

ORDINANCE NO. 2021-38

Introduced by Joe Dike

AN ORDINANCE ACCEPTING TWO (2) PORTIONS OF ERIE COUNTY, OHIO PERMANENT PARCEL NO. 42-02021.000 CONTAINING 0.2848 ACRES OF LAND OWNED BY ARDAGH METAL BEVERAGE USA INC. FOR PURPOSES OF EXPANSION OF THE EXISTING SAWMILL PARKWAY RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SAWMILL PARKWAY IMPROVEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Ardagh Metal Beverage USA Inc. ("Ardagh") wishes to donate two portions of a parcel of property containing 0.2848 of an acre of land to the City of Huron to be dedicated for road right-of-way purposes; and

WHEREAS, the City Engineer recommends said acceptance and dedication for road and right-of-way purposes; and

WHEREAS, the City Engineer would like the acceptance and dedication to occur as soon as possible so the Sawmill Parkway Improvement project can occur in a timely fashion; and

WHEREAS, pursuant to the terms and conditions of a certain Conditional Vacation Agreement by and between the City and Ardagh (as authorized in Resolution 53-2021), the Deeds (attached hereto as Exhibit "A") and Sawmill Parkway Right of Way Dedication and Vacation Plat (attached hereto as Exhibit "B") were presented to and approved by the Planning Commission on October 27, 2021, and consistent with Ordinance 1113.12, these materials are being presented to Council for final approval and acceptance of said lands; and

WHEREAS, after said review and further consideration, Council believes that it is in the best interests of the health, safety and welfare of the citizens of Huron, to approve the Deeds and Sawmill Parkway Right of Way Dedication and Vacation Plat for acceptance of said lands.


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Council hereby approves the Deeds and Sawmill Parkway Right of Way Dedication and Vacation Plat attached hereto as Exhibits "A" and "B", respectively, and further approves acceptance of said lands.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including ORC Sec. 121.22.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that, in order to effectively address and manage further proposed development

within the municipality, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption in accordance with the provisions of this Ordinance.



Sam Artino, Mayor

ATTEST: 

Clerk of Council

ADOPTED: 23 NOV 2021

GENERAL WARRANTY DEED

The City of Huron ("Grantor"), of Erie County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to Ardagh Metal Beverage USA, Inc., ("Grantee"), whose tax-mailing address is _____, the following real property, located in the County of Erie and State of Ohio, and more particularly described as follows, to wit:

The legal description is attached hereto as Exhibit A and incorporated herein by reference.

Grantor covenants with Grantee its successors and assigns, that the granted premises are free from all encumbrances made by the Grantor, except taxes and assessments, zoning restrictions, and easements, restrictions, mineral leases, conditions, covenants, declarations, reservations, and leases of record, and that it does warrant and will defend the same to the Grantee and its successors and assigns, forever, against the lawful claims and demands of all persons.

Executed this _____ day of _____, 2021.

Prior Instrument Reference: Erie County Instrument No. _____

Grantor:

THE CITY OF HURON

By: _____
Matthew Lasko, City Manager

ACKNOWLEDGEMENT

STATE OF OHIO)
)
COUNTY OF ERIE) SS:

The foregoing instrument was acknowledged before me _____ day of _____, 2021 by the City of Huron, by Matthew Lasko, its City Manager for and on behalf of the City of Huron. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer.

NOTARY PUBLIC

My Commission Expires: _____

This instrument was prepared by:
Todd A. Schrader, Esq.
Seeley, Savidge, Ebert & Gourash Co., LPA
26600 Detroit Rd., Suite 300
Westlake, OH 44145

Title to the real estate described herein has not been examined by Seeley, Savidge, Ebert & Gourash, and Seeley, Savidge, Ebert & Gourash makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or the conformity of this deed to agreements involving the Grantor, the Grantee, or any agreements by and between Grantor and Grantee.

Approved by Huron City Planning Commission



Zoning Inspector

11/03/2021

Date

EXHIBIT A

Vacated Parcel "C"

Situated in the State of Ohio, County of Erie, and City of Huron, being part of Lot 32 of Section 2 of Huron Township, and being part of the right of way of Sawmill Parkway (50 feet wide), a public right of way, all records referenced herein are on file at the Recorder's Office, Erie County, Ohio and being more particularly described as follows:

Commencing at a 1" iron pin in a monument box found North 58°00'56" West, a distance of 77.69 feet from the intersection of the eastern boundary of the Sawmill Parkway Subdivision No. 1 (P.B. 22 Pg. 31) and the centerline of Sawmill Parkway (50 feet wide), thence South 58°00'56" East, a distance of 1720.13 feet along the centerline of said Parkway to a 1"x36" iron pin set in a monument box assembly, thence South 31°59'04" West, a distance of 25.00 feet, leaving said centerline, to a point in the southerly right of way line of said Parkway, thence South 58°00'56" East, a distance of 73.68 feet to an iron pin set on the southerly right of way line of Sawmill Parkway and the TRUE PLACE OF BEGINNING for the tract of land herein described;

- Course No. 1 Thence along a curve to the left, through said Sawmill Parkway, having an arc length of 62.59 feet, a radius of 75.00 feet, a central angle of 47°49'04", a chord bearing of North 02°40'58" West, and a chord length of 60.79 feet to an iron pin set on the northerly right of way line of Sawmill Parkway;
- Course No. 2 Thence South 58°00'56" East, a distance of 390.64 feet, along the existing northerly right of way of said Sawmill Parkway, to a point;
- Course No. 3 Thence South 31°59'04" West, a distance of 50.00 feet, to a point on the southerly right of way line of said Sawmill Parkway;
- Course No. 4 Thence North 58°00'56" West, a distance of 356.06 feet, along the existing southerly line of said Sawmill Parkway, to the TRUE PLACE OF BEGINNING, containing 0.4225 acres of land, more or less, as surveyed, calculated, and described on May 28, 2021, by Branden V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in July 2018 in a survey by OHM Advisors. All iron pins set are 5/8"x30" rebar with a yellow cap stamped "OHM," unless noted otherwise.

The above described area includes 0.4225 acres within Sawmill Parkway, a public right of way, and the present road occupies 0.4225 acres.

I hereby certify this description was created by using measurements from an actual field survey performed in July 2018 under my direct supervision. A plat of this survey is attached hereto and made a part thereof.

Branden V. Battig, P.S.
Registered Surveyor No. S-8708

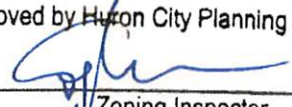
Date

OHM Advisors®
388 SOUTH MAIN STREET, SUITE 301
AKRON, OHIO 44311

T 330.913.1080
F 330.319.8691

OHM-Advisors.com

Approved by Huron City Planning Commission


Zoning Inspector

11/03/2021
Date

GENERAL WARRANTY DEED

Ardagh Metal Beverage USA, Inc. ("Grantor"), of Erie County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to the City of Huron, ("Grantee"), whose tax-mailing address is 417 Main Street, Huron, Ohio 44839, the following real property, located in the County of Erie and State of Ohio, and more particularly described as follows, to wit:

The legal descriptions are attached hereto as Exhibit A and incorporated herein by reference.

Grantor covenants with Grantee its successors and assigns, that the granted premises are free from all encumbrances made by the Grantor, except taxes and assessments, zoning restrictions, and easements, restrictions, mineral leases, conditions, covenants, declarations, reservations, and leases of record, and that it does warrant and will defend the same to the Grantee and its successors and assigns, forever, against the lawful claims and demands of all persons.

Executed this _____ day of _____, 2021.

Prior Instrument Reference: Erie County Instrument No. _____

Grantor:

ARDAGH METAL BEVERAGE USA, INC.

By: _____

Its: _____

Printed Name: _____

ACKNOWLEDGEMENT

STATE OF _____)
)
COUNTY OF _____) SS:

The foregoing instrument was acknowledged before me _____ day of _____, 2021 by Ardagh Metal Beverage USA, Inc., by _____, its _____ for and on behalf of Ardagh Metal Beverage USA, Inc. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer.

NOTARY PUBLIC

My Commission Expires: _____

This instrument was prepared by:
Todd A. Schrader, Esq.
Seeley, Savidge, Ebert & Gourash Co., LPA
26600 Detroit Rd., Suite 300
Westlake, OH 44145

Title to the real estate described herein has not been examined by Seeley, Savidge, Ebert & Gourash, and Seeley, Savidge, Ebert & Gourash makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or the conformity of this deed to agreements involving the Grantor, the Grantee, or any agreements by and between Grantor and Grantee.

Approved by Huron City Planning Commission



Zoning Inspector
11/03/2021

Date

EXHIBIT A

Dedicated Parcel "A"

Situated in the State of Ohio, County of Erie, and City of Huron, being part of Lot 32 of Section 2 of Huron Township, and being part of PN 42-02021.000 being a 69.771 acre tract in the name of Ardagh Metal Beverage USA, as described in Document No. 202011407, all records referenced herein are on file at the Recorder's Office, Erie County, Ohio and being more particularly described as follows:

Commencing at a 1" iron pin in a monument box found North 58°00'56" West, a distance of 77.69 feet from the intersection of the eastern boundary of the Sawmill Parkway Subdivision No. 1 (P.B. 22 Pg. 31) and the centerline of Sawmill Parkway (50 feet wide), thence South 58°00'56" East, a distance of 1720.13 feet along the centerline of said Parkway to a 1"x36" iron pin set in a monument box assembly, thence North 32°57'37" East, a distance of 25.00 feet, leaving said centerline, to a point in the northerly right of way line of said Parkway and a southeasterly corner of PN 42-01952.001 in the name of Nice Barn LLC (Doc. No. 201101507) and the TRUE PLACE OF BEGINNING for the tract of land herein described;

- Course No. 1 Thence North 31°59'04" East, a distance of 11.00 feet, along the easterly line of said Nice Barn LLC land, passing over a 1/4" iron pin found at 0.38 feet, to an iron pin set;
- Course No. 2 Thence along a curve to the right, having an arc length of 40.71 feet, a radius of 75.00 feet, a central angle of 31°05'55", a chord bearing of South 42°08'27" East, and a chord length of 40.21 feet to an iron pin set on the northerly right of way line of said Sawmill Parkway;
- Course No. 3 Thence North 58°00'56" West, a distance of 38.68 feet, along the northerly line of Sawmill Parkway, to the TRUE PLACE OF BEGINNING, containing 0.0066 acres of land, more or less, as surveyed, calculated, and described on May 28, 2021, by Branden V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in July 2018 in a survey by OHM Advisors. All iron pins set are 5/8"x30" rebar with a yellow cap stamped "OHM," unless noted otherwise.

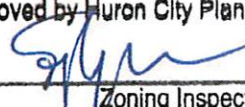
The above described area includes 0.0066 acres within the Erie County Auditor's Parcel Number 42-02021.000, and the present road occupies 0.0000 acres.

I hereby certify this description was created by using measurements from an actual field survey performed in July 2018 under my direct supervision. A plat of this survey is attached hereto and made a part thereof.

Branden V. Battig, P.S.
Registered Surveyor No. S-8708

Date

Approved by Huron City Planning Commission


Zoning Inspector

11/03/2021
Date

OHM Advisors
388 SOUTH MAIN STREET, SUITE 301
AKRON, OHIO 44311

T 330.913.1080
F 330.919.8691

OHM-Advisors.com

EXHIBIT A, Continued

Dedicated Parcel "B"

Situated in the State of Ohio, County of Erie, and City of Huron, being part of Lot 32 of Section 2 of Huron Township, and being part of PN 42-02021.000 being a 69.771 acre tract in the name of Ardagh Metal Beverage USA, as described in Document No. 202011407, all records referenced herein are on file at the Recorder's Office, Erie County, Ohio and being more particularly described as follows:

Commencing at a 1" iron pin in a monument box found North 58°00'56" West, a distance of 77.69 feet from the intersection of the eastern boundary of the Sawmill Parkway Subdivision No. 1 (P.B. 22 Pg. 31) and the centerline of Sawmill Parkway (50 feet wide), thence South 58°00'56" East, a distance of 1720.13 feet to a 1"x36" iron pin set in a monument box assembly, thence South 31°59'04" West, a distance of 25.00 feet, leaving said centerline, to a point in the southerly right of way line of said Parkway, thence South 58°00'56" East, a distance of 73.68 feet to an iron pin set on the southerly right of way line of Sawmill Parkway and the TRUE PLACE OF BEGINNING for the tract of land herein described;

Thence through said Ardagh Metal Beverage USA land for the following Courses No. 1-3;

- Course No. 1 Thence along a curve to the right, having an arc length of 210.71 feet, a radius of 75.00 feet, a central angle of 160°58'17", a chord bearing of North 78°17'17" West, and a chord length of 147.94 feet to an iron pin set;
- Course No. 2 Thence along a curve to the left, having an arc length of 84.07 feet, a radius of 80.00 feet, a central angle of 60°12'47", a chord bearing of North 27°54'32" West, and a chord length of 80.26 feet to an iron pin set;
- Course No. 3 Thence North 31°59'04" East, a distance of 11.00 feet, to an iron pin set on the southerly right of way line of Sawmill Parkway;
- Course No. 4 Thence South 58°00'56" East, a distance of 208.20 feet, along the southerly line of Sawmill Parkway, to the TRUE PLACE OF BEGINNING, containing 0.2782 acres of land, more or less, as surveyed, calculated, and described on May 28, 2021, by Branden V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in July 2018 in a survey by OHM Advisors. All iron pins set are 5/8"x30" rebar with a yellow cap stamped "OHM," unless noted otherwise.

The above described area includes 0.2782 acres within the Erie County Auditor's Parcel Number 42-02021.000, and the present road occupies 0.0000 acres.

I hereby certify this description was created by using measurements from an actual field survey performed in July 2018 under my direct supervision. A plat of this survey is attached hereto and made a part thereof.

Branden V. Battig, P.S.

Date

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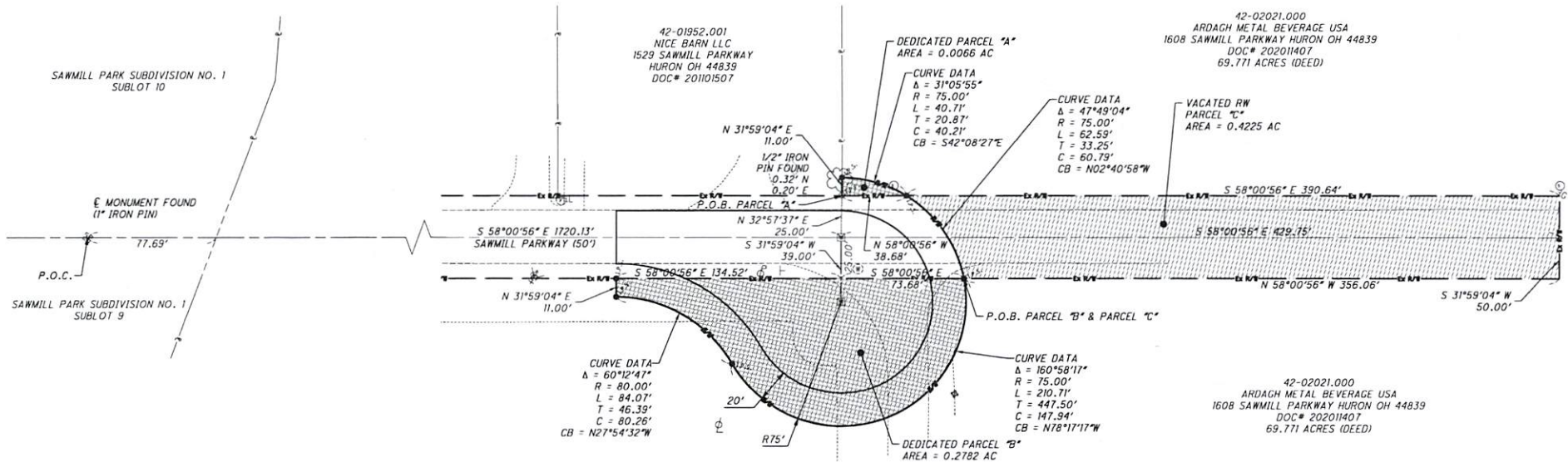
Approved by Huron City Planning Commission

Zoning Inspector

Date

SAWMILL PARKWAY RIGHT OF WAY DEDICATION AND VACATION PLAT

SITUATED IN THE STATE OF OHIO, COUNTY OF ERIE, CITY OF HURON, AND KNOWN AS BEING A PART OF LOT 32 OF SECTION 2, HURON TOWNSHIP.



OWNERS ACCEPTANCE:

I, THE OWNER OF THE LAND SHOWN HEREON, DO HEREBY ACKNOWLEDGE AND ACCEPT THE MAKING AND RECORDING OF THIS SURVEY, PLAT AND LOT DEDICATION AND VACATION OF THE SAME.

ARDAGH METAL BEVERAGE USA INC. TITLE DATE

CITY ACCEPTANCE:

I, THE OWNER OF THE LAND SHOWN HEREON, DO HEREBY ACKNOWLEDGE AND ACCEPT THE MAKING AND RECORDING OF THIS SURVEY, PLAT AND LOT DEDICATION AND VACATION OF THE SAME.

CITY OF HURON TITLE DATE

NOTARY: (STATE OF OHIO COUNTY OF ERIE)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, ACKNOWLEDGING THE SIGNING OF THE FOREGOING INSTRUMENT TO BE THE FREE ACT AND DEED OF THE ABOVE SIGNING LAND OWNER, THE CITY OF HURON.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT OHIO, THIS ____ DAY OF ____, 2021.

NOTARY PUBLIC PRINTED NAME MY COMMISSION EXPIRES

SURVEYOR CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE THIS SURVEY, ON THE GROUND, AND THAT THIS PLAT REPRESENTS GRAPHICALLY, IN SO FAR AS IS POSSIBLE, THE RESULTS OF SAID SURVEY, MADE IN ACCORDANCE WITH PROVISIONS OF ARTICLE 4733.37 OF THE OHIO ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

BRANDEN V. BATTIG

S-8708 DATE

NOTES:

- THIS PLAN WAS PREPARED WITH RESPECT TO THE FOLLOWING REFERENCES.
 - DEED AND TAX MAP RECORDS FROM THE ERIE COUNTY RECORDER'S AND/OR AUDITOR'S OFFICE.
 - SAWMILL PARK SUBDIVISION NO.1 AS RECORDED IN PLAT BOOK 22 PAGE 31 OF THE ERIE COUNTY RECORDS.
- PLANIMETRIC INFORMATION SHOWN IS BASED ON A FIELD SURVEY PERFORMED BY OHM ADVISORS DURING JANUARY, 2018 AND MAY, 2021
- MERIDIAN IS REFERENCED TO THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 (2011), PER GPS OBSERVATIONS IN JANUARY, 2018 AND MAY, 2021.

LEGEND

— Ex R/W —	EX RIGHT OF WAY	SE	EX MONUMENT BOX
— — —	CENTERLINE RIGHT OF WAY	OLP.F.	IRON PIN FOUND
— Ex U —	EX UTILITY EASEMENT	● I.P.F.	IRON PIN SET
— R/W —	PROP RIGHT OF WAY	■	5/8"x30", CAP MARKED, "OHM"
— — —	PROP EDGE OF PAVEMENT	■	MONUMENT BOX TO BE SET (DURING CONSTRUCTION)

ACREAGE SUMMARY TABLE		
PARCEL	SQUARE FEET	ACREAGE
42-02021.000 (EXISTING)	3,039,225	69.7710
PARCEL "A"	287	0.0066
PARCEL "B"	12,117	0.2782
PARCEL "C"	18,405	0.4225
42-02021.000 (PROPOSED)	3,045,226	69.9087



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

