

See box 2

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 1031

AN ORDINANCE AUTHORIZING THE EXCHANGE OF REAL ESTATE BY THE VILLAGE OF GEORGETOWN, OHIO AND RUMPKE WASTE, INC. FOR CEMETERY PURPOSES AT CONFIDENCE CEMETERY GEORGETOWN, OHIO

WHEREAS, title to and ownership of those lands known as Confidence Cemetery in Georgetown, Ohio is vested in the Village of Georgetown; and

WHEREAS, the land described in the Exhibit "A" attached hereto is a part of Confidence Cemetery but is not used for the burial of the dead and is unsuitable for burial purposes; and

WHEREAS, Ohio Revised Code Section 759.04 provides that the legislative authority of a municipal corporation may sell any portion of the cemetery grounds owned by it and not used for the burial of the dead, which grounds are not suitable for burial purposes provided that the legislative authority has contracted for an equal or greater quantity of land suitable for burial purposes; and

WHEREAS, Rumpke Waste, Inc. is the owner of the lands described in the Exhibit "B" attached hereto which land is adjacent to and contiguous with the lands known as Confidence Cemetery; is suitable for burial purposes; and is of a quantity equal to or greater than the lands described in the Exhibit "A" attached hereto;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, a majority or more of all members thereof concurring, that:

SECTION 1. The Village of Georgetown shall transfer and convey to Rumpke Waste, Inc. the real estate described in the Exhibit "A" attached hereto in exchange for a conveyance by Rumpke Waste, Inc. to the Village of Georgetown of the real estate described in the Exhibit "B" attached hereto.

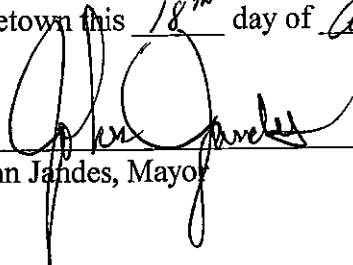
SECTION 2. It is hereby found and determined that the real estate described in the Exhibit "A" has not been used for the burial of the dead; is hereby found and determined to be unsuitable for burial purposes; and shall be transferred and conveyed to Rumpke Waste, Inc. free of any and all restrictions that said real estate shall be used for cemetery or burial purposes.

SECTION 3. It is hereby found and determined that the real estate described in the Exhibit "B" attached hereto is of an equal or greater quantity of land as compared to the real estate described in the Exhibit "A" attached hereto; is contiguous with the lands known as Confidence Cemetery in the Village of Georgetown; is suitable for burial purposes and shall be acquired by the Village of Georgetown and thereafter held by the Village of Georgetown for burial purposes as a part of Confidence Cemetery.

SECTION 4. The Village Administrator, as the chief contractual officer of the Village of Georgetown, and the Fiscal Officer of the Village of Georgetown, shall be and hereby are authorized and directed to executed and deliver to Rumpke Waste, Inc. a deed for the conveyance of the real estate described in the Exhibit "A" attached hereto in exchange for a deed from Rumpke Waste, Inc. for the conveyance of the real estate described in the Exhibit "B" attached hereto to the Village of Georgetown.

SECTION 5. This Ordinance shall be in full force and effect from and after the earliest date allowed by law.

Adopted by the Council of the Village of Georgetown this 18th day of August, 2005.



John Jandes, Mayor

ATTEST:



Ginny Colwell, Clerk/Fiscal Officer



Description for: CONFIDENCE CEMETERY (to be conveyed to Rumpke Waste Inc.)
Location: MILLER RING ROAD, 9.495 ACRES

Situated in J. Kerr's M.S. No. 7444, Pleasant Township, Brown County, Ohio and being more particularly described as follows:

BEGINNING at a set MAG nail in the centerline of Miller Ring Road, North $72^{\circ}01'38''$ West, 348.79 feet from an existing spike at the intersection of Mt. Orab Pike and Miller Ring Road;

Thence, leaving said centerline of Miller Ring Road, along a new division line through lands conveyed to Confidence Cemetery, South $46^{\circ}04'50''$ West, 343.03 feet to a set $5/8''$ x 30" iron pin and cap, passing a set $5/8''$ x 30" iron pin and cap at 50.00 feet;

Thence continuing along a new division line through the lands of the Grantor, South $06^{\circ}23'28''$ East, 387.21 feet to a set $5/8''$ x 30" iron pin and cap;

Thence continuing along a new division line through the lands of the Grantor, South $11^{\circ}14'31''$ West, 292.31 feet to a set $5/8''$ x 30" iron pin and cap;

Thence continuing along a new division line through the lands of the Grantor, South $79^{\circ}32'52''$ West, 103.51 feet to a set $5/8''$ x 30" iron pin and cap in the east line of a 247.885 Acre parcel conveyed to Rumpke Waste Inc. as recorded in D.B. 237, Page 337 of the Brown County Recorder's Office;

Thence along said east line, North $21^{\circ}18'26''$ West, 1285.26 feet to an existing $5/8''$ x 30" iron pin in the centerline of the aforementioned Miller Ring Road and the northeast corner of said Rumpke Waste Inc., passing a set $5/8''$ x 30" iron pin and cap at 1235.26 feet;

Thence along said centerline of Miller Ring Road, South $72^{\circ}01'38''$ East, 872.36 feet to the **POINT OF BEGINNING.**

CONTAINING 9.495 ACRES. Together with and subject to all legal highways and easements of record.



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Description for: CONFIDENCE CEMETERY (to be conveyed to Rumpke Waste Inc.)

Location: MILLER RING ROAD, 9.495 ACRES

This conveyance is a transfer between adjoining lot owners made in connection with Section 711.001 Sub-section B(1) of the Ohio Revised Code and does not create any additional building site or violate any zoning regulations or other public regulations in the parcels hereby conveyed or the balance of the parcel retained by the Grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the Grantees adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

The bearings are based on a survey by Gerard J. Berding, dated December 21, 1998, 2T-63 774

Prepared by G.J. BERDING SURVEYING, INC. on January 8, 2003.

This description is the result of a plat of survey prepared by G.J. Berding Surveying, Inc., Gerard J. Berding P.S. 6880, dated December 30th, 2002.

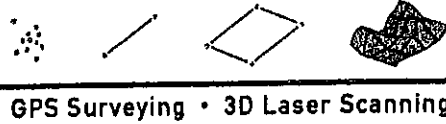
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G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45160 • 513 831 6505 tel • 513 831 6761 fax • www.berdingsurveying.com

Berding Surveying



Description for: RUMPKE WASTE INC. (to be conveyed to Confidence Cemetery)
Location: PLEASANT TOWNSHIP, 13.195 ACRES

Situated in L. Trent's M.S. No. 712, Pleasant Township, Brown County, Ohio and being more particularly described as follows:

COMMENCING at an existing spike at the intersection of Mt. Orab Pike and Miller Ring Road, thence along the centerline of Miller Ring Road, North $72^{\circ}01'38''$ West, 1221.15 feet to an existing $5/8''$ x 30" iron pin at the northeast corner of lands conveyed to Rumpke Waste Inc. as recorded in Deed Book 237, Page 337 of the Brown County Recorder's Office;

Thence leaving said centerline, along the east line of Rumpke Waste Inc., South $21^{\circ}18'26''$ East, 1285.26 feet to a set $5/8''$ x 30" iron pin and cap and the **POINT OF BEGINNING**.

Thence from said **POINT OF BEGINNING**, along the east line of Rumpke Waste Inc., South $21^{\circ}18'26''$ East, 1113.06 feet to an existing stone at the northwest corner of a 37.887 Acre parcel conveyed to Georgetown Exempted Village School District as recorded in D.B. 220, Pg. 553 of the Brown County Recorder's Office;

Thence along the north line of Georgetown Exempted Village School District, South $72^{\circ}32'14''$ East, 550.84' to a set $5/8''$ x 30" iron pin and cap;

Thence in part along the north line of Georgetown Exempted Village School District and the north line of a 85.871 Acre parcel conveyed to Georgetown Exempted Village School District Board of Education, as recorded in Deed Book 204, Page 445, North $89^{\circ}53'28''$ West, 444.21 feet to a set $5/8''$ x 30" iron pin and cap;

Thence leaving said north line of Georgetown Exempted Village School District, Board of Education along a new division line, through the lands of the aforementioned Rumpke Waste, Inc., North $36^{\circ}01'21''$ East, 559.92 feet to a set $5/8''$ x 30" iron pin and cap;

Thence continuing along a new division line through the lands of the Grantor, North $02^{\circ}20'32''$ East, 712.10 feet to a set $5/8''$ x 30" iron pin and cap;

Thence, continuing along a new division line through the lands of the Grantor, North $79^{\circ}32'52''$ East, 209.10 feet to the **POINT OF BEGINNING**.

CONTAINING 13.195 ACRES. Subject to legal highways and easements of record.



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Description for: RUMPKE WASTE INC. (to be conveyed to Confidence Cemetery)

Location: PLEASANT TOWNSHIP, 13.195 ACRES

This conveyance is a transfer between adjoining lot owners made in connection with Section 711.001 Sub-section B(1) of the Ohio Revised Code and does not create any additional building site or violate any zoning regulations or other public regulations in the parcels hereby conveyed or the balance of the parcel retained by the Grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the Grantees adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

The bearings are based on a survey by Gerard J. Berding, dated December 21, 1998, 2T-63 774

Prepared by G.J. BERDING SURVEYING, INC. on January 8th, 2003.

This description is the result of a plat of survey prepared by G.J. Berding Surveying, Inc., Gerard J. Berding P.S. 6880, dated December 30, 2002.

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G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 6505 tel • 513 831 6761 fax • www.berdingsurveying.com

MILLER RING ROAD

S 72°01'38" E 872.36'

PIKE
EX. SPIKE

Course Report
Deal Name: RUMPKLE TAKE
Starting Coordinates: Northing 4833.18, Easting 9175.38

Bearing	Distance	Type	Radius	Arc Length
S 48°04'50" W	343.03	LINE		
S 06°23'28" E	387.21	LINE		
S 11°14'51" W	282.21	LINE		
S 78°32'52" W	103.51	LINE		
N 21°18'28" W	1285.26	LINE		
S 72°01'38" E	872.36	LINE		

Ending Coordinates: Northing 4833.18, Easting 9175.38
Area: 413812.00 S.F., 9.4852 Acres
Total Perimeter Distance: 3283.08
Closure Error Distance: 0.00 Error
Closure Precision: 1 in 1228084.33

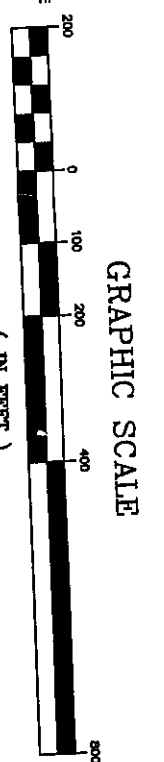
Course Report
Deal Name: CEMETERY TAKE
Starting Coordinates: Northing 10367.60, Easting -905.73

Bearing	Distance	Type	Radius	Arc Length
S 21°18'28" E	1113.06	LINE		
S 72°32'14" W	244.21	LINE		
N 38°10'21" E	598.82	LINE		
N 02°20'32" E	712.10	LINE		
N 78°32'52" E	209.10	LINE		

Ending Coordinates: Northing 10367.60, Easting -905.73
Area: 574765.92 S.F., 13.1948 Acres
Total Perimeter Distance: 2588.23
Closure Error Distance: 0.00 Error
Closure Precision: 1 in 1873984.05

- SUBJECT REFERENCES:**
- DEEDS OF RECORD AS NOTED HEREON
 - SURVEY BY GERALD S. BERDING, DATED JUNE 1975 27-61-139
 - SURVEY BY GERALD S. BERDING, DATED DECEMBER 17, 1983 27-61-22-61
 - SURVEY BY GERALD S. BERDING, DATED OCTOBER 3, 1983 27-61-54
 - SURVEY BY GERALD S. BERDING, DATED OCTOBER 30, 1988
- OCCUPATION AS NOTED HEREON

- INDICATES A SET MAG NAIL, UNLESS NOTED OTHERWISE
- INDICATES AN EXISTING SPIKE, PK OR MAG NAIL
- INDICATED 5/8" X 30" IRON PIN & CAP, SET
- INDICATES EXISTING 5/8" X 30" IRON PIN & CAP, UNLESS NOTED OTHERWISE
- INDICATES EXISTING STONE
- INDICATES FENCE LINE



NOTES:

This conveyance is a transfer between adjoining lot owners made in connection with Section 711.001 Sub-section B(1) of the Ohio Revised Code and does not create any additional buildings in the violates any zoning regulations or other public regulations in the parcels hereby conveyed or the balance of the parcel retained by the grantor herein.

The parcel hereby conveyed may not hereafter be conveyed separately from the Grantees adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ACCOMPANYING PLAT IS A CORRECT RETURN OF A SURVEY MADE UNDER MY DIRECTION AND ALL MONUMENTS WILL BE SET AS SHOWN

GERARD J. BERDING P.S. #8880

9.495 ACRES
(413,612 S.F.)

AREA TO BE CONVERTED TO RUMPKLE WASTE, INC.

13.195 ACRES
(574,765 S.F.)

AREA TO BE CONVERTED TO CONFIDENCE CEMETERY

RUMPKLE WASTE INC.
DB, 237, PG. 337
247,865 ACRES
-13,195 ACRES
234,690 (RESIDUED)

PLAT OF SURVEY

J. KERR'S M.S. NO. 7444,
L. TRENT'S M.S. NO. 712
PLEASANT TOWNSHIP
BROWN COUNTY, OHIO

G. J. BERDING
SURVEYING INC.
741 MAIN STREET
MILFORD, OHIO 45150
TELEPHONE (513) 851-5505

DATE: 12/30/02
SCALE: 1" = 200'

DRAWN BY:	M.M.L.	PROJECT NO.	95049 50
REVISIONS ON / BY:	/	CHECKED BY:	G.J.B.
REVISIONS ON / BY:	/		

SHEET NO. 1/1

PLOT DATE: 01/08/03 DRAWING NAME: 94055 0101Survey7.dwg