

ORDINANCE 2019-26

GRANTING A UTILITY EASEMENT TO VECTREN ENERGY DELIVERY OF OHIO, INC. AND DECLARING AN EMERGENCY

WHEREAS, Vectren Energy Delivery of Ohio, Inc., intends to install, operate and maintain gas delivery mains through the property identified in Exhibit A attached hereto; and

WHEREAS, provision of reliable gas delivery is deemed an essential service; and

WHEREAS, the property described in Exhibit A is owned by the Village of Yellow Springs: and

WHEREAS, Council for the Village of Yellow Springs is required to approve all easements involving public property; and

WHEREAS, Vectren has presented this easement to the Village and has requested to enter into an agreement for the right to install and maintain gas lines in this right of way as described in Exhibits A, B and C,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. Council declares its intention to grant for utility purposes an easement to Vectren Energy Delivery of Ohio, Inc. in and to the premises as described in the attached Exhibits A, B and C.

Section 2. This Ordinance is hereby declared to be an emergency measure authorized under the Village’s home rule powers necessary for the benefit of the health, safety and welfare of the Village and shall take effect immediately upon approval by Village Council.

\_\_\_\_\_  
Brian Housh, President of Council

Passed: 7-15-2019

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh \_\_Y\_\_ Marianne MacQueen \_\_Y\_\_ Kevin Stokes \_\_Y\_\_

Lisa Kreeger \_\_Y\_\_ Kineta Sanford \_Y\_\_

# Judge Engineering Company

Professional Engineers and Surveyors • Consultants

## EXHIBIT A

Description of the Centerline of a 10' Wide Vectren Easement  
Village of Yellow Springs, Greene County, Ohio  
Parcel ID: F19 0001 0011 0 0246 00

Situate in Section 20, Town 4, Range 8 M.Rs., Village of Yellow Springs, Greene County, Ohio, and being a 10 feet wide easement upon a 0.727 acre tract conveyed to Village of Yellow Springs, Ohio, by deed recorded in Volume 3324, Page 166 of the deed records of said county. The centerline of said easement being more particularly described as follows;

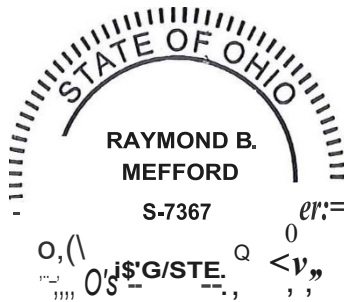
Starting at a point on the west line of the right of way known as Railroad Street (60'R/W) at the northeast corner of said 0.727 acre tract:

Thence with said west line on a curve to the left having a radius of 5729.65 feet and an arc distance of 5.05 feet (said curve having a central angle of  $0^{\circ} 03' 02''$  and a chord bearing of S  $06^{\circ} 26' 39''$  E, a distance of 5.05 feet) to a point on and the true point of beginning of the herein described centerline;

Thence from said true point of beginning S  $75^{\circ} 33' 57''$  W, a distance of 111.24 feet to a point;

Thence S  $12^{\circ} 25' 20''$  E, a distance of 85.59 feet to a point;

Thence S  $09^{\circ} 13' 20''$  E, a distance of 10.00 feet to a point and terminus of the herein described centerline containing 2,068 square feet more or less.



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GRAPHIC SCALE

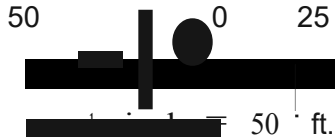


EXHIBIT B  
VECTREN EASEMENT

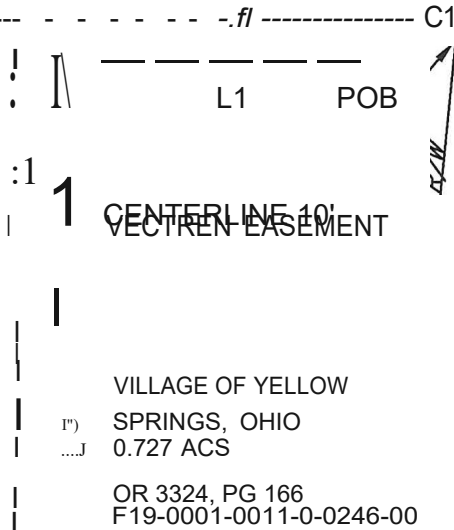
TED A DONNELL  
KAREN S WINTROW  
0.50 ACS  
OR 1566, PG 795  
F19-0001-0011-0-0247-00

VILLAGE OF YELLOW SPRINGS  
14.0120 ACS.  
OR 202, PG 115  
F19-0001-0016-0-0068-00

VILLAGE OF YELLOW SPRINGS  
GREENE COUNTY, OHIO  
MAXIMO #16395294  
ORACLE #18O466O3G5O219

STARTING POINT

MILU BUY PRODUCTIONS  
0.635 ACS  
DEED 2018008596  
F19-0001-0011-0-0310-00



LINE	BEARING	DIST.
L1	S 75°33'57" W	111.24'
L2	S 12°25'20" E	85.59'
L3	S 09°13'20" E	10.00'

CURVE RADIUS	ARC	DELTA	CHORD
C1 5729.65'	5.05'	0°03'02"	S 06°26'39" E 5.05'

Prepared By:

JUDGE ENGINEERING CO.  
1201 E. DAYID ROAD  
KETTERING, OHIO 45429

**EXHIBIT C**

**VECTREN ENERGY DELIVERY OF OHIO, INC. GRANT OF EASEMENT  
KNOW ALL PERSONS BY THESE PRESENTS**

**THAT Village of Yellow Springs, Ohio**

**Grantor(s) for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and warrants to Vectren Energy Delivery of Ohio, Inc., an Ohio corporation, 4285 N. James McGee Blvd., Dayton, Ohio 45427 (hereinafter called "Grantee"), do(es) hereby grant, unto the Grantee, and its successors and assigns forever, a right of way and easement for any and all purposes for which natural, artificial and/or liquefied petroleum gas, and/or any other liquefied or gaseous substance is now or may hereafter be used, and also, to construct, reconstruct, erect, add to, operate, maintain, use, remove, replace either underground or above, all appurtenant valves, anodes, pipeline(s), drips, regulators, pits, and all other necessary and incidental appurtenances contained in, over, upon, under and through, subject to the conditions hereinafter on the following premises, viz:**

**Situate in Section 20, Town 4, Range 8 M.Rs., Village of Yellow Springs, Green County, Ohio, and being a 10 feet wide easement upon a .0727 acre tract conveyed to the Village of Yellow Springs, Ohio, by deed recorded in Volume 3324, Page 166 of the deed records of said county. The centerline of said easement being more particularly described and shown on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.**

**Parcel ID: F19 0001 0011 0 0246 00**

**The Grantee, its successors and assigns, its agents, contractors and employees will have the right of ingress and egress over the right of way and the adjoining premises of The Grantor for all purposes previously stated, together with the right to trim, cut, and remove or otherwise control trees, roots, undergrowth or overhanging branches or other obstructions both within and without the limits of the right of way and easement which according to The Grantee's standards and its opinion may interfere with the construction, maintenance, use or successful operation of the gas pipeline facilities.**

**No buildings or other structures shall be erected within the limits of the said right of way and easement by The Grantor(s). No excavating or filling shall be done or be permitted by The Grantor within the right of way and easement that would either (A) reduce or add to the distance between The Grantee's facilities and the land surface without The Grantee's prior written consent and which consent will not be unreasonably withheld, (B) impair The Grantee's ability to maintain the facilities or (C) create a hazard.**

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**Grantor may use the easement strip for purposes which are not inconsistent with the safe operation of Grantee's facilities (including Grantee's access thereto) and which will not interfere with the rights and privileges granted to Grantee by the Gas Line Easement.**

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**The Grantee, its successors and assigns, shall reimburse The Grantor(s) for any damage or loss to growing crops and other property damages that may be caused by The Grantee, its agents, contractors or employees in construction, repair or removal of said gas pipeline facilities.**

**The Grantor(s) covenant with The Grantee, that they is/are the true and lawful owners of the property herein described and have full power and authority to grant this right of way and easement.**

**The grant of right of way and easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors, and assigns.**

**As used herein, words in plural number include words in the singular number.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Village of Yellow Springs, Ohio

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

STATE OF OHIO, COUNTY OF \_\_\_\_\_, SS:

Personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_ Village of Yellow Springs, Ohio \_\_\_\_\_, by \_\_\_\_\_  
\_\_\_\_\_, its \_\_\_\_\_, and by \_\_\_\_\_  
\_\_\_\_\_, its \_\_\_\_\_, who  
acknowledged the execution of the above instrument to be their voluntary act and deed for  
and on behalf of said entity.

\_\_\_\_\_  
Notary Public

(typed or printed name) \_\_\_\_\_

My commission \_\_\_\_\_

expires:

This Instrument Prepared By Alissa Rudolph Vectren Energy Delivery of Ohio, Inc.  
6500 Clys Road, Centerville, Ohio 45459  
Project No. 18-0466-03-G50-219  
Village of Yellow Springs.ge