

RESOLUTION NO. OR12-24

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL GRANTING A NON-EXCLUSIVE EASEMENT ON CITY-OWNED PROPERTY LOCATED ON EAST MAIN STREET, IDENTIFIED AS PARCEL ID NOS. H33 00101 0007 AND H33 00101 0008, TO VECTREN ENERGY DELIVERY OF OHIO, LLC, DBA CENTERPOINT ENERGY, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PIPELINE EASEMENT AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Trotwood owns land located on East Main Street, identified as Parcel ID Nos. H33 00101 0007 and H33 00101 0008; and

WHEREAS, it is necessary for the City of Trotwood to grant a non-exclusive easement on this land to Vectren Energy Delivery of Ohio, LLC, DBA Centerpoint Energy (“Centerpoint”) to facilitate the replacement of the existing gas line; and

WHEREAS, the City Manager recommends City Council authorize him, on behalf of the City, to grant the non-exclusive easement to Centerpoint and to execute a Pipeline Easement Agreement on the City’s behalf; and

WHEREAS, for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of Trotwood and to ensure infrastructure is operating safely and efficiently, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: The Trotwood City Council hereby authorizes the granting of a non-exclusive easement on City-owned property located on East Main Street and identified as Parcel ID Nos. H33 00101 0007 and H33 00101 0008.

SECTION II: The Trotwood City Council further authorizes the City Manager to enter into a Pipeline Easement Agreement with Centerpoint that is in substantially similar form as the Agreement attached hereto and incorporated herein as Exhibit “A”.

SECTION III: The Trotwood City Council declares that an emergency exists so to protect the public peace, health, safety, and welfare of the City’s residents and to ensure infrastructure is operating safely and efficiently, which therefore requires the expedited implementation of this legislation.

SECTION IV:

It is hereby 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 any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION V:

In accordance with Section 4-6 of the Charter of the City of Trotwood, Ohio, this Ordinance shall take effect immediately upon its adoption by Council.

Passed this 3rd day of September, 2024.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



YVETTE F. PAGE
MAYOR



TYNA R. BROWN
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR12-24 adopted by the Trotwood City Council at a regular scheduled meeting held on the 3rd day of September, 2024, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

CLERK OF COUNCIL

Tract No. 1
OH-DAYTON-V-XA-12312

SAP W.O. # 105597230

CROSS REFERENCE: Instrument No. 2012-00021348 and Instrument No. 2012-00036680

PIPELINE EASEMENT

THIS INDENTURE WITNESSETH, THAT **The City of Trotwood, Ohio, an Ohio municipality**, hereinafter collectively and individually called "Grantor", for and in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, the receipt of which is hereby acknowledged, hereby GRANTS and CONVEYS to VECTREN ENERGY DELIVERY OF OHIO, LLC, an Ohio limited liability company doing business as CENTERPOINT ENERGY OHIO, its successors, assigns and lessees, hereinafter collectively referred to as "Grantee", an easement with the right, from time to time, to install, construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove pipelines, including but not limited to, drips, valves, anodes, pits, pipeline markers, cathodic equipment, test leads, meters, protective facilities, and all other appurtenances thereto, whether above or below the surface, convenient or necessary for the transportation and distribution of gas or other substances which can be transported through pipelines (the "Facilities"), in, under, over, across, upon, and through the land of Grantor situated in

City of Trotwood, Montgomery County, Ohio and being part of the Northwest Quarter of Section 15, Township 4 North, Range 5 East, and being a parcel conveyed to Grantor by General Warranty Deed, Instrument Number 2012-00021348 and General Warranty Deed, Instrument Number 2012-00036680, in the office of the Recorder of Montgomery County, Ohio.

Parcel No. H33 00101 0007 and H33 00101 0008

Said easement granted herein shall be a strip of land approximately 0.063 Acres, as described on Exhibit "A" and graphically depicted on Exhibit "B", attached hereto and made a part hereof (the "Permanent Easement").

The Grantee will have the right to ingress and egress over the land of Grantor to and from said Permanent Easement in the exercise of the rights herein granted, together with reasonable working space for the purposes of constructing, installing, operating, maintaining, replacing, inspecting, and removing said Facilities. In the exercise of such rights the Grantee will, whenever practicable to do so, use existing highways, roadways or other access routes.

The Permanent Easement is made subject to the following terms and conditions:

- 1) **Improvements:** Grantor shall not erect or maintain any buildings, structures, property, or any other type of improvement or obstruction, either of a permanent or temporary nature, above or below ground within the Permanent Easement without Grantee's prior written consent. Grantee shall not be responsible to Grantor for damages to or removal of buildings, structures, property, or any other type of improvements or obstructions encroaching into the Permanent Easement.
- 2) **Changes in grade or excavation:** No excavating or grading shall be done within the Permanent Easement which would either (A) reduce the coverage of soil over said pipelines or (B) increase the coverage more than two (2) feet without the prior written consent of Grantee which consent will not be unreasonably withheld, (C) impair the Grantee's ability to maintain the Facilities or (D) create a hazard. The "811" Utility Protection Service and Grantee must be called at least forty-eight (48) hours before anyone excavates in the Permanent Easement.
- 3) **Trees, Bushes, Branches, and Roots:** Grantor further grants to Grantee the right to trim, cut down, remove or otherwise control any trees, bushes, branches, roots, overhanging branches, and vegetation growing upon said Permanent Easement which according to Grantee's standards or in the sole discretion of Grantee may now or at any time interfere with the construction, use, maintenance, surveillance, access or efficient, safe and proper operation of its Facilities. Grantee shall not be responsible to Grantor for damages to, or removal of, trees or other plant life, with the exception of growing non-timber crops, in the Permanent Easement.
- 4) **Location:** The Facilities are to be located in the Permanent Easement.
- 5) **Reimbursement and Restoration:** Grantee shall reimburse Grantor for any damage or loss to growing crops, soil, tile, gates and fences that may be caused by Grantee or its contractors while accessing or working in the Permanent Easement. Any such damages shall be paid or otherwise restored as nearly as can be to its original condition by Grantee, provided written notice thereof is given to Grantee at its Evansville office located at P.O. Box 209, Evansville, Indiana 47702-0209, or

such place as Grantee may designate, within ninety (90) days after the occurrence of such damage.

- 6) **Grantor's Rights:** Subject to the rights herein granted to Grantee, Grantor reserves the right to use and enjoy the land included within said Permanent Easement 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 Permanent Easement.

Grantor covenants that Grantor is the true and lawful owner of the property herein described and has full power and authority to grant this Pipeline Easement. The undersigned person(s) executing this instrument on behalf of the Grantor represent and certify that they are duly elected officers of the Grantor and have been fully empowered to execute and deliver this instrument and that all necessary corporate action for the granting of such easement has been taken and done.

This Pipeline Easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors, and assigns.

Signature and Acknowledgement page to follow:

DATED this _____ day of _____, 2024.

The City of Trotwood, Ohio, by:

Signature

Signature

Print Name

Print Name

Title

Title

STATE OF OHIO, COUNTY OF _____, SS:

Personally appeared before me this _____ day of _____, 2024,

The City of Trotwood, Ohio, an Ohio municipality, 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. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public

(Printed name)

My Commission expires _____

This instrument prepared by the Grantee named herein by Andrew Reichle.

Grantee's Mailing Address: Vectren Energy Delivery of Ohio, LLC, dba CenterPoint Energy Ohio
1 N. Main Street, P.O. Box 209, Evansville, Indiana 47702

Owner

Tax #: H33 00101 0007
Land Owner Name: City of Trotwood, Ohio, an Ohio municipality
Instrument No. 2012-00036680
General Warranty Deed
Executed: April 12, 2012
Recorded: June 13, 2012

Tax #: H33 00101 0008
City of Trotwood, an Ohio municipal corporation
Instrument No. 2012-00021348
General Warranty Deed
Executed: March 28, 2012
Recorded: April 9, 2012

CenterPoint Energy
Survey Contractor



Schneider Geomatics
8901 Otis Avenue, Suite 100
Indianapolis IN 46216
(317) 826-7100 www.schneidergeomatics.com

Permanent Easement Area

2752 square feet ±
0.063 acres ±

Permanent Easement Description

Part of the Northwest Quarter of Section 15, Township 4 North, Range 5 East in Montgomery County, Ohio being a permanent easement upon parcels of land conveyed to City of Trotwood, Ohio as recorded in Instrument 2012-00021348 and Instrument 2012-00036680 in the Office of the Recorder of Montgomery County, Ohio described as follows:

Beginning at the southeast corner of a 5.639 acre tract of the Grantor's lands as described in Instrument 2012-00021348 in the said recorder's office and on the north right-of-way line of East Main Street; thence along said north right-of-way line North 75 degrees 34 minutes 31 seconds West 78.03 feet to the east line of a 3.618 acre tract of the Grantor's lands as described in Instrument 2012-00036680 in said recorder's office; thence continuing on said right-of-way line being said east line of Grantor's lands South 05 degrees 45 minutes 29 seconds East 12.79 feet; thence leaving said right-of-way North 75 degrees 34 minutes 31 second West 63.38 feet; thence North 14 degrees 25 minutes 29 seconds East 27.00 feet; thence South 75 degrees 34 minutes 31 seconds East 133.34 feet to the east line of said Grantor's lands described in Instrument 2012-00021348; thence along said east line South 00 degrees 42 minutes 50 seconds West 15.44 feet to the **Point of Beginning**, containing 0.063 acres, more or less.

The above description was prepared on February 29, 2024 by Coralina Candler, Ohio Professional Surveyor Number 8875, and is based on record documents found in said Recorder's Office and other sources. No ground survey was performed for the benefit of this description.

NOTES

1. This description is intended to be compliant with OAC 4377.
2. Areas, bearings, coordinates, and distances shown hereon are based upon the Ohio State Plane - South Zone (NAD83(2022)), Ohio Department of Transportation VRS RTK Network, and are cited in U.S. Survey Feet and decimal parts thereof as well as Degrees-Minutes-Seconds.



Coralina L. Candler

Coralina Candler
Ohio Registered Land Surveyor 8875
February 29, 2024

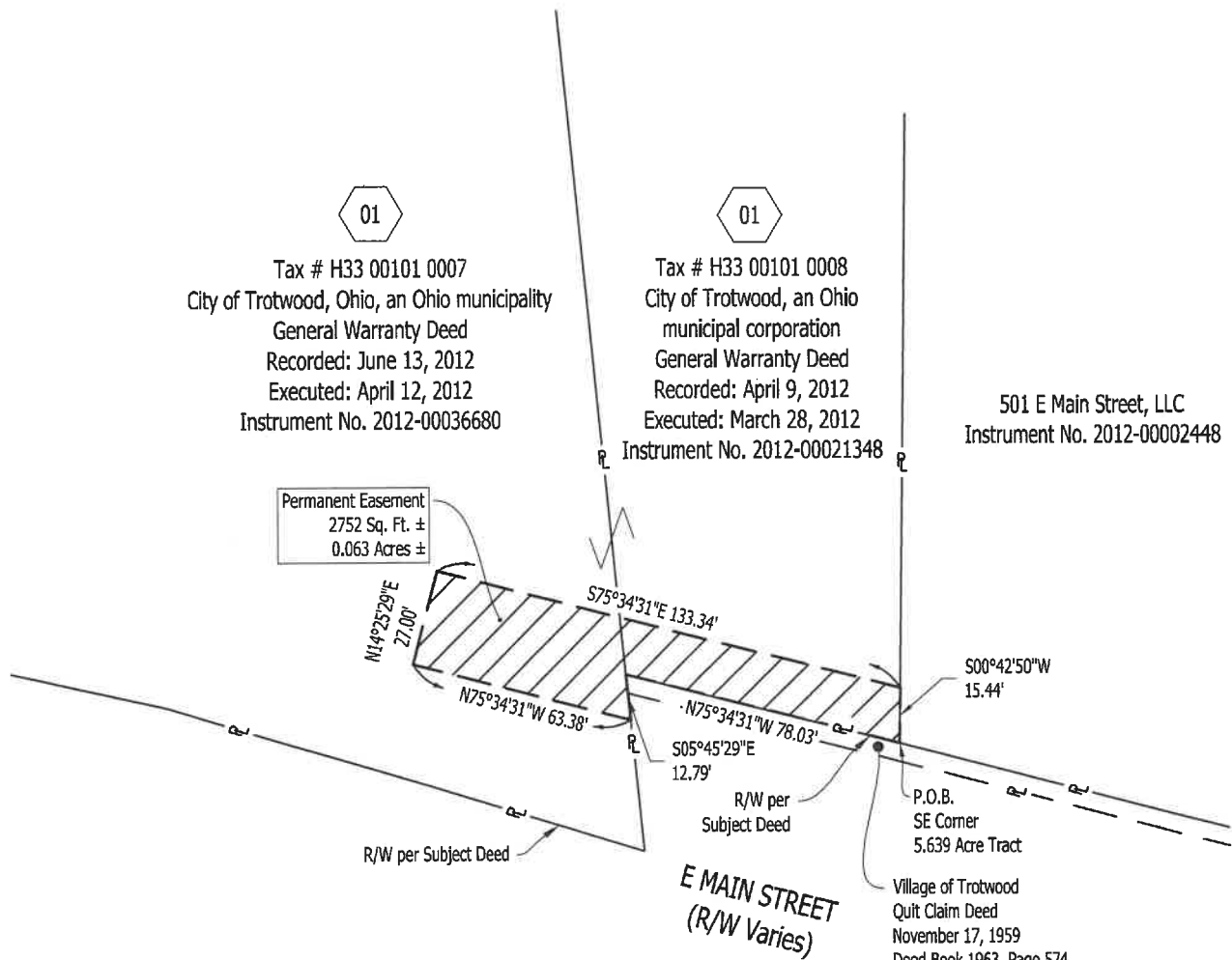
Project: **OH-DAYTON-V-XA-12312**
Tract: **01**
Title: **Permanent Easement**
Location: **Pt NW 1/4 Sec 15-T4N-R5E**
City of Trotwood, Montgomery County, Ohio

Date: 2024/03/21	Drawn By: NMG	Checked By: JNW
Rev.# _:	Drawn By:	Checked By:
Job #: 2419038	Task #:	SAP #: 105597230

Drawing Prepared By: CenterPoint Energy Survey Contractor (see above)



Exhibit "A"



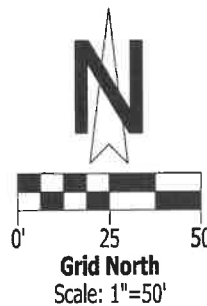
LEGEND

- Tract Number
- Permanent Easement
- Denotes Deed Line or Ownership Change
- POC - Point of Commencement | POT - Point of Terminus
- POB - Point of Beginning | R/W - Right-of-Way

NOTES

1. This description is intended to be compliant with OAC 4377.
2. Areas, bearings, coordinates, and distances shown hereon are based upon the Ohio State Plane - South Zone (NAD83(2022)), Ohio Department of Transportation VRS RTK Network, and are cited in U.S. Survey Feet and decimal parts thereof as well as Degrees-Minutes-Seconds.
3. Rights of Ways Source(s): County records or deeds shown hereon.

Sheet 1 of 1



Project: **OH-DAYTON-V-XA-12312**

Tract: **01**

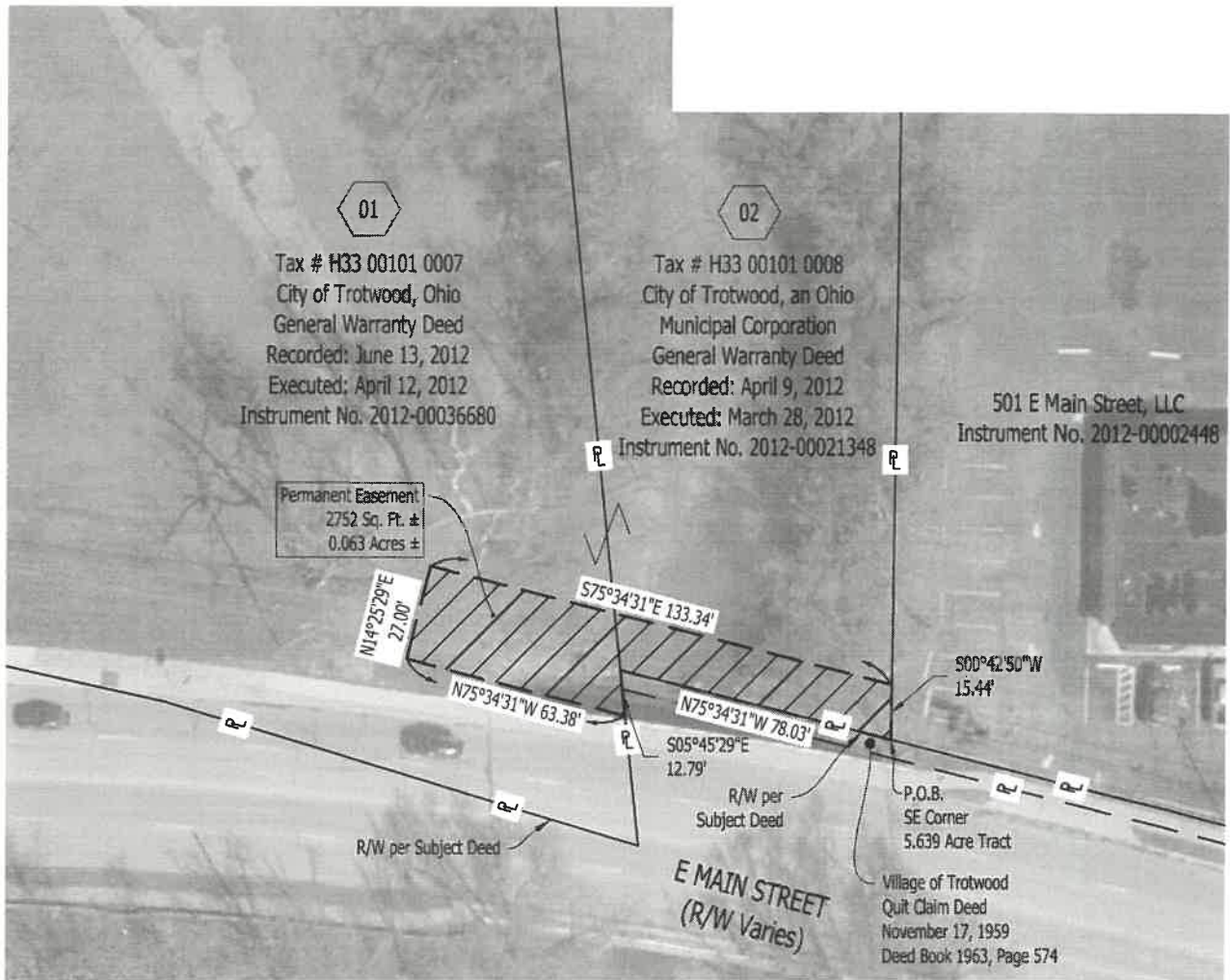
Title: **Permanent Easement**

Location: **Pt NW 1/4 Sec 15-T4N-R5E**

City of Trotwood, Montgomery County, Ohio

Date: 2024/03/21	Drawn By: NMG	Checked By: JNW
Rev.# _:	Drawn By:	Checked By:
Job #: 2419038	Task #:	SAP #: 105597230
Drawing Prepared By: CenterPoint Energy Survey Contractor (see above)		

Exhibit "B"



LEGEND

XX - Tract Number

Permanent Easement

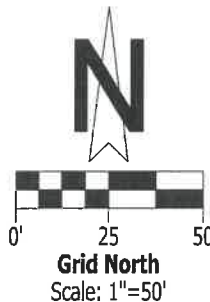
℞ - Denotes Deed Line or Ownership Change

POC - Point of Commencement | POT - Point of Terminus
POB - Point of Beginning | R/W - Right-of-Way

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- Rights of Ways Source(s): County records or deeds shown hereon.

Sheet 1 of 1



Project: **OH-DAYTON-V-XA-12312**

Tract: **01 and 02**

Title: **Permanent Easement**

Location: **Pt NW 1/4 Sec 15-T4N-R5E**

City of Trotwood, Montgomery County, Ohio

Date: 2024/02/29	Drawn By: NMG	Checked By: JNW
Rev.#:	Drawn By:	Checked By:
Job #: 2419038	Task #:	SAP #: 105597230

Drawing Prepared By: CenterPoint Energy Survey Contractor (see above)

CenterPoint Energy Exhibit "B"



OR12-24
Map

Stuckhardt Rd

City Property

Main Street

Wolf Creek

ew Ct