

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 20-2024

Passed April 1, , 2024

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ACCEPT DONATION OF AN EASEMENT ON/IN PARCEL NUMBER 10004010 FOR UTILITIES

WHEREAS, the Village of Brewster and the previous owner of your property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004010) reached an agreement to donate a permanent easement to allow the Village to construct a water line to Hillview Mobile Home Park. This permanent easement was drafted to also allow for a future construction/ connection for sanitary sewer for Hillview Mobile Home Park in the future, and

WHEREAS, while the permanent easement was drafted, and the water line was ultimately constructed, the permanent easement was never formally recorded, and

WHEREAS, subsequently, the ownership of the property where the permanent easement was to be recorded was transferred to new owners, and

WHEREAS, the Village wishes to rectify the inadvertent oversight of not having a permanent easement recorded by having a newly drafted easement (same as previously drafted) executed by the current owner, and have it formally recorded, and

WHEREAS, the Village notified the current owner, Kathy D. Knobloch, that the Village of Brewster is interested in acquiring a permanent utility easement on property she owns, tax parcel 10004010, and

WHEREAS, the Village notified the current owner, Kathy D. Knobloch, that:

- She as owner had/has the right to have your property appraised by a competent appraiser and she have the right to accompany the appraiser on the inspection of her property.
- She as owner had/has the right to be provided with a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal.
- She as the owner had/has the right to negotiate with the Village of Brewster and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law.
- She as owner had/has the right to be paid the full amount of the fair market value before being required to surrender possession of your property.
- In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance. She as owner was advised as occupant(s) not to move.
- That the proposed easement location would/will not require any owner or occupant to move or be relocated.
- She as owner was/is advised that if she desired to use the donation for a tax deduction, she should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation. An owner can donate all or part of the real estate needed for the project. If the owner is only willing to donate a part of the real estate needed, the negotiator must describe that which the owner is willing to donate and that which the owner desires to receive just compensation for within item 1) below. In addition, the owner may desire to donate but may still want an appraisal. If the owner does not desire to waive the appraisal, the negotiator must explain that an appraisal report was prepared and presented to the owner within item 2) below. These explanations provide guidance to the preparer and are to be deleted from the letter provided to the owner.

WHEREAS, notwithstanding the foregoing rights, the Village has been informed by the current owner, Kathy D. Knobloch, that she is willing to waive all of said rights as noted, and willingly agrees to donate the property needed for the permanent utility easement in which a water line is already located and a proposed connection to Brewster's sanitary sewer system is to be constructed, and

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WHEREAS, that Kathy D. Knobloch, as current owner of the property located in the Village of Brewster at 8021 Wabash Ave (Parcel Number 10004010), has acknowledged that she has been:

- Waived the right to receive just compensation for the property,
- Has released the Village of Brewster from obtaining an appraisal of the acquired property, and
- Is willing to execute the necessary conveyance instrument to transfer said property (permanent easement) to Village of Brewster.

WHEREAS, the Village of Brewster desires to accept said donation of a permanent easement, as set forth in the attached Exhibit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Village Council authorizes the Mayor to accept donation of a permanent easement on/in parcel number 10004010, as set forth in the attached Exhibit, and execute appropriate documents to effect the acquisition of said easement, and to have the same recorded.

SECTION 2. This ordinance is passed on an emergency basis to allow timely execution and recording of said easement prior to the advertisement for bids via CDBG Grant and WPCLF Loan of a sanitary sewer within said easement and shall be in full force and effect at the earliest date provided by law.



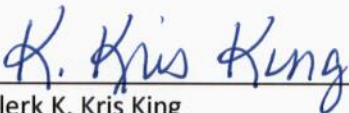
Mayor Charles Hawk

ATTEST:


Village Clerk Treasurer K. Kris King

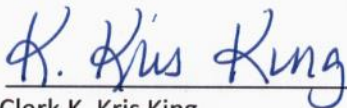
CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of a resolution passed at a regular meeting of the Brewster Village Council held on ~~March 18, 2024~~ April 1, 2024.



Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Brewster Barber Shop, Brewster Federal Credit Union, Post Office, and Brewster Laundromat.



Clerk K. Kris King