

*Village of Crooksville, Ohio*

ORDINANCE NO. 2585

**ORDINANCE PERMITTING LIMITED ENCROACHMENT OF EAVE, GUTTER AND METAL GARAGE USE IN MOORE'S ADDITION WITHIN THE VILLAGE OF CROOKSVILLE, PERRY COUNTY, OHIO AND DECLARING AN EMERGENCY**

**Whereas, *The Village of Crooksville*** is the owner of real property (the "Grantor's Premises") for public street purposes, as depicted in the plat for Moore's Addition, Perry County Plat Records Book 3, Page 27;

**Whereas, *Karen S. Hinkle and Thomas B. Conaway, Jr.***, are the owners of the real property (the "Grantees' Tract") located immediately adjacent of the Grantor's Premises, and described in Perry County Official Records Book \_\_\_\_\_, Page \_\_\_\_\_;

**Whereas,** an eave and gutter, and a metal garage belonging to the Grantees is located on the Grantee's Tract and extends over the Grantees' Tract boundary line onto the property of the Grantor by 2 feet for the eave and gutter, more or less, and by 1 foot for the metal garage, more or less, as depicted upon the attached Exhibit;

**Whereas,** the Village has not objected to such use of Grantor's Premises by the Grantees, and the Grantees have entered into a contract to sell their property to Jason L. Hammer;

**Whereas,** in order to complete their sale of Grantees' Tract, Grantees must demonstrate for public record purposes that the Village will permit the encroachment of the eave and gutter and metal garage as noted hereinabove; and

**Whereas,** the Village is willing to continue to permit such use by the Grantees, their successors and assigns, provided that no structures other than the existing eave and gutter and metal garage shall be placed or erected upon the public right of way consisting of Grantor's Premises, and that in the event the existing encroaching eave and gutter and/or metal garage is/are ever removed or replaced, no future structures will encroach upon the Grantor's Premises.

**NOW THEREFORE BE IT, AND IT IS HEREBY ORDAINED** by the Village of Crooksville, Perry County, State of Ohio, that:

**Section 1.** The Village of Crooksville shall grant an Easement for Encroachment of Eave, Gutter and Metal Garage Use to Grantees, in accordance with the terms and conditions set forth hereinabove and described within the attached Exhibit.

**Section 2.** A certified copy of this Ordinance and the Easement incorporated herein by reference and executed pursuant hereto shall be recorded in the office of the Perry County Recorder in the same manner as Easements are originally recorded. Further, upon the filing of the Ordinance and Easement with the Perry County Recorder, a cross reference to the record of the affected portion of the plat shall be made by the Recorder on the original plat of Moore's Addition to the Village of Crooksville.

**Section 4.** This Ordinance pass as an emergency and shall take immediate effect in order to allow for the purchase closing between Karen S. Hinkle and Thomas B. Conaway, Jr. and Jason L. Hammer to take place within the time limits of their purchase contract, and for the general peace and welfare of the Village of Crooksville.

**1<sup>st</sup> Reading:** Waived on 2/3 Vote .

**2<sup>nd</sup> Reading:** Waived on 2/3 Vote .

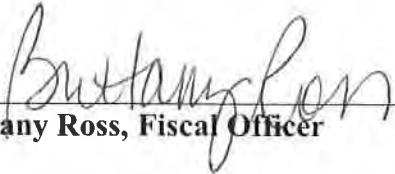
**3<sup>rd</sup> Reading:** March 20, 2017 .

**Passed:** March 20, 2017 .



**Fred Redfern, Mayor**

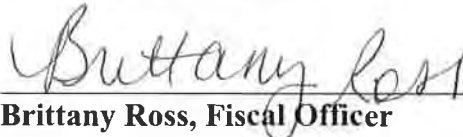
ATTESTED:



**Brittany Ross, Fiscal Officer**

**Posting Certification**

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 21<sup>st</sup> day of March, 2017.



**Brittany Ross, Fiscal Officer**