

Number (89)

ORDINANCE:

An Ordinance granting to the United States of America, the right and authority to erect, under the auspices of the Northwest Territory Celebration Commission, and to maintain a Memorial and Pylons commemorating the settlement in Marietta and the establishment of a permanent government in the Northwest Territory.

WHEREAS, the Northwest Territory Celebration Commission, under authority granted to it by the United States of America, contemplates the erection in Muskingum Park, Marietta, Ohio, of a Memorial suitably commemorating the settlement of Marietta and the establishment of a Permanent Government in the Northwest Territory; and

WHEREAS, said Memorial is to be supplemented by the erection of four Pylons on Front Street in the City of Marietta, Ohio, between Putnam Street and Wooster Street, at such locations outside of the paved streets and sidewalks as the Architect and the Sculptor employed by said Commission shall determine, and

WHEREAS, it is requested that the City of Marietta grant the necessary permission and authority for the erection of said Memorial and Pylons:

NOW, THEREFORE, BE IT ORDAINED by the City of Marietta, State of Ohio:

Sec. 1. That there be, and hereby is, granted to the United States of America, the right and authority to erect and maintain in Muskingum Park, in the City of Marietta, Ohio, a Memorial of such construction and design as shall be adopted by said Commission, but which shall suitably commemorate the settlement of Marietta and the establishment of a permanent government in the Northwest Territory; said Memorial to be erected on the following described real estate, to-wit:

Situate in the City of Marietta, Washington County, Ohio, beginning at a point in Muskingum Park on the easterly bank of the Muskingum River one thousand and twenty (1020) feet southerly of the northerly line of said park, and eighty-three (83) feet westerly and parallel to the westerly line of Front Street, which line bears north 20 degrees 30' west; thence in a westerly direction at right angles to Front Street a distance of twenty-five (25) feet; thence in a southerly direction parallel with the westerly line of Front Street a distance of twenty-five (25) feet; thence in an easterly direction at right angles to Front Street a distance of twenty-five (25) feet; thence northerly parallel with the westerly line of Front Street a distance of twenty-five (25) feet to the place of beginning.

Sec. 2. That there be, and hereby is, granted to the said United States of America, the right and authority, under the auspices of said Northwest Territory Celebration Commission, to erect and maintain four Pylons, each being approximately three and one-half feet square at the base and fourteen feet in height; said Pylons to be erected on Front Street and outside of the improved street and sidewalk at such locations as shall be determined by the Architect and the Sculptor employed by said Commission.

Sec. 3. That the Mayor and Director of Service of the City of Marietta be, and they hereby are, authorized and directed to execute and deliver to said the United States of America the necessary instrument or instruments in writing evidencing the grants hereinbefore made.

Sec. 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 11, 1937.

Ray M. Beagle, President.

Attest: L. N. Harness, Clerk of Council.

Approved: January 11, 1937. J. Morton Harper, Mayor.

CERTIFICATE OF PUBLICATION:

I, L.N.Harness, Clerk of Council, do hereby certify that the foregoing, Ordinance No. 89, duly enacted by Council, was published in the Marietta Times, a newspaper of general circulation within the Municipality, once a week for two consecutive weeks, viz.: On Jan. 15, 1937 and on Jan. 22, 1937.

L.N.H.

GOVERNOR'S DEED

KNOW ALL MEN BY THESE PRESENTS, THAT,

Whereas, in and by House Bill No. 704, enacted by the Ninety-first General Assembly of Ohio under date of December 22, 1936, approved by the Governor December 30, 1936, and which became effective under date of April 5, 1937, 116 O.L., Part II, page 358, the Governor of the State of Ohio was and is authorized and empowered to execute a deed conveying to the United States of America as a site for the erection of a memorial to the first settlement in Ohio, a certain parcel of real property described in said act, the fee simple title in and to which is now owned and held by said State,

Now, Therefore, the State of Ohio, by Martin L. Davey, Governor, in consideration of the premises and to effectuate the provisions of said act and further pursuant to the provisions of section 8523, General Code, does hereby grant, bargain, sell and convey to the United States of America and to its successors and assigns forever and as a site for such memorial said parcel of land described in said act and herein, together with all such right, title and interest as said State of Ohio may have therein, to wit:

Being a part of Section 29 T2 R8 in the City of Marietta, Ohio, 25 feet square in Muskingum Park, East bank, 1020 feet southerly of the northerly line of the Park, and 83 feet westerly and parallel to the westerly street line of Front Street and the bearing on the westerly line of Front Street is N 40° 30' W.

To have and to hold said premises so conveyed, together with jurisdiction in and over the same, with all

the privileges and appurtenances thereunto belonging
unto the United States of America, its successors and
assigns forever for the purpose aforesaid.

In Witness Whereof, I, Martin L.
Davey, Governor of Ohio, have affixed
my signature hereto for and in the
name of said State and have caused the
great seal of the State to be hereto
attached this 6th day of April
in the year of our Lord One Thousand
Nine Hundred and Thirty-seven.



THE STATE OF OHIO

by Martin L. Davey
Governor

Countersigned:

by William S. Kennedy
Secretary of State.

Know all Men by these Presents

That Roy W. McCauley, and Vera M. McCauley, his wife, (Grantors)
of Marietta Ohio, Washington County.

~~the Grantor~~ ,
for the consideration of One Dollar and other valuable consideration
Dollars. (\$ 1.00) received to their full satisfaction of
NORTHWEST TERRITORY CELEBRATION COMMISSION.

~~the Grantee~~ , do
Give, Grant, Bargain, Sell and Convey unto the said Grantee,
heirs and assigns, the following described premises, situated in the City of
Marietta , County of Washington and State of Ohio:

The right, privilege and authority to construct, operate and maintain a stone pylon of the approximate dimensions of three and one-half (3½) feet square at the base, and fourteen (14) feet high; said pylon to be erected in front of the premises hereinafter described on Front Street between the sidewalk and the street curb; said premises being described as follows: Being all of Lot No. 499 in Block 38, except 73 feet off the south end of said Lot, but excepting from said premises 32 feet off of the north end of Lot 499, in Block 38, sold by the Grantors herein to Jennie B. Eisenbarth by deed recorded in Vol. 210 at Page 612, Deed Records of Washington County, Ohio;

This grant is made on condition that the right to erect and maintain said pylon for a period of ten (10) years and at any time after the ten (10) years it shall be removed by the Grantee if and when the Grantors decide it is a detriment to the property.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, their heirs and assigns forever.

And the said Roy W. McCauley and Vera M. McCauley the said Grantors, do for themselves and their heirs, executors and administrators, covenant with the said Grantees, their heirs and assigns, that at and until the ensembling of these presents, they were well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever

and that they will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantees, their heirs and assigns, against all lawful claims and demands whatsoever

And for valuable consideration Roy W. McCauley and Vera M. McCauley

do hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all their right and expectancy of Dower in the above described premises.

In Witness Whereof We have hereunto set our hands, the 23 day of September, in the year of our Lord one thousand nine hundred and thirty-seven.

Signed and acknowledged in presence of

G. A. Strecker
Ethel A. Riley

Roy W. McCauley
Vera M. McCauley

State of Ohio

Washington County, ss. Before me, a Notary Public in and for said County and State, personally appeared the above named Roy W. McCauley and Vera M. McCauley

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 Marietta, Ohio this 23 day of September, A. D. 19 37

G. W. Strecker

G. W. Strecker, Notary Public.

Warranty Deed

Roy W. McCauley and
Vera M. McCauley

TO

Northwest Territory
Celebration Commission.

Transferred 19

COUNTY AUDITOR

State of Ohio

County of 55

Received for Record on the

day of 19

at o'clock M.

and Recorded 19 in

Deed Book Page

COUNTY RECORDER

Recorders fee 5

CONTRACT

Between

MARGARET C. COOKE and
ALICE L. COOKE,

And

THE MARIETTA COMMISSION
FOR THE NORTHWEST TERRI-
TORY CELEBRATION.

STECKER & WILLIAMSON
ATTORNEYS AT LAW
MARIETTA, OHIO

THIS AGREEMENT, Made and entered into by and between MARGARET C. COOKE and ALICE L. COOKE, of Marietta, Ohio, First Parties, and THE MARIETTA COMMISSION FOR THE NORTHWEST TERRITORY CELEBRATION, of the City of Marietta, Ohio, Second Party, WITNESSETH:

WHEREAS, said First Parties have granted unto the UNITED STATES OF AMERICA, the right to erect and maintain a stone Pylon on Front Street in front of the premises of said First Parties, situate at the corner of Front and Putnam Streets, in the City of Marietta, Ohio, the consideration of which Grant is the performance by said Second Party of the agreements hereinafter set forth; therefore, IT IS AGREED AS FOLLOWS:

Said Second Party, in consideration of the Grant aforesaid made to the UNITED STATES OF AMERICA by said First Parties, hereby agrees to furnish all materials and labor for, and to construct a concrete sidewalk along the premises of First Parties approximately ninety (90) feet on Front Street, of an appropriate width conforming to the width of other sidewalk paving along said street; also to construct along the curb a slab of concrete approximately two (2) feet in width and ninety (90) feet in length, being similar to the slab now existing in front of The First Congregational Church; also to construct from the new concrete sidewalk to the street curb, a concrete walk approximately five (5) feet in width, extending from about the center of the building of First Parties situate on their premises.

The aforesaid construction shall be done without cost or expense to said First Parties and to the approval of the proper authorities of the City of Marietta, Ohio, having charge thereof, and completed not later than the time said Pylon is erected.

Said Second Party further agrees that on the expiration of ten years after the date hereof, it will remove said Pylon if and when the First Parties shall request and demand such removal.

The Marietta Commission for the Northwest Territory Celebration is composed of Mayor J. Morton Harper, H. E. Schramm, L. N. Harness, F. J. McCauley, Geo. J. Blazier, H. L. Sullivan, Geo. A. LaVallee and C. R. Sloan, of which said Mayor J. Morton Harper is Chairman, and said H. E. Schramm is Secretary.

IN WITNESS WHEREOF, said First Parties have hereunto subscribed their names, and said Second Party has hereunto caused its name to be subscribed by its Chairman and Secretary, thereunto duly authorized, in Duplicate, this 14th day of April, 1937.

WITNESSES:

W. H. Blackburn
A. V. Williamson

Margaret C. Cooke
Alice L. Cooke
First Parties

THE MARIETTA COMMISSION FOR
THE NORTHWEST TERRITORY
CELEBRATION,

By *J. Morton Harper*
Chairman

and *H. E. Schramm*
Secretary
Second Party.

Margaret C. Cooke and
Alice L. Cooke,

TO

UNITED STATES OF AMERICA

STECKER & WILLIAMSON
ATTORNEYS AT LAW
MARIETTA, OHIO

KNOW ALL MEN BY THESE PRESENTS:

That Margaret C. Cooke, unmarried, and Alice L. Cooke, a widow, (GRANTORS), of Marietta, Washington County, Ohio, in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to them paid, the receipt of which is hereby acknowledged, do hereby Grant and Convey unto the UNITED STATES OF AMERICA, (GRANTEE), its successors and assigns, the right, privilege and authority, under the auspices of the Northwest Territory Celebration Commission, to erect, construct and maintain a stone pylon of the approximate dimensions of three and one-half (3-1/2) feet square at the base, and fourteen (14) feet in height; said pylon to be erected in front of the premises hereinafter described, on Front Street, in the City of Marietta, Ohio, between the sidewalk and the street curb; said premises being described as follows:

BEING nineteen and five-twelfths (19-5/12) feet front on Putnam Street by ninety (90) feet on Front Street, and being part of City Lot Number 663 in Square Number 45, of the City of Marietta, Washington County, Ohio;

TO HAVE AND TO HOLD the same, with all the privileges and appurtenances thereunto belonging, unto said Grantee, its successors and assigns, for so long as said Grantors, their heirs or assigns, shall consent thereto, but for a period of not less than ten (10) years from and after the date hereof.

IN WITNESS WHEREOF, the said Margaret C. Cooke and Alice L. Cooke, have hereunto set their hands this fourteenth

day of April, A. D. 1937.

Signed and acknowledged
in presence of us:

Frank Blackman
Eugenia W. Suter
Ethel A. Riley
A. J. Williams

Margaret C. Cooke
Alice L. Cooke

UNITED STATES OF AMERICA)
DISTRICT OF COLUMBIA) SS:

I, *Eugenia W. Suter*, a Notary Public in and for the District of Columbia, do hereby certify that MARGARET C. COOKE, party to a certain Deed bearing date on the 14th day of April, 1937, and hereto annexed, personally appeared before me, in said District, the said Margaret C. Cooke, being personally well known to me as the person who executed the said Deed, and acknowledged the same to be her act and deed.

Given under my hand and seal this 16th day of April, 1937.

Eugenia W. Suter (SEAL)
Notary Public in and for the
District of Columbia.

THE STATE OF OHIO)
WASHINGTON COUNTY) SS:

On this 14th day of April, 1937, before me, a Notary Public in and for said County, personally came the above written ALICE L. COOKE, a widow, one of the Grantors in the foregoing Instrument, and acknowledged the signing thereof to be her voluntary act and deed.

WITNESS my official signature and seal on the day and year last above mentioned.

Ethel A. Riley
ETHEL A. RILEY - Notary Public
My Commission expires Nov. 16, 1938