

**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND RECREATION
STATE CANAL LANDS
APPLICATION FOR USE OF CANAL LANDS**

Today's Date: March 3, 2010

Request by: City of Sidney
 Name of Applicant / Organization

Steve Stilwell
 Contact Person

201 W Poplar St
 Address

937-498-8110 (p) 937-498-8139 (f)
 Telephone and Fax

Sidney, Ohio 45365
 City, State, Zip code

sstilwell@sidneyoh.com
 Email

Location of subject canal land: county, township, road intersection, canal station, plat map number, etc.

The canal property in question is located in the Township of Clinton, the County of Shelby, in the State of Ohio. This land is part of the Sidney Feeder Canal that originates in the Village of Port Jefferson, and ends near the locks in the Village of Lockington. The section requested is south of Sidney proper and is approximately .8 mile in length and 12.5 acres.

Type of property request - Check appropriate option(s)

Lease Right of Entry Easement License Transfer Temporary/Other

Describe the specific activity that is proposed for the canal property. For example, surveying, recreation use, construction, equipment staging area, etc.

This section of the canal is currently deeded to the City of Sidney via a Governor's Deed. The Governor's Deed stipulates the use of this land would be for recreational trail and utility line purposes. This land will used to continue an established Canal Feeder Trail along the canal corridor. The first .8 mile of the trail is completed (phase I), with the next .8 mile (phase II) scheduled for construction this spring. This section will be used for construction access for the phase II build, and an unpaved pedestrian trail.

Attachment(s) – Please attach a map, plot plan, USGS topographic map, aerial or any other document that clearly illustrates the property location and boundaries. N/A

RETURN COMPLETED FORM AND ATTACHMENTS TO:

John Hunter, Acting Chief
Division of Parks and Recreation
Ohio Department of Natural Resources
2045 Morse Road, Bldg C-3
Columbus, Oh 43229

2-23-2010

CANAL LANDS CONVEYANCE REVIEW FORM

FILE #O/M- COUNTY: **Shelby** **STATION #s** **Plat # Sidney Feeder**

LOCATION OF PARCEL: **Clinton Township**

SQ FT/ACRES: **12.5 Acres**

APPLICANT'S NAME: **City of Sidney**

ADDRESS: **201 W. Poplar Street**

CITY: **Sidney** **ZIP:** **45365** **PHONE #:** **937-498-8110**

INTENDED PURPOSE: **Recreational trail and utility corridor**

BACKGROUND INFORMATION: **The City of Sidney has requested this transfer so that the City can own the property, instead of holding an easement, which is the current situation.**

PERTINENT INFORMATION:

- | | | |
|--|------------|-----------|
| 1) Are there any historical features on or near the parcel of land that will be conveyed? If Yes, Explain _____ | Yes | No |
| 2) Is the canal parcel having any usage as a waterway, water supply or water control that is reflective of its historical purpose? | Yes | No |
| 3) Will the proposed conveyance diminish the significant historical canal features near or on the parcel? | Yes | No |
| 4) Is there local preservation support to protect the parcel to be conveyed?
City of Sidney | Yes | No |
| 5) Does the parcel to be conveyed have any wetland qualities or is a part of a wetland? | Yes | No |
| 6) Does the proposed conveyance preserve the habitat values of the land? | Yes | No |
| 7) Does the proposed conveyance preserve the use as in floodplain management, storm water retention, water quality, or water supply functions? | Yes | No |
| 8) Will the proposed conveyance conflict with proposed or potential recreational trails in statewide, regional, county or local plans? | Yes | No |
| 9) Have local recreation agencies been contacted concerning the proposed conveyance? | Yes | No |

Name of Office or Officials: **_Shelby County Park District (concurrent notification)**

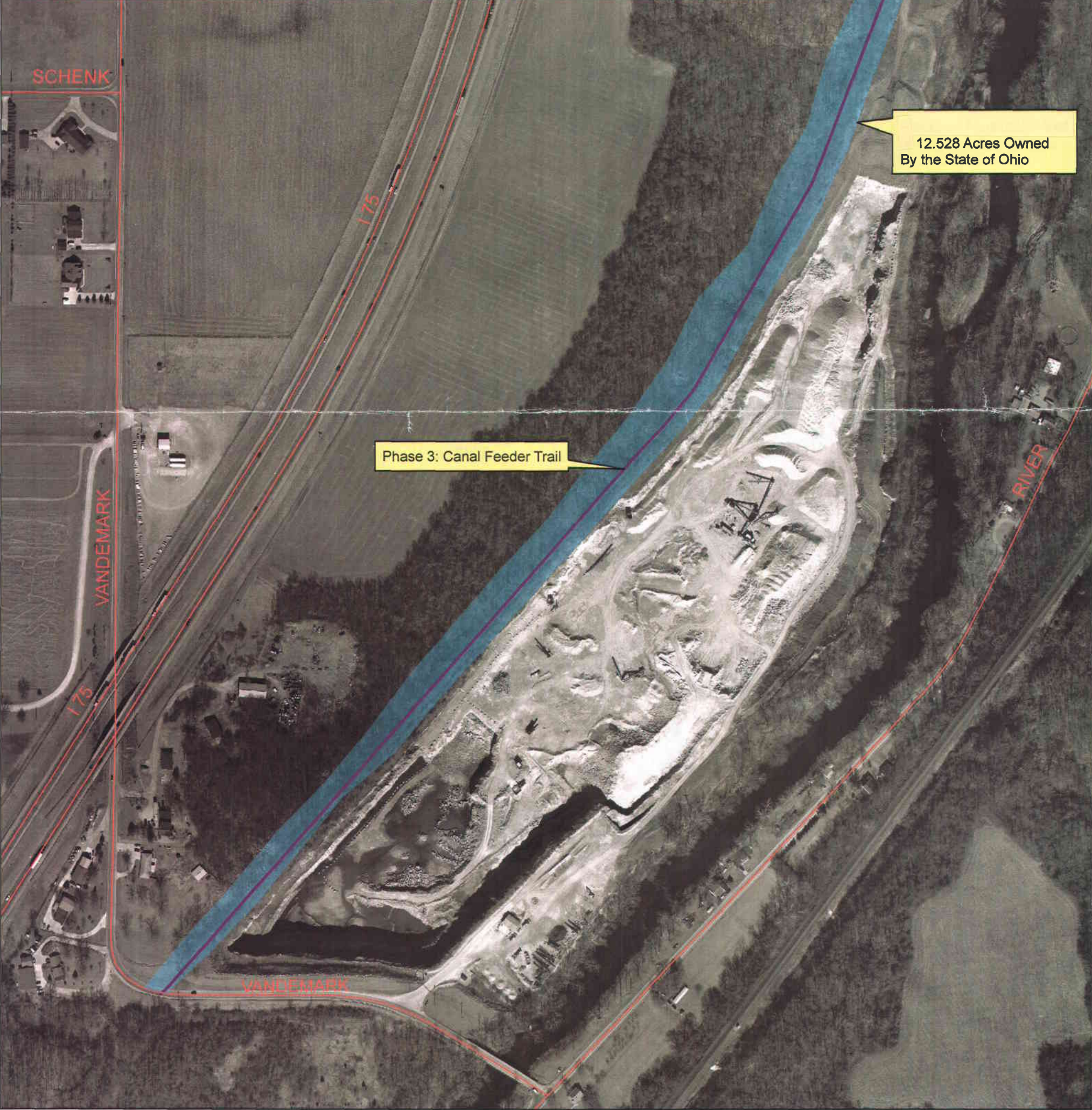
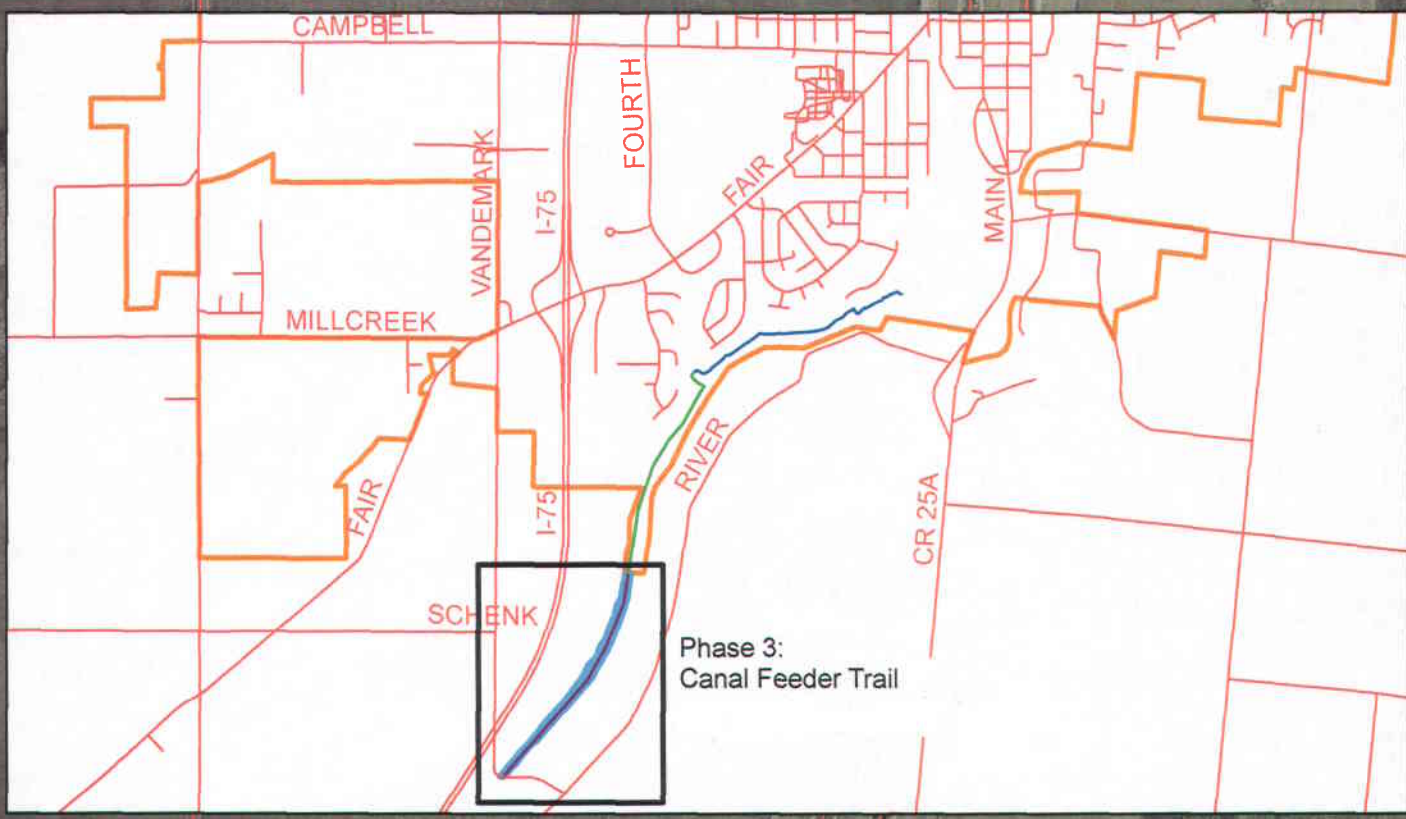
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|--|------------|-----------|
| 10) Are there any structures/encroachments on the proposed parcel? | Yes | No |
| 11) Are there any environmental concerns/issues with the land?
Any Documentation? Explain _____ | Yes | No |
| 12) Will the proposed conveyance conflict with established regional
and or community planning activities? | Yes | No |
| 13) Does the local entity support and have the capability to oversee
and/or manage the proposed conveyance? | Yes | No |
| 14) Is applicant an adjoining property owner? | Yes | No |
| 15) Is there a potential title or sale issue associated with this land?
If Yes, Explain _____ | Yes | No |
| 16) Does applicant have a lease, license, or easement? | Yes | No |
| 17) Is there any unpaid lease/license fee?
If yes, how much? | Yes | No |
| 18) Is the canal land part of a potential trail/greenway? | Yes | No |
| 19) Are there any structures/encroachments on the land?
What type of structures/encroachment _____ | Yes | No |
| 20) Have local public officials been notified of possible conveyance? | Yes | No |
| 21) Is property a potential liability to state due to environmental
hazard, nuisance or others? Explain _____ | Yes | No |
| 23) Were pictures taken of property | Yes | No |

CANAL LANDS REAL ESTATE STAFF RECOMMENDATION:

Transferring ownership to the City of Sidney will be a public benefit. This proposal should proceed to the 30 day public review stage.

– M. Fitch, Canal Lands Coordinator, Ohio State Parks, 3-9-10








Legend

Canal Feeder Walkway

Riverwalk Phase

-  Phase 1
-  Phase 2
-  Phase 3

-  Proposed Annexation
-  Roads
-  Corporation Limits

**Phase 3: Canal Feeder Trail
Proposed Annexation**



1 inch equals 300 feet



November 20, 2009



BK: 1720 PG: 634

P 58A

Governor's Deed State of Ohio Deed of Easement

200900001689
Filed for Record in
SHELBY CO OHIO
JODI L SIEGEL
03-16-2009 At 12:35 pm.
EASEMENT 44.00
OR Book 1720 Page 634 - 62

KNOW ALL MEN BY THESE PRESENTS: THAT,

WHEREAS: The provisions of Section 1501.01 of the Ohio Revised Code authorize the exchange or sale of lands or property, real or personal, or the grant of an easement when such is advantageous to the State of Ohio; and

WHEREAS: The City of Sidney has entered into an agreement on December 30 2008, with the Ohio Department of Natural Resources to acquire a permanent easement for recreational trail and utility line purposes situated in Clinton Township, County of Shelby, State of Ohio; and

WHEREAS: The Chief of the Division of Water has declared the hereafter described real estate situated in the Township of Clinton, County of Shelby, State of Ohio, and being part of the Miami and Erie Canal; and

WHEREAS: The Director of the Ohio Department of Natural Resources, State of Ohio, has deemed the above easement beneficial to the citizens of the State of Ohio; and

WHEREAS: By Journal Entry dated January 8, 2009, the Director of the Ohio Department of Natural Resources and the Chief of the Division of Water have declared the hereafter described real estate situated in the Township of Clinton, County of Shelby, State of Ohio, as surplus and may be subject to said easement.

NOW, THEREFORE: THE STATE OF OHIO, by TED STRICKLAND, GOVERNOR, acting under the authority of Sections 117.50, 1501.01 and 5301.13 of the Ohio Revised Code, and the covenants contained in the Agreement to Transfer Permanent Easement and in consideration of mutual benefits derived therefrom, does hereby remise, grant and forever unto the City of Sidney, whose tax mailing address is 201 West Poplar Street, Sidney, Ohio 45365, its successors and assigns, an easement on the following described real estate:

SITUATE WITHIN FRACTIONAL SECTION 11, TOWN 7 NORTH, RANGE 6 EAST, CLINTON TOWNSHIP, SHELBY COUNTY, M.R.S., OHIO. BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

Commencing for reference at an iron pin found within a monument box at the Northwest corner of said fractional section 11, also being on the centerline of Vandemark Road;

Thence South 89°-43'-01" East, 2689.44 feet along the North line of said fractional section 11 to an iron pin

588 K

found on the Transit line of the Sidney Feeder to the Miami and Erie Canal;

Thence South $18^{\circ}-55'-07''$ West, 434.03 feet along said transit line to an iron pin found;

Thence continuing along said Transit Line South $8^{\circ}-37'-52''$ West, 1135.20 feet to an iron pin found on the south boundary of the premises shown in Official Records Vol. 1567, Pg. 55 of the Shelby County Records. Also being the present corporation line for the City of Sidney and the place of beginning for this premise;

Thence South $89^{\circ}-43'-57''$ East, 50.25 feet along the South line of said premises to an iron pin found;

Thence following the Eastern canal feeder property line the following bearings and distances:

South $8^{\circ}-21'-19''$ West, 57.18 feet to an iron pin found;

South $7^{\circ}-29'-21''$ West, 200.04 feet to an iron pin found;

South $9^{\circ}-03'-18''$ West, 199.96 feet to an iron pin found;

South $16^{\circ}-31'-44''$ West, 210.27 feet to an iron pin found;

South $21^{\circ}-00'-09''$ West, 400.14 feet to an iron pin found;

South $19^{\circ}-20'-50''$ West, 199.96 feet to an iron pin found;

South $24^{\circ}-30'-16''$ West, 208.17 feet to an iron pin found;

South $31^{\circ}-02'-38''$ West, 200.04 feet to an iron pin found;

South $29^{\circ}-53'-53''$ West, 400.00 feet to an iron pin found;

South $40^{\circ}-16'-30''$ West, 209.48 feet to an iron pin found;

South $41^{\circ}-56'-16''$ West, 1000.05 feet to an iron pin found;

South $39^{\circ}-55'-58''$ West, 200.06 feet to an iron pin found;

South $49^{\circ}-03'-12''$ West, 201.81 feet to an iron pin found;

South $38^{\circ}-47'-17''$ West, 400.40 feet to an iron pin found;

South $43^{\circ}-56'-29''$ West, 200.20 feet to an iron pin found;

South $46^{\circ}-47'-30''$ West, 171.89 feet to a mag nail set on the centerline of right of way of Vandemark Road;

Thence following the centerline of said Vandemark Road along the arc of a curve to the right having a radius of 169.03 feet, a delta angle of $22^{\circ}-24'-12''$, an arc length of 66.09 feet, and a chord bearing North $73^{\circ}-00'-41''$ West, 65.67 feet to a mag nail set;

Thence following the Westerly line of said canal feeder the following bearings and distances:

North $39^{\circ}-04'-27''$ East, 198.39 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $42^{\circ}-13'-27''$ East, 200.02 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $39^{\circ}-21'-36''$ East, 200.12 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $44^{\circ}-13'-37''$ East, 200.25 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $39^{\circ}-55'-57''$ East, 200.06 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $36^{\circ}-30'-22''$ East, 200.72 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $41^{\circ}-04'-41''$ East, 200.00 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;

North $40^{\circ}-47'-30''$ East, 200.01 feet to a $5/8''$ x $30''$ iron pin with City of Sidney cap set;



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North 42°-47'-48" East, 200.06 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 37°-21'-38" East, 200.49 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 38°-30'-08" East, 200.25 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 35°-00'-17" East, 177.93 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 26°-10'-44" East, 200.42 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 43°-39'-51" East, 205.92 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 22°-12'-34" East, 201.81 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 30°-49'-27" East, 186.50 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 16°-21'-22" East, 200.72 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 25°-30'-13" East, 200.56 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 14°-39'-16" East, 201.32 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 24°-49'-08" East, 181.66 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 9°-29'-26" East, 200.02 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 13°-12'-18" East, 200.64 feet to a 5/8" x 30" iron pin with City of Sidney cap set;
 North 2°-04'-16" East, 40.85 feet to an iron pin found;

Thence leaving said Westerly canal property line and following the present corporation South 89°-43'-57" East, 63.35 feet, returning to the place of beginning for this premise.

Containing a total of 12.528 acres more or less of which 0.049 acres more or less is within Vandemark Road right-of-way, all being subject to any legal easements or highways of record.

Bearings are based upon State Plane Coordinates (NAD 83, Ohio North Zone, and Geoid Model 2003).

Randall J. Magoto, Ohio Professional Surveyor number 7768, based upon a survey completed in May of 2008, prepared the above description.

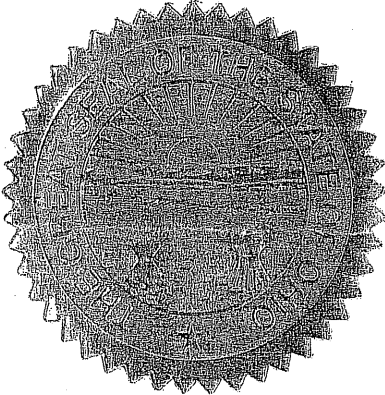
The grant of this easement shall be for the following purposes: a public recreational trail for non-motorized vehicular, pedestrian use, a bike path, and for utility line purposes.

Further, subject to any and all outstanding easements, rights, permits and right-of-way license agreements for the installation and maintenance of gas lines, water lines, sewers, telephone, telegraph and power transmission lines, which may have been granted by the Department of Natural Resources whether or not the same may be of record.

TO HAVE AND TO HOLD said easement for the purposes stated above with all the privileges and appurtenances thereunto belonging to the City of Sidney, its successors and assigns forever.

IN TESTIMONY WHEREOF, I, TED STRICKLAND, GOVERNOR, for and in the name of the State of Ohio, have signed this deed at Columbus, Ohio, and have caused the same to be countersigned by the Secretary of State and the Great Seal of the State of Ohio to be hereunto affixed this 23rd day of February, Two Thousand and Nine (2009).

200900001689
CITY OF SIDNEY
PICK UP



THE STATE OF OHIO

BY Ted Strickland
TED STRICKLAND
GOVERNOR



BK: 1720 PG: 637

COUNTERSIGNED

BY Jennifer Brunner
JENNIFER L. BRUNNER
SECRETARY OF STATE

DRAFTED AND PREPARED

BY Mary Taylor
MARY TAYLOR
AUDITOR OF STATE
PURSUANT TO SECTION 1501.01
AND SECTIONS 117.50 AND
5301.13 (O.R.C.)

Recorded in Volume 18, Page 6 New Deeds Various State Lands

Land Office, Auditor of State