

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2021-01

Passed March 16<sup>th</sup>, 2021

## VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO.: 2021-01

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A **PERMANENT AND PERPETUAL** EASEMENT OF VACATED RAILROAD PROPERTY NOW OWNED BY THE VILLAGE OF GREENWICH IDENTIFIED AND RECORDED IN HURON COUNTY, OHIO IN VOL 310, PAGE 172 TO THE NEW LONDON-GREENWICH RAIL TRAIL, INC. TO BE USED AND MAINTAINED AS A MULTI-USE RECREATIONAL RAIL TRAIL

WHEREAS, the Village of Greenwich is the owner of certain property acquired from CSX Transportation, Inc. via QUITCLAIM DEED on September 28, 2000, consisting of Parcel II and Parcel III, and recorded in Huron County, Ohio in Vol 310, Page 172; and

WHEREAS, **Parcel II**, is identified in the QUITCLAIM DEED, **Exhibit A** as **16-041C-01-100-1000** consisting of **2.4425** acres; and

WHEREAS, **Parcel III**, is identified in the QUITCLAIM DEED, **Exhibit B** as **17-0020-01-100-1472** consisting of **3.6880** acres; and

WHEREAS, the property described above is a narrow corridor previously used and vacated by the railroad; and

WHEREAS, by reason of its narrow shape and unique dimensions, the property is not currently needed nor suited for any current municipal purpose; and

WHEREAS, further by reason of its narrow shape and unique dimensions, the property is of limited or no reasonable marketable value; and

WHEREAS, the New London-Greenwich Rail Trail, Inc. (NLGRT) is a nonprofit Ohio corporation established on February 26, 2007 to stimulate the public interest in, and provide support for the acquisition and development of an abandoned railroad corridor into a public trail for the recreational use of natural areas within the right of ways; and

WHEREAS, the New London-Greenwich Rail Trail, Inc. has undertaken a project to connect New London to Greenwich with a multi-use recreational rail trail by utilizing the vacated railroad corridor to complete the project; and

WHEREAS, the NLGRT respectfully submits that by reason of its narrow shape and unique dimensions, the vacated narrow railroad corridor property is best utilized as a multi-use recreational rail trail; and

WHEREAS, in an undated Resolution [sic] former Mayor Gary Sprague and Greenwich Village Council found that the use of the vacated rail line of the Wheeling and Lake Erie Railroad as a multi-use trail to have no negative consequences for the village and approved the pursuit of the endeavor to create a recreational trail on the vacated property. (Note that CSX Transportation Inc. acquired title via quitclaim deed on July 23, 1998 from Wheeling & Lake Erie Railway Company recorded in Huron County, Ohio Vol 310, Page 166); and

WHEREAS, Greenwich Village Council additionally passed a Resolution of Support for the New London-Greenwich Rail Trail on December 22, 2014 in Resolution 2014-R-22 stating that the Village of Greenwich supports the efforts of the NLGRT Organization to establish a multi-use recreational trail between the villages of New London and Greenwich; and

WHEREAS, Mayor Wesley Sallee offered support for the project in a Letter of Intent dated January 27, 2015 stating that it is the intention of the Village of Greenwich to grant two easements of the old railroad property to the NLGRT; and

WHEREAS, Council previously authorized a fifteen year easement in Ordinance No.: 2017-05 passed the 2nd day of May, 2017; and

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WHEREAS, NLGRT, Inc President Tom Dupee reports that NLGRT is planning to apply for an ODNR grant for year 2021 and ODNR requires easements to be at least 15 years to justify investments. In order to avoid requesting a new easement extension each time NLGRT seeks another ODNR grant, NLGRT is requesting a perpetual easement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. That Council hereby finds that the property described and recorded in Huron County, Ohio in Vol 310, Page 172 by reason of its narrow shape and unique dimensions, is not currently needed for any municipal purpose and, as a result, is of no reasonable marketable value.

SECTION 2. That due to the property's narrow shape and unique dimensions, the vacated narrow railroad corridor property is best utilized as a multi-use recreational rail trail and such use is consistent with the interests of the Village.

SECTION 3. That also due to the property's narrow shape and unique dimensions, and lack of marketable value, an interest in the property in the form of an easement may be made without competitive bidding. (see RC 721.01, 721.03 and 1932 OAG 4777)

SECTION 4. That the Mayor is hereby authorized to execute an Easement to the New London-Greenwich Rail Trail, Inc. upon the property described and recorded in Huron County, Ohio in Vol 310, Page 172, Parcel II and Parcel III, to be used as a multi-use recreational rail trail.

SECTION 5. That such easement shall be for a term of PERPETUAL AND PERMANENT and shall expire should the property no longer be used and or maintained as a multi-use recreational rail trail or if the New London-Greenwich Rail Trail, Inc ceases to exist.

SECTION 6. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 16<sup>th</sup> day of March, 2021.

## AUTHENTICATION and ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

Wesley Salter  
MAYOR

Judy  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 6 NAYS: - ABSTAIN: -

First Reading: 02/02/2021  
Second Reading: 02/16/2021 (may be dispensed by a vote of at least three-fourths of members. R.C.731.17(A)(2))  
Third Reading: 03/16/2021 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

APPROVED AND FORM:

Steve Palmer  
VILLAGE SOLICITOR, Steve Palmer

## CERTIFICATE OF PUBLICATION

RC 731.24

I hereby certify that a succinct summary of the above legislation was/will be published *once a week for two consecutive weeks* as required by RC 731.21 and 731.22(A) in the following newspaper(s) of general circulation: Shopper's Helper North, 211 Myrtle Ave., P.O. Box 368, Willard, OH 44890, 419.935.0184.

Judy  
CLERK OF COUNCIL