

12-21-2005  
PAUL E. MOORE  
RECORDER 44  
FEE \$

205281

238 Township Rd 111

OR VOL 731 PG 748

Dec 21 3 52 PM '05

# Warranty Deed

Know All Men By These Presents

That, **Barry F. Krause and Patricia L. Krause, husband and wife, (Grantors)** for valuable consideration paid, grants with general warranty covenants to **Warren Township Trustees, their successors and permitted assigns** whose tax mailing address is **302 Walden Avenue, Tiltonsville, Ohio 43963 (Grantee)**.

**Whereas**, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (The Stafford Act) identified the use of disaster relief funds under Section 404 (Hazard Mitigation Grant Program, "HMGP"), including the acquisition and relocation of flood damaged property.

**Whereas**, Section 404 of the Stafford Act provides a process for a community, through the State, to make application for funding to be used to acquire interest in property, including the purchase of flood damaged buildings, to demolish and remove the buildings, and to convert the land use into perpetual open space.

**Whereas**, the Ohio Emergency Management Agency (EMA) has made such application and has entered into a FEMA-State Agreement dated March 7, 2005.

**Whereas**, Warren Township has entered into a cooperative grant agreement with Ohio EMA in which Warren Township is authorized to acquire certain flood damaged, real property.

**Whereas**, the terms of the Stafford Act, regulations promulgated thereunder (44 CFR 206.434), and the Grant Agreement required that the Grantee agree to conditions which are intended to restrict the use of the land to open space in perpetuity; and

**Whereas**, Warren Township has determined that it is necessary in order to promote the public interest for the purpose provided in the Act to acquire fee simple title to this certain real property owned by the Grantor:

Description of a 0.1473 acre tract of land situated in Section 24, Twp. 4, Range 2 of the Township of Warren, County of Jefferson, State of Ohio, being the same tract of land conveyed to Barry Krause and Patricia Krause by deed

recorded in Volume 426, Page 199 being more particularly described as follows:

Beginning at an iron pin found on the Northwest corner of the said 0.1473 acre tract on the East line of 0.492 acre tract recorded in Volume 543, Page 343, from which an iron pin found on the Southwest corner of a 0.149 acre tract recorded in Volume 650, Page 902, bears N. 02 deg. 52' 26" E. 308.74 feet, bearing on the South line of the 0.149 acre tract being S. 78 deg. 03' 39" E.; thence from the place of beginning following the South line of a 0.492 acre tract recorded in Volume 543, Page 343, S. 77 deg. 55' 11" E. 45.86 ft. to an iron pin found on the West line of Peck Street; thence along the west line of Peck Street, S. 13 deg. 29' 31" W. 139.76 feet to an iron pin found on the North side of T.R. #111, thence along the T.R., N. 78 deg. 09' 40" W. 45.90 feet to an iron pin found on the southeast corner of the 0.492 acre tract; thence, with the said East line, N. 13 deg. 30' 24" E. 139.95 feet to the place of beginning, containing 0.1473 acres.

There is excepted from the said 0.1473 acre tract of land any previous right of ways or minerals.

The above description was prepared by John M. Green, P.S. 6608, from an actual survey made in September of 2005.

Bearings are based on those in deed book Volume 426, Page 888.

All iron pins set are 5/8" rebar with yellow caps stamped "Green 6608".

Auditor's Parcel Number 41-02392

PRIOR INSTRUMENT REFERENCE: Vol. 560, Page 599, Jefferson County Deed Records.

The Grantors release and quitclaim unto the Grantee, all right, title and interest which Grantor may have in the banks, bed and waters opposite to or fronting upon said land, and in any alleys, roads, streets, way, strip, gores and railroad rights of way abutting or adjoining said land, and in any means of ingress and egress appurtenant thereto.

This conveyance is expressly subject to rights outstanding in their parties for existing easements for public roads and highways, public utilities, railroads and pipelines.

The Grantee accepts this conveyance and, by causing its duly authorized representative to sign this instrument on its behalf, agrees to hold the herein described real estate subject to the terms of this Stafford Act, regulations promulgated thereunder (44CFR 206.434), as they read now and may be amended

APPROVED  
JEFFERSON COUNTY CLERK  
JULY 1, 2006


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in the future, and the Grant Agreement, which documents and regulations include, among other provisions, the following conditions and restrictions.

1. The Grantee agrees the land shall be used only for purposes compatible with open space, recreational, or wetlands practices.
2. The Grantee agrees that no new structures or improvements shall be erected on the premises other than a restroom or public facility that is open on all sides and functionally related to the open space use;
3. The Grantee acknowledges that it will not be considered for any future disaster assistance for any purpose relating to the subject land from any Federal source, and agrees not to seek the same.
4. The Grantee agrees that it shall convey the property only to another public entity and only with prior approval from Ohio EMA and the Regional Director of FEMA. Such conveyance shall be made expressly subject to the above reference conditions and restrictions which shall run with the property in perpetuity.

Executed this 21<sup>st</sup> day of December, 2005.

  
Barry F. Krause

  
Carl J. Sgalla, Trustee

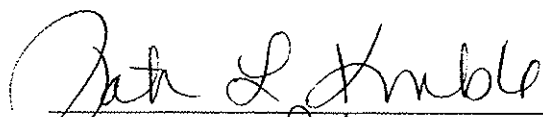
  
Patricia L. Krause

STATE OF OHIO, COUNTY OF JEFFERSON, SS:

Before me, a Notary Public, in and for said County and State personally appeared the above named **Barry F. Krause and Patricia L. Krause, husband and wife**, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal at Tiltonsville, Ohio, this 21<sup>st</sup> day of December, 2005.

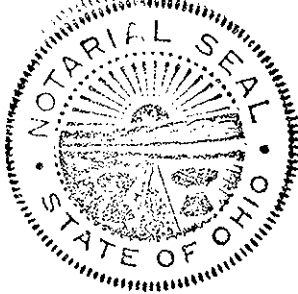


  
Notary Public Patricia L. Kimble  
Commission Expires: 3-30-2009

STATE OF OHIO, COUNTY OF JEFFERSON, SS:

Before me, a Notary Public, in and for said County and State personally appeared the above named **Warren Township Trustees by Carl J. Sgalla, Trustee**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and official seal at Tiltonsville, Ohio, this 21<sup>st</sup> day of December, 2005.



*Patricia L. Kimble*  
 Notary Public Patricia L. Kimble  
 Commission Expires: 3-30-2009

PREPARED BY:

Atty. Lawrence T. Piergallini  
 P.O. Box 7, 131 Third Street  
 Tiltonsville, Ohio 43963  
 (740) 859-2178

TRANSFERRED  
 CONVEYANCE EXAMINED  
 AND SEC. 319 202 R.C.

COMPILED WITH A

DEC 21 2005

Patrick J. Marshall  
 Jefferson County Auditor

BY FO  
 NO EX1437