

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. 62-2021

Passed November 15, 20 21

AN ORDINANCE AUTHORIZING THE VILLAGE OF BREWSTER TO GRANT AN EASEMENT TO COLUMBIA GAS FOR THE BENEFIT OF THE FAIRLESS BOARD OF EDUCATION OVER A PORTION OF PARCEL NUMBER 10010431 AND DECLARING AN EMERGENCY

WHEREAS, in 2017 the Brewster Village Council desired to purchase 1.526 acres of property from the Fairless Local School District to provide access to and to meet legal requirements for an adjacent twelve-acre tract of land proposed for the installation of a Solar Field which will supplement the electric power supply of the Village Electric Utility, and

WHEREAS, Brewster Village Council worked with the Fairless Board of Education and Fairless Superintendent Bidlack to negotiate a purchase favorable to both the Fairless Local School District and Brewster; and

WHEREAS, the 1.526 acres purchased is a portion of two parcels owned by the Fairless Local School District. These two parcels were Village designated Outlot 81 (Stark County designated parcel 7080162) and Village designated Lot 1491. In accordance with specifications provided by Buckeye Surveying Services, Inc. the newly created parcel was situated on the west boundary line of the two parcels, and was 1329.54 feet in length and 50 feet in width at the frontage on Seventh Street W.

WHEREAS, the Village of Brewster purchased at a negotiated cost as outlined in the Real Estate Purchase Agreement prepared by the Village Solicitor and agreed upon by the Fairless Board of Education and Brewster Village Council. The negotiated cost as outlined in the Real Estate Purchase Agreement is as follows:

“Subsequent to the closing of this transaction the Purchaser, at Purchaser’s expense, shall make improvements to the lane which provides access to the Fairless softball field and the Village Water Tower, shall install certain drainage piping and catch basins adjacent to the lane. The Village will involve Fairless Officials and representatives in all planning for the access lane improvements, the placement of any appropriate gating to restrict use of the lane or adjoining areas, and the planning and installation of drainage and catch basins. The Village will be responsible for any additional costs that may be incurred for the above stated improvements.

In addition, Brewster will be responsible for the cost of trimming any trees that may prove to be in conflict with the installation or use of the above project. Brewster will also work with AMP Partners and NextEra to provide an educational component for Fairless Schools as a part of the Solar Field installation on the 12 acre parcel that will adjoin the 1.52 acres being acquired by Brewster from Fairless Schools.”

The purchase and sale shall be according to the terms and conditions of the purchase agreement which is hereby approved and adopted as if fully rewritten herein.

WHEREAS, in conjunction with construction of a new high school, Fairless Local School District is requesting grant of an easement to COLUMBIA GAS OF OHIO, INC., with principal offices at 290 West Nationwide Boulevard, Columbus, Ohio 43215, (hereinafter called the Company), its successors and assigns, to a portion of the 1.526 acres of the “lane” purchased by the Village of Brewster from the Fairless Local School District to provide access for a natural gas line, and

WHEREAS, the easement to COLUMBIA GAS OF OHIO, INC. would give them the right to lay pipelines, including lateral pipeline connections, together with service connections, over and through the premises hereinafter described, and to operate and maintain without restriction or limitation, repair, replace, or change the size of its pipes without interruption to service and remove same, together with valves and other necessary appurtenances on lands situated in the Village of Brewster, Sugar creek Township, Stark County, State of Ohio, and more particularly described as follows:

Recorded in: Instrument No. 201806190024002.

Permanent Parcel No.: 10010431.

Property Address: Navarre Road, S.W., Navarre, Ohio 44662.

Containing: Being a 1.52-acre strip of land located in the northeast and northwest quarter of Section 14, T-11-N, R-10-W and part of Outlot 81 and 1491, in Sugar creek Township, Stark County, Ohio.

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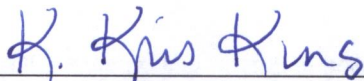
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

- SECTION 1:** The Village of Brewster grants an easement to COLUMBIA GAS OF OHIO, INC. to lay pipelines, including lateral pipeline connections, together with service connections, over and through parcel 10010431 subjugated to the Village's electric line located on/in the same parcel, as set forth in the attached document.
- SECTION 2:** The Village Administrator and Village Clerk are authorized to take all steps necessary to execute said easement.
- SECTION 3:** That the Village of Brewster passes this ordinance on an emergency basis In order to avoid any delay in Fairless Local Schools construction schedule for a new high school, for which the easement is required to install gas service, this ordinance shall be in full force and effect at the earliest date provided by law.



Mayor Charles B. Hawk

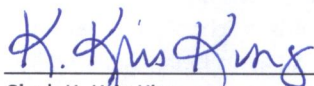
ATTEST:



Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on November 15, 2021



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, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.



Clerk K. Kris King