

# CANAL LANDS CONVEYANCE REVIEW FORM

**FILE NA COUNTY:** Shelby      **STATION #s** Vicinity of Sta. 7424      **Plat #** M&E 163

**LOCATION OF PARCEL:** M&E Canal, SW of Sidney, Washington Twp.

**SQ FT/ACRES:** Approx. 0.281 acres (Branscum) and 0.07 Acres (Frasure)

**APPLICANT'S NAME:** Applicants are two adjoining property owners: (1) Mr. Branscum, (2) Mark & Lisa Frasure. Because of situational similarity these two applications are combined.

**ADDRESS:** Hardin – Wapakoneta Rd and Schenk Road

**CITY:** Sidney

**ZIP:** 45365

**APPLICANT'S INTENDED USE OF PROPERTY:** Resolution of deed overlap situations.

Is applicant an adjoining property owner?       Yes      No

Does applicant agree to accept a trail easement?       Yes      No      N/A

## PERTINENT BACKGROUND INFORMATION:

Property ownership in this area has been in dispute for at least 10 years. There are several areas of deed overlap, and a history of conflicting surveys. Mr. Branscum and Mr. and Mrs. Frasure desire to purchase land they thought they already owned. These areas are labeled A & B on the accompanying map titled *Miami & Erie Canal*.

## HISTORIC ISSUES:

- 1) Are there any existing intact historical canal features on or near the subject parcel? (Locks, aqueducts, canal buildings, etc.)      Yes       No  
If yes, explain \_\_\_\_\_
  
- 2) Is the subject canal parcel currently used as a waterway or is it used for water supply or water control reflective of its historical purpose?      Yes       No
  
- 3) Will the proposed conveyance diminish significant historical canal features near or within the parcel?      Yes      No       N/A
  
- 4) Is there a local entity interested in preservation of these historic features?      Yes      No       N/A  
Name of local entity(s) \_\_\_\_\_

**ENVIRONMENTAL ISSUES:**

- 5) Does the subject parcel have significant wetland qualities? Yes  No   
If yes, explain: \_\_\_\_\_  
Soils mapping shows presence of hydric soils (Glynwood silt loam).  
An on-site evaluation was conducted by Ohio State Parks staff trained  
in wetland delineation. Determination: NOT a wetland
- 6) Does the subject parcel have significant habitat qualities? Yes  No   
If yes, explain: \_\_\_\_\_
- 7) Is the subject parcel in a floodplain? Yes  No   
If yes, how would this affect the applicant's intended use of the parcel?  
\_\_\_\_\_
- 8) Are there any environmental concerns/issues with the land? Yes  No   
If yes, explain: \_\_\_\_\_

**LAND PLANNING ISSUES:**

- 9) Has the appropriate local recreation agency been contacted concerning the proposed conveyance?  Yes  No  
Name of agency or official(s): Shelby County Park District Commissioners  
This proposal has been discussed with the Shelby County Park District Commissioners.  
They have agreed to the proposed transfer of parcels A & B & C. (To date, the transfer of  
Parcel C has been discussed, but an application to transfer has not been submitted.)
- 10) Has the State Trail Coordinator been contacted concerning the proposed conveyance?  Yes  No
- 11) Will the proposed conveyance conflict with proposed recreational trails in statewide, regional, county or local plans? Yes  No
- 12) Based on current knowledge and existing public land ownership, does the subject parcel have potential as a part of a future trail or greenway? Yes  No   
Explain:  
Adjoining land to the south has already been sold, but trail potential does exist in this vicinity. However, if a trail were developed through this area it is unlikely that the trail would be placed within area 'A' or 'B' as shown on the accompanying map. Nonetheless, the applicants have agreed to accept a reduction in property rights in the form of a trail easement, should it be required.

13) Will the proposed conveyance conflict with other established regional and/or community plans? How was this determined? Yes  No

Determined via discussions with the Shelby Co. Park District.

## REAL ESTATE ISSUES:

14) Are there any structures/encroachments on the land?  Yes  No  
If yes, explain: Residential structures such as porch, etc and fencing.  
Owners of these items had reason to believe they were developing their own land.

15) Is there a potential title or sale issue associated with this land?  Yes  No  
If yes, Explain \_\_\_Current situation involving overlapping deeds

16) Does the applicant have a lease, license, or easement? Yes  No

17) Is there an unpaid lease/license fee? Yes  No   
If yes, how much? \_\_\_\_\_

18) Were photographs taken of property?  Yes  No  
Approximate date of photographs: \_\_\_April 2010\_\_\_

## CANAL LANDS STAFF RECOMMENDATION:

Ohio State Parks staff has been working with the applicants for some time to find a suitable resolution to an unfortunate situation. Apparently a series of errors occurred through no apparent fault of the property owners whereby incorrect legal descriptions resulted in incorrect property lines. In 2010 the ODNR Division of Engineering surveyed the area to correct discrepancies. Ohio State Parks desires to proceed with the proposed sale of these narrow parcels in order to resolve long standing real estate issues. Ohio State Parks does not believe there will be a negative effect on recreational trails as a result of the proposed action.

Adjoining Canal Land corridor for ½ miles to the south has been sold into private ownership, as well as a significant portion of canal land to the west (see aerial map showing ownership of canal corridor). However, a trail easement on the previously sold land to the south is a possibility. Even so, it is unlikely that transfer of the two tracts labeled A and B would adversely affect trail planning in this area.

This proposal should proceed to the 30 day public review stage.

– M. Fitch, Canal Lands Coordinator, Ohio State Parks, 7-29-2011

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



Today's Date: 5/25/2011

Request by: Cecile Branscum  
Name of Applicant / Organization

Cecil Branscum  
Contact Person

3488 Hardin Wapak Rd  
Address

Sidney Ohio 45365  
City, State, Zip code

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

Town of Newbern Washington township Shelby County Ohio  
part of section 7+8 Township 7 North Range 8 East

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.

deed overlap resolution

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

RETURN COMPLETED FORM AND ATTACHMENTS TO:

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

2-24-2011

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



Today's Date: 6-19-11

Request by: Mark-Lisa Frasure Mark-Lisa  
Name of Applicant / Organization Contact Person

3542 Hardin-Wapak Rd.  
Address

Sidney, Ohio 45365 \_\_\_\_\_  
City, State, Zip/code Email

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

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.  
nothing

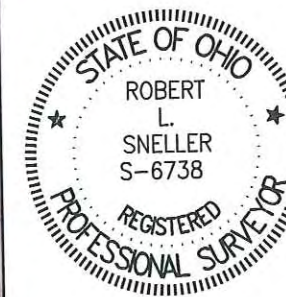
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Columbus, Oh 43229

Schenk Road (Main St.)

**SURVEYOR'S CERTIFICATE:**

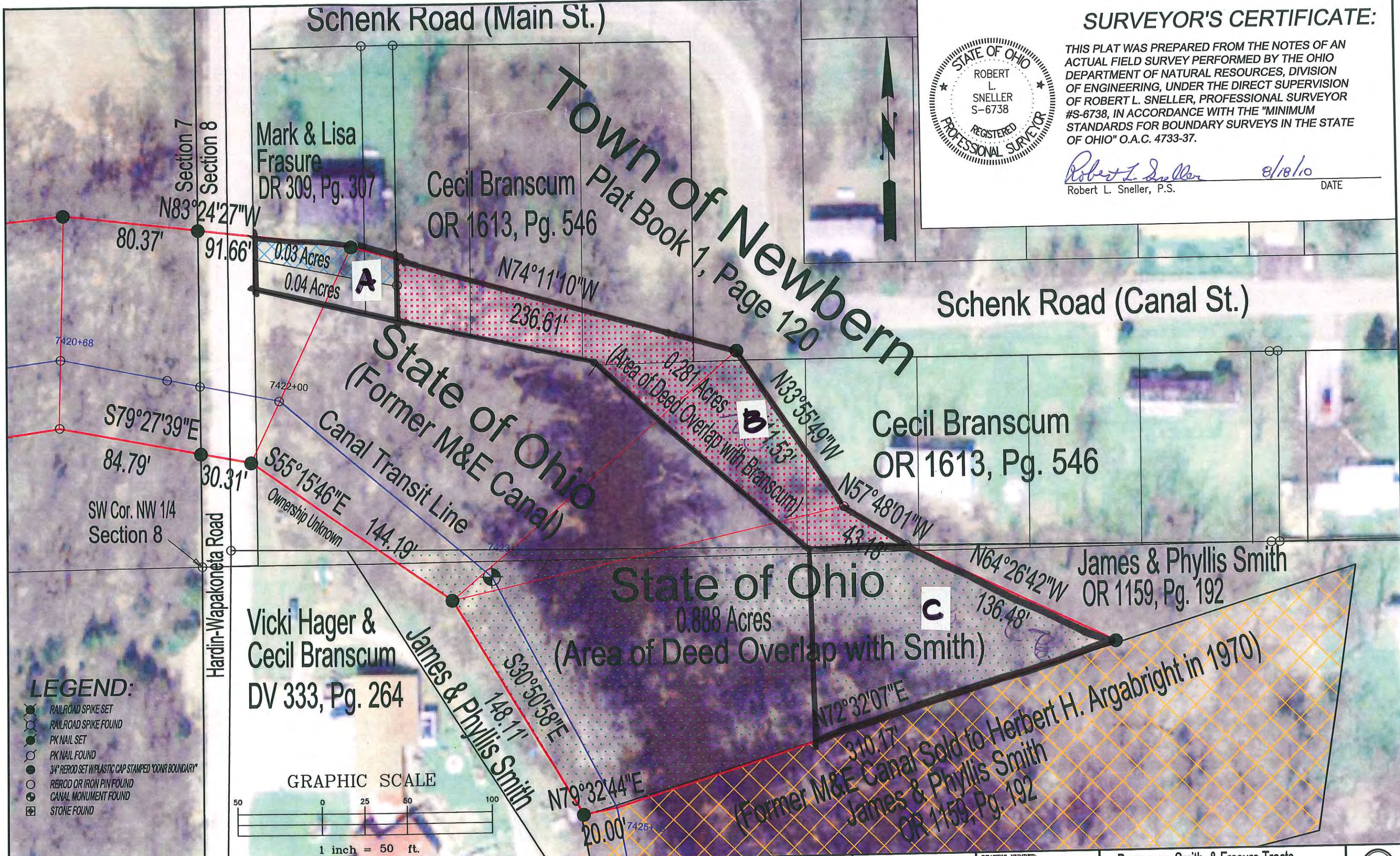


THIS PLAT WAS PREPARED FROM THE NOTES OF AN ACTUAL FIELD SURVEY PERFORMED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF ENGINEERING, UNDER THE DIRECT SUPERVISION OF ROBERT L. SNELLER, PROFESSIONAL SURVEYOR #S-6738, IN ACCORDANCE WITH THE "MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO" O.A.C. 4733-37.

*Robert L. Sneller*  
Robert L. Sneller, P.S.

8/18/10

DATE



**LEGEND:**

- RAILROAD SPIKE SET
- RAILROAD SPIKE FOUND
- PK NAIL SET
- PK NAIL FOUND
- 3/4" REROD SET W/ PLASTIC CAP STAMPED "ODNR BOUNDARY"
- REROD OR IRON PIN FOUND
- CANAL MONUMENT FOUND
- STONE FOUND

GRAPHIC SCALE



1 inch = 50 ft.

Situated in the Township of Washington, County of Shelby, and State of Ohio and being part of Sections 7 & 8 Townshin 7 North Range 6 East



**ENGINEERING**  
Ohio Department of Natural Resources

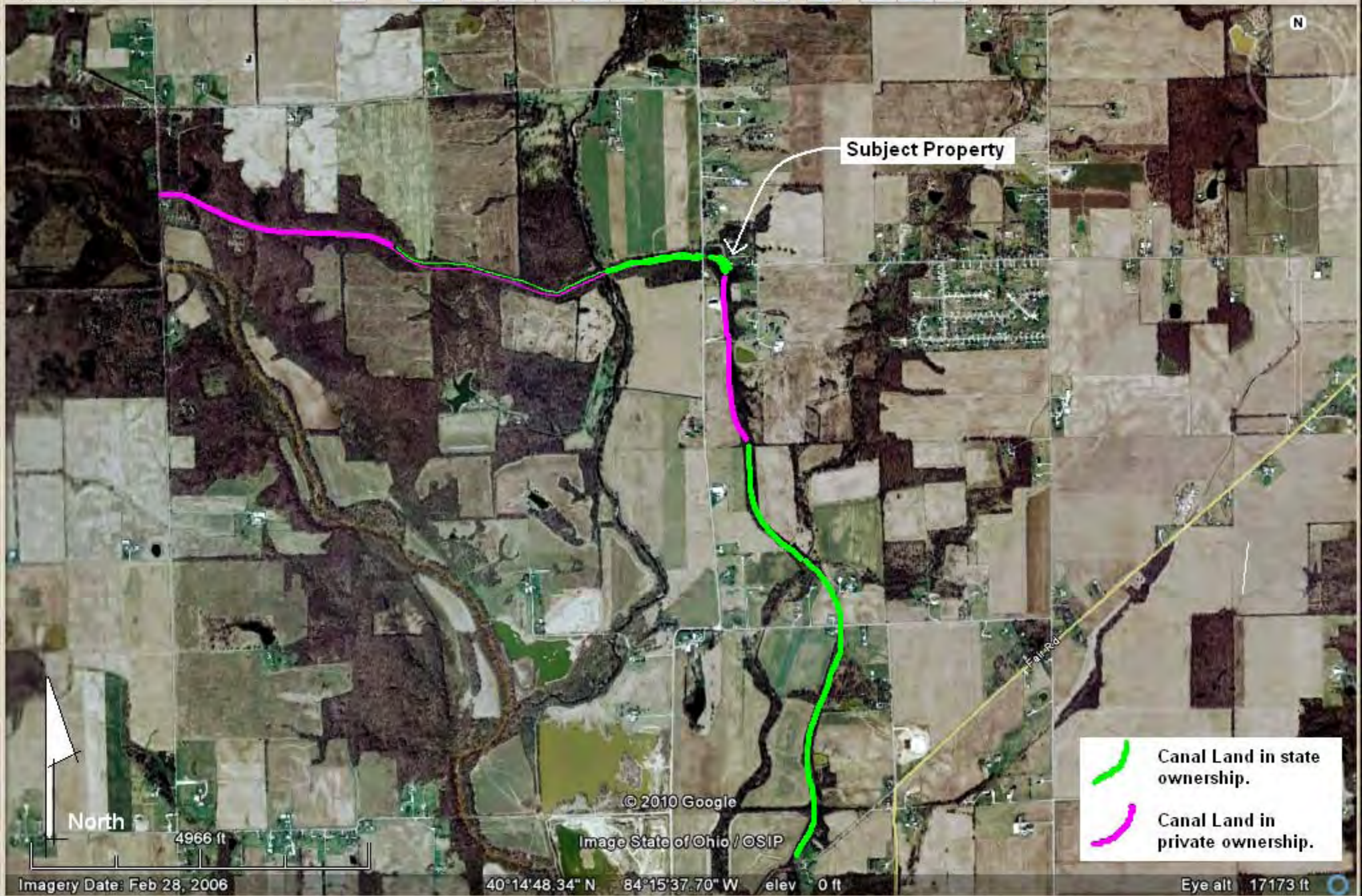
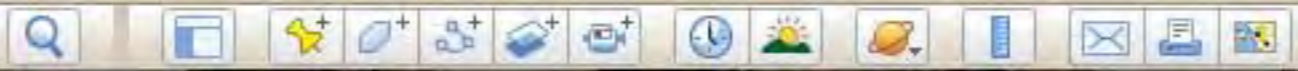
**Miami & Erie Canal**

|                 |                 |
|-----------------|-----------------|
| PROJECT NUMBER: | DRAWING NUMBER: |
| DRAWN BY:       | DATE:           |
| CHECKED BY:     | SCALE:          |
| REVISED BY:     | DATE REVISED:   |

Branscum, Smith, & Frasure Tracts  
Shelby County



sidney, OH



Subject Property

-  Canal Land in state ownership.
-  Canal Land in private ownership.

North

4966 ft

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Image State of Ohio / OSIP

Imagery Date: Feb 28, 2006

40°14'48.34" N 84°15'37.70" W elev 0 ft

Eye alt 17173 ft

