

AGREEMENT FOR THE SALE AND PURCHASE OF SANITARY SEWER

THIS AGREEMENT (the “Agreement”), is made and entered into as of the ____ day of _____, 2019, by and between the CITY OF POWELL, Delaware County, Ohio, a political subdivision of the State of Ohio (the “City”), and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, a county and political subdivision of the State of Ohio (the “County”).

WITNESSETH:

WHEREAS, the City currently owns and maintains a certain eight inch (8”) sanitary sewer line and sanitary manhole within the right-of-way of Adventure Park Drive that serves Adventure Park Pool and Skate Park and other City facilities; and

WHEREAS, as a part of the development or redevelopment of real property adjacent to Adventure Park Drive, the County has received a request for sanitary sewer service through connection to the sanitary sewer; and

WHEREAS, the County is willing to assume ownership and maintenance of a three hundred thirty three foot (333’) portion of the sanitary sewer and one sanitary manhole as described and depicted in Exhibit A, attached hereto and, by this reference, incorporated herein (specifically hereafter, “Sanitary Sewer”); and

WHEREAS, the City is willing to sell the Sanitary Sewer in consideration of one dollar (\$1.00) and the County assuming maintenance of the Sanitary Sewer in perpetuity;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the City and the County covenant, agree and bind themselves as follows:

1. Sale of the Sanitary Sewer. the City agrees to sell the Sanitary Sewer as described in Exhibit A to the County in consideration of one dollar (\$1.00) and the County assuming maintenance of the Sanitary Sewer in perpetuity.

2. Effective Date of Agreement; Amendment. This Agreement shall become effective on the date that it is executed and delivered. This Agreement may be amended only by mutual agreement of the parties hereto. No amendment to this Agreement shall be effective unless it is contained in a written document approved through legal process and signed on behalf of all parties hereto by duly authorized representatives.

3. Waiver. No waiver by the City or the County of the performance of any terms or provision hereof shall constitute, or be construed as, a continuing waiver of performance of the same or any other term or provision hereof.

4. Merger; Entire Agreement. This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussion, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this Agreement.

5. Severability. Should any portion of this Agreement be declared by the courts to be unconstitutional, invalid or otherwise unlawful, such decision shall not affect the entire agreement but only that part declared to be unconstitutional, invalid, or illegal and this Agreement shall be construed in all respects as if any invalid portions were omitted.

6. Counterparts; Captions. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the City and the County have caused this Agreement to be executed in their respective names by their duly authorized officers all as of the date hereinbefore written.

**CITY OF POWELL, DELAWARE
COUNTY, OHIO**

By: _____
Printed Name: Jon C. Bennehoof, Mayor

By: _____
Printed Name: Karen J. Mitchell, City Clerk

**BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, OHIO**

By: _____
Barb Lewis, President
Pursuant to Resolution No. 11-137 and
Resolution No. 19-

EXHIBIT A

[description/depiction of Sanitary Sewer being conveyed]

LEGAL DESCRIPTION
0.049 ACRE
EASEMENT

Situated in the State of Ohio, County of Delaware, Township of Liberty, City of Powell, and being in Section 4, Township 3, Range 19, Farm Lot 33, United States Military Lands, being part of a 17.564 acre tract conveyed to the Village of Powell in Deed Book 523, Page 788, all being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

COMMENCING from an iron pin set capped "E.P. FERRIS SURVEYOR 8342", being on the intersection of the westerly right-of-way line of Morris Court (50') and the southerly line of said 17.564 acre tract, also being the northerly line of a 9.5 acre tract conveyed to Virginia L. Perry, Harold Perry, and Cheryl Keenan in Deed Book 1050, Page 882, said iron pin set being the **TRUE POINT OF BEGINNING**:

Thence along the northerly line of said 9.5 acre tract and the southerly line of said 17.564 acre tract, North 87°18'41" West, 109.67 feet to a point;

Thence across said 17.564 acre tract, the following two (2) courses:

North 02°41'19" East, 23.04 feet to a point;

South 87°17'37" East, 55.67 feet to a point, being on the southwesterly line of Adventure Park Drive (50') as originally dedicated in Plat Cabinet 1, Slides 448 through 448A;

Thence along the southwesterly line of said Adventure Park Drive, along the northerly line of said 17.564 acre tract, along a curve to the left, having a radius of 177.80 feet, a delta angle of 9°21'31", an arc length of 29.04 feet, and a chord bearing and distance of South 75°12'34" East, 29.01 feet to an iron pin set, being the intersection of the southerly line of said Adventure Park Drive and the westerly line of said Morris Court;

Thence along the westerly line of said Morris Court and the easterly line of said 17.564 acre tract, along a curve to the right, having a radius of 35.00 feet, a delta angle of 52°04'16", an arc length of 31.81 feet, and a chord bearing and distance of South 53°51'11" East, 30.73 feet to an iron pin set, said iron pin set being the **POINT OF TRUE BEGINNING**, containing 0.049 acres (2,128 S.F.), more or less.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron Pins set are 5/8" rebar, with a yellow plastic cap with "EP FERRIS SURVEYOR 8342".

Bearings referenced herein are based on the southerly line of said 17.564 acre tract as being North 87°18'41" West as determined by GPS observations utilizing Ohio Department of Transportation's Virtual Reference Station, based on Ohio State Plane North Zone (NAD 83, 2011 adjustment).

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on October 25, 2019.



Matthew Lee Sloat *10/25/19*

Matthew Lee Sloat, PS 8342

Date

LEGAL DESCRIPTION
0.055 ACRE
EASEMENT

Situated in the State of Ohio, County of Delaware, Township of Liberty, City of Powell, and being in Section 4, Township 3, Range 19, Farm Lot 33, United States Military Lands, being part of a 17.564 acre tract conveyed to the Village of Powell in Deed Book 523, Page 788, all being of record in the Recorder's Office, Delaware County, Ohio, and being more particularly described as follows:

COMMENCING from an iron pin set capped "E.P. FERRIS SURVEYOR 8342", being on the intersection of the easterly right-of-way line of Morris Court (50') and the southerly line of said 17.564 acre tract, also being the northerly line of a 9.5 acre tract conveyed to Virginia L. Perry, Harold Perry, and Cheryl Keenan in Deed Book 1050, Page 882, said iron pin set being the **TRUE POINT OF BEGINNING**:

Thence along the easterly right-of-way line of said Morris Court, across said 17.564 acre tract, along a curve to the right, having a radius of 35.00 feet, a delta angle of 56°02'31", an arc length of 34.24 feet, and a chord bearing and distance of North 64°40'02" East, 32.89 feet to an iron pin set, being on the southerly line of Adventure Park Drive (50') as originally dedicated in Plat Cabinet 1, Slides 448 through 448A;

Thence along the southerly line of said Adventure Park Drive and the northerly line of said 17.564 acre tract, South 87°18'41" East, 128.40 feet to a point, being on the westerly line of an existing 20' sanitary easement as recorded in Deed Book 582, Page 419;

Thence across said 17.564 acre tract, along the westerly line of said existing 20' sanitary easement, South 30°57'52" East, 18.56 feet to a point, being on the northerly line of said 9.5 acre tract and the southerly line of said 17.564 acre tract;

Thence along the northerly line of said 9.5 acre tract and the southerly line of said 17.564 acre tract, North 87°18'41" West, passing an iron pin found at 152.41 feet, a total distance of 167.72 feet to an iron pin set, said iron pin set being the **POINT OF TRUE BEGINNING**, containing 0.055 acres (2,379 S.F.), more or less.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

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Bearings referenced herein are based on the southerly line of said 17.564 acre tract as being North 87°18'41" West as determined by GPS observations utilizing Ohio Department of Transportation's Virtual Reference Station, based on Ohio State Plane North Zone (NAD 83, 2011 adjustment).

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Matthew Lee Sloat 10/25/19

Matthew Lee Sloat, PS 8342

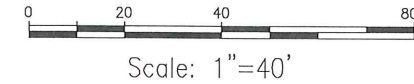
Date

LEGEND

- PL Property Line
- R/W Right-of-Way
- POC Point of Commencement
- POB True Point of Beginning
- Mag Spike set (If denoted)
or Iron Pin Set (I.P.S.)
- Iron Pin Found (I.P.F.)
- Proposed Easement Area

0.049 ACRE EASEMENT

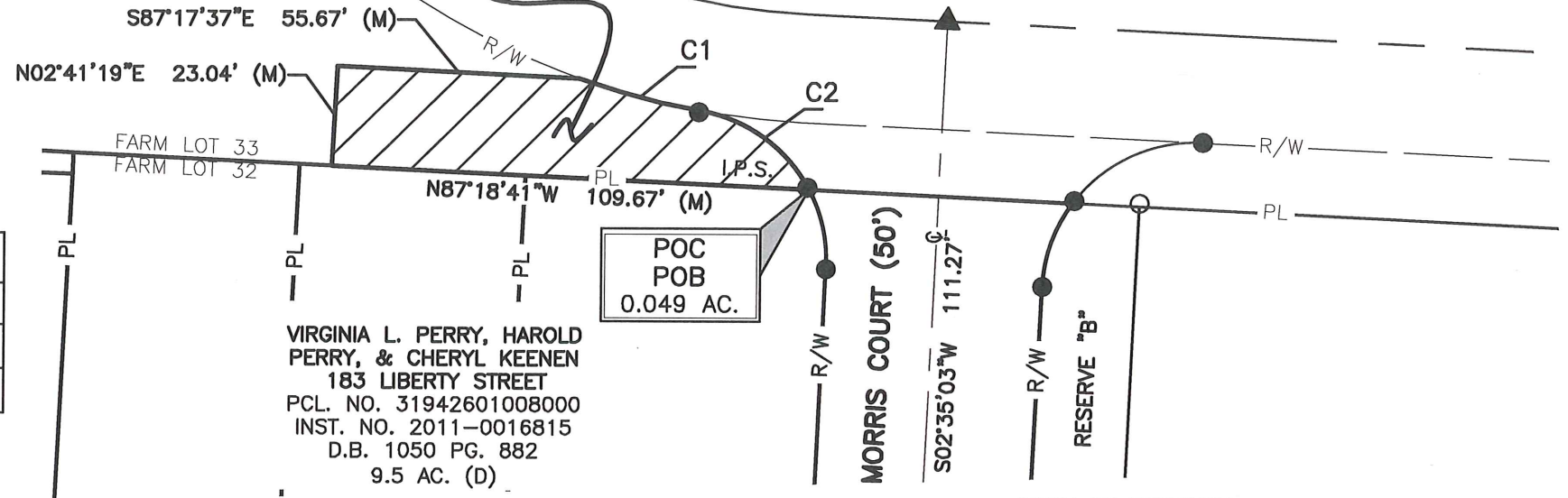
STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY,
CITY OF POWELL, AND BEING IN SECTION 4, TOWNSHIP 3, RANGE 19,
FARM LOT 33, UNITED STATES MILITARY LANDS



**0.049 Acre Easement
(2,128 S.F.)**

VILLAGE OF POWELL
260 ADVENTURE PARK DRIVE
PCL. NO. 31942601005000
INST. NO. 1990-00053606
D.B. 523 PG. 788
17.564 AC. (D)

ADVENTURE PARK DRIVE (50')
P.C. 1, SLIDES 448-448A



CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	29.04'	177.80'	009°21'31"	29.01'	S75°12'34"E
C2	31.81'	35.00'	052°04'16"	30.73'	S53°51'11"E

VIRGINIA L. PERRY, HAROLD
PERRY, & CHERYL KEENEN
183 LIBERTY STREET
PCL. NO. 31942601008000
INST. NO. 2011-0016815
D.B. 1050 PG. 882
9.5 AC. (D)

POC
POB
0.049 AC.

BASIS OF BEARINGS:

BEARINGS REFERENCED HEREIN ARE BASED ON THE
SOUTHERLY LINE OF THE 17.564 ACRE PERRY
TRACT AS BEING NORTH 87°18'41" WEST AS
DETERMINED BY GPS OBSERVATIONS UTILIZING OHIO
DEPARTMENT OF TRANSPORTATION'S VIRTUAL
REFERENCE STATION, BASED ON OHIO STATE PLANE
NORTH ZONE (NAD 83, 2011 ADJUSTMENT)

All set Iron pins set are 5/8" rebar, 30" in length
with a yellow plastic cap with "EP FERRIS
SURVEYOR 8342" inscribed on top.

Field survey was conducted from 04-12-16 to
02-25-19.

E. P. FERRIS
AND
ASSOCIATES
INC.

Consulting Civil Engineers and Surveyors

CONTACT:

880 KING AVENUE
COLUMBUS, OHIO 43212
(614) 299-2999
(614) 299-2992 (Fax)
www.EPFERRIS.com



BY: *Matthew Lee Sloat* 10/25/19
MATTHEW L. SLOAT, P.E., P.S.
Registered Surveyor No. 8342

0.049 ACRE
EASEMENT
MORRIS STATION
CITY OF POWELL, OHIO

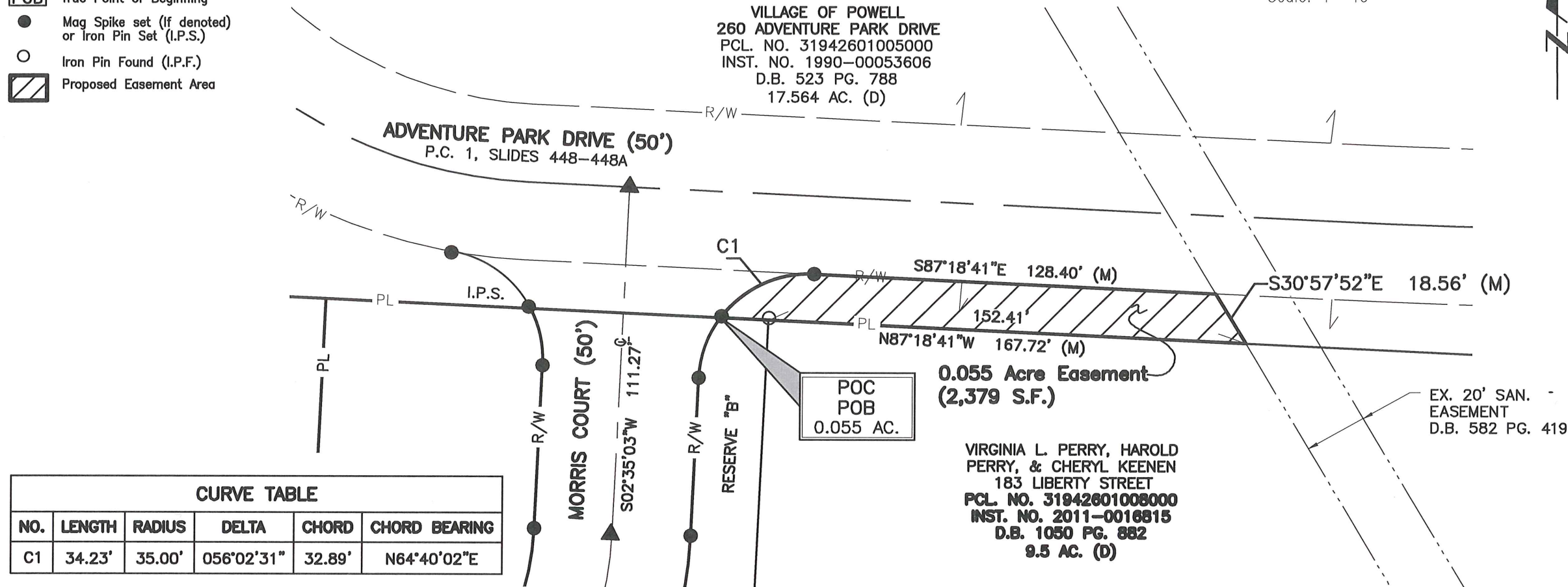
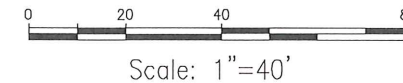
JOB NO.	215.003
DRAWN BY:	CK
CHECKED BY:	MLS
APPROVED BY:	MLS
DATE:	10-25-2019

LEGEND

- PL Property Line
- R/W Right-of-Way
- POC Point of Commencement
- POB True Point of Beginning
- Mag Spike set (If denoted)
or Iron Pin Set (I.P.S.)
- Iron Pin Found (I.P.F.)
- ▨ Proposed Easement Area

0.055 ACRE EASEMENT

STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY,
CITY OF POWELL, AND BEING IN SECTION 4, TOWNSHIP 3, RANGE 19,
FARM LOT 33, UNITED STATES MILITARY LANDS



CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	34.23'	35.00'	056°02'31"	32.89'	N64°40'02"E

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Matthew Lee Sloat 10/25/19

MATTHEW L. SLOAT, P.E., P.S.
Registered Surveyor No. 8342

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0.055 ACRE
EASEMENT
MORRIS STATION
CITY OF POWELL, OHIO

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