of the Miami Purchase and being part of Lot 42 and Lot 43 of the Norwood Highland Syndicate Subdivision as recorded in Plat Book 7, Page 78, and being a 0.1304 acre parcel owned by Duke Energy Ohio, Inc. by Deed Book 1439, Page 121, and being more particularly described as follows:

COMMENCING at the centerline intersection of Forest Avenue and Harris Avenue, thence along the centerline of Harris Avenue North $84^{\circ}11'57''$ West a distance of 875.20 feet to a point;

Thence leaving said centerline of Harris Avenue North $05^{\circ}40'47''$ East a distance of 30.00 feet to a found $5/8''$ iron pin with Wilson 8281 cap in the northerly right-of-way of Harris Avenue, said point also being the southwest corner of a 10,294 square foot parcel owned by The Zumbiel Realty Company by Deed Book 3692, Page 130, and the **POINT OF BEGINNING** for the herein described tract of land;

Thence with said northerly right-of-way, North $84^{\circ}11'57''$ West a distance of 62.06 feet to a found $5/8''$ iron pin with Wilson 8281 cap at the southeast corner of a 0.1445 acre parcel owned by Zumbiel C.W. Company by Deed Book 3929, Page 481;

Thence leaving said northerly right-of-way, with the east line of said Zumbiel parcel, North $05^{\circ}40'47''$ East a distance of 70.06 feet to a found $5/8''$ iron pin with Wilson 8281 cap in the southerly line of a 10,523 square foot parcel conveyed to State of Ohio by Deed Book 3715, Page 783, said point also being in the southerly right-of-way of S.R. 562;

Thence along the southerly line of said State of Ohio parcel the following four (4) courses:

1. South $82^{\circ}11'44''$ East a distance of 1.00 feet to a set $5/8''$ iron pin with cap;
2. North $05^{\circ}40'47''$ East a distance of 16.00 feet to a set $5/8''$ iron pin with cap;
3. North $24^{\circ}40'38''$ East a distance of 6.33 feet to a set $5/8''$ iron pin with cap;
4. South $84^{\circ}11'13''$ East a distance of 59.00 feet to a set $5/8''$ iron pin with cap in the westerly line of a parcel owned by the State of Ohio by Deed Book 3498, Page 30;

Thence leaving said southerly line, with said State of Ohio west line and the west line of said Zumbiel Realty Company, South $05^{\circ}40'47''$ West a distance of 92.00 feet to the **POINT OF BEGINNING** containing approximately 0.1304 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations DI2232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State

Date Prepared: June 9, 2017

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File Name: P:\2017\172-041\Survey\Documents\172041-LD-0.1304 Acre Parcel.docx

651-22-(66467) ST MR

0.1304 Acre Parcel
CEC Project 172-041

Plane coordinates taken to ground at Latitude N 39°09'47.62600", Longitude W 84°26'58.56800" and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on May 12, 2017.

All iron pins set are 5/8" x 30" with "Wilson 8281" stamped caps.

This parcel is identified as Parcel ID: 651-0022-0066-00 of the Hamilton County Auditor's Office.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Michael J. Wilson, P.S.
Registered Surveyor No. 8281

Date

DESCRIPTION ACCEPTABLE
HAMILTON COUNTY ENGINEER



Tax Map - 3/16/2018 MR

Civil & Environmental Consultants, Inc.

CAGIS -

BOUNDARY DESCRIPTION
0.0420 ACRES
CITY OF NORWOOD, HAMILTON COUNTY, OHIO

Situated in the State of Ohio, Hamilton County, Columbia Township, City of Norwood, Section 34 Township 4, Fractional Range 2 of the Miami Purchase and being part Marion Street vacated by Ordinance No. 46,1973 and recorded in Deed Book 3918, Page 949, and being a 0.0420 acre parcel owned by Duke Energy Ohio, Inc. by Deed Book 1439, Page 121 and being more particularly described as follows:

COMMENCING at the centerline intersection of Forest Avenue and Harris Avenue, thence along the centerline of Harris Avenue North $84^{\circ}11'57''$ West a distance of 1025.20 feet to a point;

Thence leaving said centerline of Harris Avenue North $05^{\circ}40'48''$ East a distance of 30.00 feet to a found $5/8''$ iron pin with Wilson 8281 cap in the northerly right-of-way of Harris Avenue, said point also being the southwest corner of a 0.1445 acre parcel owned by Zumbiel C.W. Company by Deed Book 3929, Page 481, and the **POINT OF BEGINNING** for the herein described tract of land;

Thence with said northerly right-of-way, North $84^{\circ}11'13''$ West a distance of 25.00 feet to a set $5/8''$ iron pin with Wilson 8281 cap;

Thence leaving said northerly right-of-way, North $05^{\circ}40'48''$ East a distance of 73.22 feet to a set $5/8''$ iron pin with Wilson 8281 cap;

Thence South $83^{\circ}57'02''$ East a distance of 25.00 feet to a set mag nail in the westerly line of said Zumbiel C.W. Company parcel;

Thence with said westerly line South $05^{\circ}40'48''$ West a distance of 73.12 feet to the **POINT OF BEGINNING** containing approximately 0.0420 acres of land more or less.

Basis of bearings is U.S. State Plane, NAD83 Ohio South (3402), established from a static observation and post processed utilizing NGS OPUS solution utilizing base stations DI2232 OHDT City of Dayton CORS ARP, DK3322 KYTF KY Hwy Dist. 6 CORS ARP, HD9007 KYBO Boone County CORS ARP. State Plane coordinates taken to ground at Latitude N $39^{\circ}09'47.62600''$, Longitude W $84^{\circ}26'58.56800''$ and a project height 516.485 feet and a ground scale factor of 1.0000813366.

This legal description is made in accordance with a field survey performed by Civil & Environmental Consultants, Inc. on May 12, 2017.

All iron pins set are $5/8''$ x 30" with "Wilson 8281" stamped caps.

This parcel is identified as Parcel ID: 651-0022-0214-00 of the Hamilton County Auditor's Office.

Date Prepared: May 23, 2017

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651-22-214 ST MR

13626

01319

0.0420 Acre Parcel
CEC Project 172-041

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Michael J. Wilson, P.S.
Registered Surveyor No. 8281

Date

Date Prepared: May 23, 2017

File Name: P:\2017\172-041\Survey\Documents\172041-LD-0.0420 Acre Parcel.docx

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