

REQUESTED BY:
LARSON

LAW DEPARTMENT
DRAFT NO. 0101

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY FOR AND ON BEHALF OF THE CITY OF WARREN, OHIO TO ACCEPT A DONATION OF REAL PROPERTY FROM BDM WARREN STEEL HOLDINGS, LLC AND ENTER INTO ANY AND ALL WRITTEN EASEMENT AGREEMENT(S) NECESSARY TO APPROPRIATE A PORTION OF THE BDM WARREN STEEL HOLDINGS, LLC PROPERTY IN CONNECTION AND FOR THE COMPLETION OF THE CITY OF WARREN WATER POLLUTION CONTROL PUMP STATION IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12990/2020

WHEREAS, BDM WARREN STEEL HOLDINGS, LLC owns property adjacent to the main Water Pollution Control Pump Station located in the City of Warren, Ohio; and

WHEREAS, the City of Warren has deemed it desirable and necessary to appropriate a portion of the BDM WARREN STEEL HOLDINGS, LLC property in connection to the City of Warren Water Pollution Control Pump Station Improvement Project; and

WHEREAS, BDM WARREN STEEL HOLDINGS, LLC has offered to donate said land to the City of Warren to be appropriated, provided that the City of Warren can provide sewer and utility easements for the benefit of the remainder of the BDM WARREN STEEL HOLDINGS LLC property; and

WHEREAS, that this Council and the Administration of the City of Warren, Ohio desires to accept the donation of real property from BDM WARREN STEEL HOLDINGS, LLC to support the completion of the City of Warren Water Pollution Control Pump Station Improvement Project without any further delay; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: that this Council and the Administration of the City of Warren, Ohio fully accepts the donation of real property from BDM WARREN STEEL HOLDINGS, LLC as is more fully described in Exhibit A attached hereto.

Section 2: that the Mayor and the Director of Public Service and Safety of the City of Warren, Ohio are hereby authorized to accept the donation of real property and execute and deliver to BDM WARREN STEEL HOLDINGS, LLC perpetual easements for sewer and utilities over a portion of property owned by the City of Warren, Ohio which are more fully described in Exhibit B and Exhibit C attached hereto.

Section 3: that the easements are to be drafted by the City of Warren Law Department in a form substantially the same as Exhibit B and Exhibit C attached hereto.

Section 4: that this Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, welfare and safety, and for the further reason that the completion of the City of Warren Water Pollution Control Pump Station Improvement Project may proceed at the earliest possible time and without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

EXHIBIT "A" TO DRAFT NO. 0101

QUIT-CLAIM DEED

BDM WARREN STEEL HOLDINGS LLC, an Ohio Limited Liability Company, for valuable consideration paid, grant(s) to **THE CITY OF WARREN, OHIO** whose tax-mailing address is 391 Mahoning Ave., NW, Warren, Ohio 44483 the following real property:

See Exhibit "A" attached hereto and made a part hereof

Permanent parcel no. _____

Grantor requests that the above-described parcel be combined with Grantee's existing parcel known as PP#43-316801

Executed this day of _____, _____.

**BDM WARREN STEEL HOLDINGS LLC,
BY:**

Charles J. Betters, President

STATE OF _____)
) SS:
COUNTY OF _____)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Charles J. Betters, the President of **BDM WARREN STEEL HOLDINGS LLC**, who acknowledged that he did execute the foregoing instrument, being duly authorized to sign, and that the same is his free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____ this _____ day of _____.

Notary Public

This instrument prepared by:
David D. Daugherty,
Attorney at Law
City of Warren, Ohio
391 Mahoning Avenue, N.W.
Warren, Ohio 44483
(330) 841-2605
(Attorney Registration No. 0031476)

Exhibit A

Description of a 0.789 acre addition to lands

Situated in the State of Ohio, County of Trumbull, Township of Warren, Section 42 of Township 4, Range IV of the Connecticut Western Reserve and being part of the land deeded to BDM Steel Holdings, LLC, an Ohio limited liability company as parcel B in Instrument 201210240026388 of the Trumbull County Recorder's Office and known as part of Trumbull County Auditor's Parcel Number 41-645000 and further described as follows:

Commencing for reference at the intersection of the centerline of South Main Street, 66 feet wide (also known as Warren-Austintown Road, County Highway 67B) with the southerly line of Section 35, also being the southerly line of the Dover Avenue, 25 feet wide as shown on the John J. Gillen's Subdivision No. 1, recorded in plat volume 10, page 136 of the Trumbull County Recorder's Office;

Thence along the centerline of South Main Street, South 10 degrees, 00 minutes, 41 seconds East, 250.04 feet to the place of beginning;

Thence along a new line through BDM Steel Holding's land, perpendicular to the centerline of South Main Street, North 79 degrees, 59 minutes, 19 seconds East, 33.00 feet to an iron pin set in the easterly right of way line of South Main Street;

Thence continuing along a new line through BDM Steel Holdings, LLC's land the following three (3) courses;

South 82 degrees, 25 minutes, 37 seconds East, 110.00 feet to an iron pin set;

South 62 degrees, 04 minutes, 44 seconds East, 145.71 feet to an iron pin set;

South 08 degrees, 26 minutes, 25 seconds West, 61.33 feet to an iron pin set in the northerly line of the land deeded to the City of Warren in official record volume 722, page 226 of the Trumbull County Recorder's Office and known as Trumbull County Auditor's Parcel Number 43-316801;

Thence along the northerly line of the City of Warren's land, South 80 degrees, 13 minutes, 46 seconds West, at 200.38 feet passing through a 5/8" iron pin found in the easterly right of way line of South Main Street, a total distance of 233.38 feet to the centerline of South Main Street;

Thence along the centerline of South Main Street, North 10 degrees, 00 minutes, 41 seconds West, 180.00 feet to the place of beginning and containing 0.789 acres of

Exhibit A

land of which 0.136 acres are located within the existing right of way of South Main Street leaving a net area of 0.653 acres. Subject to all legal highways, easements and restrictions of record.

Reserving unto the Grantor an easement for access along the southerly line of the above described land, being 30.00 feet, by normal measurement, as measured northerly from the northerly line of the City of Warren's land and extending the entire length of the above described 0.789 acre parcel for access from South Main Street to the existing piping rack located east of the above described parcel.

The basis of bearings is the positions of monuments located relative to the State Plane Coordinate System, Ohio North Zone (3401), NAD83 (2011) as determined by GNSS observations referenced to the Ohio Department of Transportation's VRS-CORS in July 2018 as part of a survey performed by Thomas Fok & Associates, Inc.

All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped, SNYDER 7468 and were set on September 17, 2020 as part of a survey to split a portion of Trumbull County Auditor's Parcel Number 41-645000 deeded to BDM Steel Holding's, LLC, an Ohio limited liability company that is to be added to Trumbull County Auditor's Parcel Number 43-316801 deeded to the City of Warren in official record volume 722, page 226 of the Trumbull County Recorder's Office.

The current updated surveyed of the existing parcel number 43-316801 of the City of Warren contains 1.374 areas of land of which 0.144 acres are within the existing right of way of South Main Street leaving a net area of 1.230 acres. The new parcel created by the addition of the above described land with the existing parcel results in a new total area of 2.163 acres of which a total of 0.280 acres are within the existing right of way of South Main Street, leaving a total net area of 1.883 acres. This description was prepared by Thomas Fok & Associates, Inc. under the supervision of Franklin D. Snyder, Jr., PS, Ohio S-7468.

Franklin D. Snyder, Jr., P.S.
09/23/2020



Description of a temporary construction easement

Situated in the State of Ohio, County of Trumbull, Township of Warren, Section 42 of Township 4, Range IV of the Connecticut Western Reserve and being part of the land deeded to BDM Steel Holdings, LLC, an Ohio limited liability company as parcel B in Instrument 201210240026398 of the Trumbull County Recorder's Office and known as part of Trumbull County Auditor's Parcel Number 43-313500 and further described as follows:

Commencing for reference at the intersection of the centerline of South Main Street, 66 feet wide (also known as Warren-Austintown Road, County Highway 67B) with the southerly line of Section 35, also being the southerly line of the Dover Avenue, 25 feet wide as shown on the John J. Gillen's Subdivision No. 1, recorded in plat volume 10, page 136 of the Trumbull County Recorder's Office;

Thence along the centerline of South Main Street, South 10 degrees, 00 minutes, 41 seconds East, 620.04 feet to the southwest corner of the land deeded to the City of Warren in official record volume 722, page 266 of the Trumbull County Recorder's Office;

Thence along the southerly line of the City of Warren's land, North 80 degrees, 13 minutes, 46 seconds East, 33.00 feet to the easterly right of way line of South Main Street and the place of beginning;

Thence continuing along the southerly line of the City of Warren's land, North 80 degrees, 13 minutes, 46 seconds East, passing through iron pins set at 1.00 feet and at 137.64 feet, a total distance of 145.00 feet;

Thence South 08 degrees, 50 minutes, 02 seconds West, 250.00 feet;

Thence South 04 degrees, 10 minutes, 31 seconds East, 251.00 feet;

Thence South 79 degrees, 51 minutes, 05 seconds West, 38.72 feet to the easterly right of way line of South Main Street;

Thence along the easterly right of way line of South Main Street, North 10 degrees, 00 minutes, 41 seconds West, 487.00 feet to the place of beginning and containing 0.864 acres of land.

The basis of bearings is the positions of monuments located relative to the State Plane Coordinate System, Ohio North Zone (3401), NAD83 (2011) as determined by GNSS observations referenced to the Ohio Department of Transportation's VRS-CORS in July 2018 as part of a survey performed by Thomas Fok & Associates, Inc.

Exhibit A

All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped, SNYDER 7468 and were set on September 17, 2020.

This description was prepared by Thomas Fok & Associates, Inc. under the supervision of Franklin D. Snyder, Jr., PS, Ohio S-7468 intending to describe an area to be used temporarily during construction of improvements to the City of Warren's Main Street Pump Station located to the north of the above described land.

Franklin D. Snyder, Jr. PS
09/23/2020



Description of a 20-foot sewer easement

Situated in the State of Ohio, County of Trumbull, Township of Warren, Section 42 of Township 4, Range IV of the Connecticut Western Reserve and being part of the land deeded the City of Warren in official record volume 722, page 266 of the Trumbull County Recorder's Office known as Trumbull County Auditor's Parcel Number 43-316801 and part of the 0.789 acre parcel split from the land deeded to BDM Steel Holdings, LLC, an Ohio limited liability company as parcel B in Instrument 201210240026388 of the Trumbull County Recorder's Office and known as Trumbull County Auditor's Parcel Number 41-645000 to be added to the City of Warren's land and further described as follows:

Commencing for reference at the intersection of the centerline of South Main Street, 66 feet wide (also known as Warren-Austintown Road, County Highway 67B) with the southerly line of Section 35, also being the southerly line of the Dover Avenue, 25 feet wide as shown on the John J. Gillen's Subdivision No. 1, recorded in plat volume 10, page 136 of the Trumbull County Recorder's Office;

Thence along the centerline of South Main Street, South 10 degrees, 00 minutes, 41 seconds East, 451.57 feet to the place of beginning, being the centerline of the proposed 20-foot wide sewer easement;

Thence North 49 degrees, 04 minutes, 20 seconds East, 131.01 feet to an existing manhole;

Thence North 40 degrees, 50 minutes, 57 seconds East, 69.14 feet to a vertical section of existing sewer;

Thence along the existing aerial sewer, North 54 degrees, 42 minutes, 18 seconds East, 31.27 feet to the northerly line of the 0.789 acre parcel to be split from BDM Steel Holdings, LLC land and added to the land deeded to the City of Warren in official record volume 722, page 226 of the Trumbull County Recorder's Office and known as Trumbull County Auditor's Parcel Number 43-316801.

The sidelines of the 20-foot wide easement are to be 10.00 feet, by normal measurement, on each side of the above described centerline and to extend or shorten so as to terminate at the centerline of South Main Street and at the northerly line of a 0.789 acre parcel added to the land of the City of Warren and containing 0.106 acres of land of which 0.017 acres are located within the existing right of way of South Main Street leaving a net area of 0.089 acres, subject to all easements of record.

Exhibit A

Intending to describe a 20-foot strip of land centered along the existing sewer line(s) of BDM Steel Holdings, LLC from their facility located west of South Main Street to the piping bridge over the Mahoning River.

The basis of bearings is the positions of monuments located relative to the State Plane Coordinate System, Ohio North Zone (3401), NAD83 (2011) as determined by GNSS observations referenced to the Ohio Department of Transportation's VRS-CORS in July 2018 as part of a survey performed by Thomas Fok & Associates, Inc.

This description was prepared by Thomas Fok & Associates, Inc. under the supervision of Franklin D. Snyder, Jr., PS, Ohio S-7468 in September 2020.

Franklin D. Snyder, Jr. PS
09/23/2020



Description of a 22-foot easement

Situated in the State of Ohio, County of Trumbull, Township of Warren, Section 42 of Township 4, Range IV of the Connecticut Western Reserve and being part of the land deeded to the City of Warren in official record volume 722, page 266 of the Trumbull County Recorder's Office and known as part of Trumbull County Auditor's Parcel Number 41-316801 and further described as follows:

Commencing for reference at the intersection of the centerline of South Main Street, 66 feet wide (also known as Warren-Austintown Road, County Highway 67B) with the southerly line of Section 35, also being the southerly line of the Dover Avenue, 25 feet wide as shown on the John J. Gillen's Subdivision No. 1, recorded in plat volume 10, page 136 of the Trumbull County Recorder's Office;

Thence along the centerline of South Main Street, South 10 degrees, 00 minutes, 41 seconds East, 430.04 feet to the northwest corner of the land deeded to the City of Warren in official record volume 722, page 266 of the Trumbull County Recorder's Office;

Thence along the northerly line of the City of Warren's land, North 80 degrees, 13 minutes, 46 seconds East, at 33.00 feet passing through a 5/8" iron pin found in the easterly right of way line of South Main Street, a total distance of 233.38 feet to an iron pin set and the place of beginning;

Thence continuing along the northerly line of City of Warren's land, North 80 degrees, 13 minutes, 46 seconds East, 23.16 feet;

Thence South 08 degrees, 26 minutes, 26 seconds West, 200.02 feet to the southerly line of the City of Warren's land;

Thence along the southerly line of the City of Warren's land, South 80 degrees, 13 minutes, 46 seconds West, 23.16 feet to an iron pin set;

Thence North 08 degrees, 26 minutes, 25 seconds East, 200.02 feet to the place of beginning and containing 0.101 acres of land, subject to all easements of record.

Intending to describe a 22-foot wide strip of land centered along the existing piping rack of BDM Steel Holdings, LLC that crosses the City of Warren's land.

The basis of bearings is the positions of monuments located relative to the State Plane Coordinate System, Ohio North Zone (3401), NAD83 (2011) as determined by GNSS observations referenced to the Ohio Department of Transportation's VRS-CORS in July 2018 as part of a survey performed by Thomas Fok & Associates, Inc.

Exhibit A

All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped, SNYDER 7468 and were set on September 17, 2020.

This description was prepared by Thomas Fok & Associates, Inc. under the supervision of Franklin D. Snyder, Jr., PS, Ohio S-7468 in September 2020.

Franklin D. Snyder, Jr. P.S.
09/23/2020



EXHIBIT 'B' TO DRAFT NO. 0101

E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS, that CITY OF WARREN, OHIO, the Grantor herein, for and in consideration of the sum of One dollar and other valuable consideration, (\$1.00 o.v.c.), the receipt of which is hereby acknowledged to its full satisfaction, do hereby grant to, bargain and convey to the BDM WARREN STEEL HOLDINGS LLC, the Grantee herein,) a perpetual right of way and permanent easement in and through the following described premises, to wit:

See Exhibit A attached hereto and made a part hereof.

For the construction, installation, operation, maintenance, and repair of a sewer line.

The Grantor hereby gives, grants, and conveys unto said BDM WARREN STEEL HOLDINGS LLC the right and easement to lay, install, repair, and maintain therein such sewer line and appurtenances connected therewith that in the opinion of the proper local authorities, may be necessary at any time or to do anything that may be advisable, or necessary to maintain or operate said sewer line, or appurtenances.

Said Grantee or its Contractor shall save the Grantor harmless from all claims and actions whatsoever arising out of said construction, maintenance and/or repair, and the Grantee covenants that all damages to all sidewalks, driveways, fences, shrubbery or lawn area shall be paid for by the Grantee or its Contractor, unless property restored or repaired. The Grantor further agree and covenant that any future construction shall be such that will not interfere with said installation or the operation and maintenance thereof.

IN WITNESS WHEREOF, the City of Warren, Ohio, by and through William D. Franklin, its Mayor, and, Eddie L. Colbert, its Director of Public Service and Safety, has hereunto caused to be affixed its name and corporate seal, and the names of its said officers, on this _____ day of _____, 20____.

CITY OF WARREN, OHIO

SEAL

By: _____
William D. Franklin, Mayor

Exhibit 3

And By: _____
Eddie L. Colbert, Director of Public
Service and Safety

STATE OF OHIO)
) ss
COUNTY OF TRUMBULL)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came William D. Franklin, Mayor of the City of Warren, Ohio, and Eddie L. Colbert, Director of Public Service and Safety of the City of Warren, Ohio, and severally acknowledged the execution of the foregoing deed to be their voluntary act on behalf of the City of Warren, Ohio, and the corporate act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last aforesaid.

NOTARY PUBLIC

This Instrument Prepared by:
David D. Daugherty,
Attorney at Law
City of Warren, Ohio
391 Mahoning Avenue, N.W.
Warren, Ohio 44483
(330) 841-2605
(Attorney Registration No. 0031476)

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that CITY OF WARREN, OHIO, who claims title by virtue of deed recorded as Deed Volume 722, page 266 (hereinafter referred to as the "Grantor"), for valuable consideration paid, grants unto BDM WARREN STEEL HOLDINGS LLC, its successors and assigns (hereinafter referred to as the "Grantee"), for the use and benefit of the property acquired by Grantee by Instrument No.201210240026388 (the "dominant estate"), a perpetual Twenty-two foot (22) easement upon, across, over and under a portion of Grantors' real property known as Permanent Parcel #43-316801 (the "servient estate"), which is more fully described as follows (the "Easement Area"):

See Exhibit A attached hereto and made a part hereof.

for the use, maintenance, repair, and replacement of the existing piping rack/gas line and all appurtenances relating thereto.

The Grantee, for itself and its successors and assigns, agrees that if the Easement Area or any surrounding lands, are disturbed for the purpose of construction, use, maintenance, operation, repair, and replacement of such utilities, the Grantee will immediately restore said area and/or surrounding lands to the condition in which they were found at the time of the commencement of the work. The Grantee, for itself and its successors and assigns, hereby indemnifies and agrees to hold the Grantor, and the Grantor's successors and assigns, harmless from and against any cost, liability or claim arising out of the construction, use, maintenance, operation, repair, and replacement of lines within the Easement Area

IN WITNESS WHEREOF, the City of Warren, Ohio, by and through William D. Franklin, its Mayor, and, Eddie L. Colbert, its Director of Public Service and Safety, has hereunto caused to be affixed its name and corporate seal, and the names of its said officers, on this _____ day of _____, 20____

Exhibit C

CITY OF WARREN, OHIO

SEAL

By: _____
William D. Franklin, Mayor

And

By: _____
Eddie L. Colbert, Director of Public
Service and Safety

STATE OF OHIO)
) ss.
COUNTY OF TRUMBULL)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came William D. Franklin, Mayor of the City of Warren, Ohio, and Eddie L. Colbert, Director of Public Service and Safety of the City of Warren, Ohio, and severally acknowledged the execution of the foregoing deed to be their voluntary act on behalf of the City of Warren, Ohio, and the corporate act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last aforesaid.

NOTARY PUBLIC

This Instrument Prepared by:
David D. Daugherty
Attorney at Law
City of Warren, Ohio
391 Mahoning Avenue, N.W.
Warren, Ohio 44483
(330) 841-2636
(Attorney Registration No. 0031476)

Passed in Council this 23rd day of December, 2020.

SIGNED: [Signature] ATTEST: [Signature]
President of Council Clerk

FILED WITH THE MAYOR: 12-24-2020

DATE APPROVED: 12-24-2020

[Signature]
MAYOR, CITY OF WARREN, OHIO

WARREN CITY COUNCIL
5050-5051

YES	NO	
		GRAHAM
		RUCKER
		STEINBECK
		BROWN
		WHITE
		SAFFOLD
		MACHERSON
		FORTE
		GREATHOUSE
		NOVAK
		LARSON

WARREN CITY COUNCIL
5050-5051

YES	NO	
		GRAHAM
		RUCKER
		STEINBECK
		BROWN
		WHITE
		SAFFOLD
		MACHERSON
		FORTE
		GREATHOUSE
		NOVAK
		LARSON