

ORDINANCE NO. 50-68
By: John W. Miller

To authorize the Mayor to execute a deed of easement to the City of Columbus for the installation and maintenance of a sewer, and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Mayor, on behalf of the City of Bexley, Ohio, be and he is hereby authorized and directed to execute a deed of easement in the following form:

DEED OF EASEMENT

Know all men by these presents, that City of Bexley, A Municipality, hereinafter called "Grantor", for and in consideration of One (\$1.00) Dollar, and other valuable considerations paid by the City of Columbus, Ohio, a municipal corporation, the Grantee herein, receipt of which is hereby acknowledged, hereby grants with general warranty covenants to Grantee, its successors and assigns forever, a perpetual easement in, through, over and under the following described real estate for the purpose of constructing, operating, maintaining or replacing a sanitary sewer:

PARCEL NO. 16:

Being a 2.94 acre tract lying south of Livingston Avenue and west of College Avenue (U.S. Route 33), being easterly of Alum Creek, said tract being part of Half Section 34, Township 5, Range 22, Refugee Lands, Township of Marion, County of Franklin, State of Ohio, said tract being of record in Deed Book _____ Page _____, Recorder's Office, Franklin County, Ohio.

Being a strip of land twenty (20) feet in width in said tract, the centerline of said strip being described as follows:

Beginning on the south line of said 2.94 acre tract at a point located about 200 feet easterly measured along said southerly line from the centerline of said Alum Creek; thence northwesterly on a line forming a clockwise angle of about 43 deg. with the westerly direction of said southerly line, a distance of 290 feet to a point; thence westerly angling about 43 deg. to the left, parallel to and 10 feet (as measured at right angles) southerly from the northerly line of said 2.94 acre tract, a distance of about 45 feet to the point of ending of said strip, said point of ending located about 190 feet easterly from the centerline of said Alum Creek.

PURPOSE:

For the purpose of constructing, using and maintaining a 96 inch trunk

sanitary sewer and appurtenant work under the surface of said strip, including the right to clean, repair and care for said sewer and access to said strip of laid sewer, additional area of land alongside said strip to the extent of 60 feet easterly at right angles, from the centerline of said strip, a westerly limiting line being the top of the easterly bank of said creek and following the centerline of said strip, also being parallel to, and 70 feet westerly at right angles, from the centerline of said strip, and with the northerly and southerly limiting lines being the northerly and southerly boundaries of said tract.

Grantor, his heirs and assigns, hereby release the City of Columbus from any further claims for compensation or claims for damages resulting from this grant or the construction of said project, except that contractors for the City of Columbus shall not be released from liability for damage caused by their negligence.

The City of Columbus, as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored to its original condition as nearly as is reasonably possible. This covenant to run with the land.

The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility.

Prior Instrument Reference: Volume _____, Page _____.

To have and to hold said premises to said Grantee, the City of Columbus, Ohio, its successors and assigns forever for the uses and purposes hereinbefore described.

In witness whereof, the said City of Bexley, A Municipality, has caused its name to be signed and its corporate seal to be affixed and the names of its officers to be signed to these presents this _____ day of _____, 1968.

Signed and Acknowledged
in the presence of:

CITY OF BEXLEY, A MUNICIPALITY

By: Kenneth D. McClure
Kenneth D. McClure, Mayor

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

Be it remembered, that on this _____ day of _____, 1968, before me, the subscriber, a Notary Public in and for said County, personally came the above named City of Bexley, Grantor in the foregoing Deed, by Kenneth D. McClure, its Mayor, and as such Mayor acknowledged the signing of the same to be his voluntary act and deed for and as the act and deed of said corporation, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety, said emergency being that the previous easement contained the wrong description and it should be immediately corrected, and this ordinance shall go into force and effect upon its passage and approval by the Mayor.

Passed: Dec 17 1968

J. Roth Leibler
President of Council

Attest:

R. P. Unsworth
Clerk of Council

Approved December 18 1968

K. D. McClure
MAYOR

R. P. Unsworth, 12/19/68