

Ordinance No. 46-85

By William J. Bellomy

An ordinance to authorize the granting of easements to The Ohio Bell Telephone Company for the construction and maintenance of an underground communications system on certain property of the City of Bexley and to declare an emergency.

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

Section 1. That the Mayor and Auditor be and they hereby are authorized and directed to execute an easement on behalf of the City to The Ohio Telephone Company for the construction and maintenance of an underground communication system on certain property of the City, said easement to be in the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. That the Mayor and Auditor be and they hereby are authorized and directed to execute an easement from the City to The Ohio Bell Telephone Company for the construction and maintenance of an underground communications system on certain property of the City, said easement to be in the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 3. That this ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health, and safety, and this ordinance shall go into immediate force and effect upon its passage and approval by the Mayor.

PASSED:

October 8, 1985

ATTEST:

J.W. Abney
Clerk of Council

John W. Abney
President of Council

Approved: Oct. 8, 1985

David H. Madison
David H. Madison, Mayor

Sept. 24, 1985 - 1st reading

Oct. 8, 1985 - 2nd reading

Susp. & Adopt.

06431B01

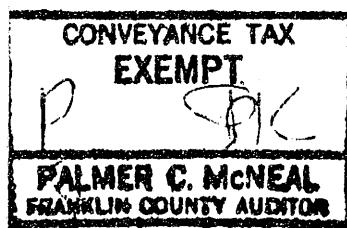
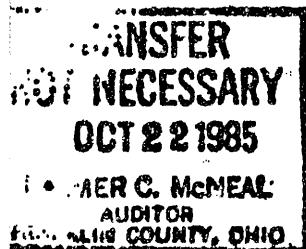
98484

THE OHIO BELL TELEPHONE COMPANY

In consideration of One And No/100 Dollars (\$ 1.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, I hereby grant unto THE OHIO BELL TELEPHONE COMPANY, its successors and assigns, (hereinafter called the company) a perpetual right of way and easement to install, construct, reconstruct, operate, maintain, repair, supplement and remove, at any time or times hereafter, its underground communication systems, together with all such communication facilities, including conduits, manholes, cables, wires, fixtures and appurtenances, as it may from time to time require or deem proper therefor, in, under, over and upon a strip of land as shown on exhibit(s) across the property and/or along the highway adjoining the property which I own, or in which I have an interest, situated in the City of Bexley County of Franklin, State of Ohio, Known as being A tract of land being the property of the City of Bexley as recorded on December 2, 1924

and being the same premises of record in Deed Book 791 page 291, of Franklin County Records.

Said (underground) communication system shall be constructed within the boundaries of a strip of land as shown and delineated upon the attached drawing marked, "Exhibit A" and made a part hereof.



With each and every right given to the company by this easement, the company shall also have the perpetual right and easement to place above the strip of land shown in Exhibit A the following:

FRANKLIN COUNTY, OHIO
Recorded: OCT 22 1985 Time: 9:00 A.M.
JOSEPH W. TESTA, Recorder
Recorder's Fee \$12.00

Said grant includes the right, at all times, of ingress to and egress from said strip, the right to use the premises parallel to and adjoining the boundaries of said strip for the operation of apparatus, appliances and equipment for any of the purposes herein specified, the right to clear said strip upon land of the undersigned, and the right to carry in said underground communication systems the communication facilities the company deems proper. The company shall promptly compensate the undersigned for all damage caused by any of the operations which the company is herein granted the right to perform. The company, at its expense, shall restore all disturbed areas to as reasonable a condition as possible to the condition prior to any construction.

The company shall indemnify and save harmless the owners of said property from all damages to said property by reason of any negligence in the construction of, and maintenance of said equipment upon said premises.

The undersigned may use the surface of said strip provided such use does not interfere with the Company's use of said easement.

06431 B 02

IN WITNESS WHEREOF, WE have hereunto set our hand(s) this 14th day of October, 1985.

Signed and Acknowledged
in the Presence of:

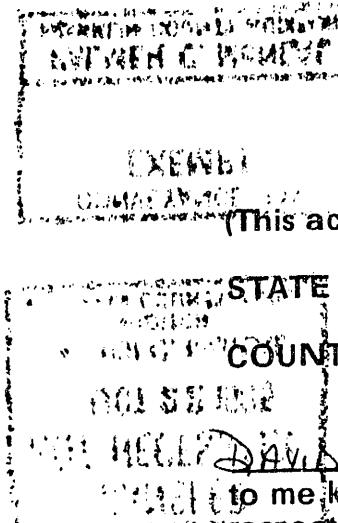
Robert C. DeSalvo
PATRICIA C. DeSALVO
W.H. Karch
W.H. Karch

David H. Madison
John W. Hornberger

STATE OF OHIO |
COUNTY OF FRANKLIN | SS

Before me, a Notary Public in and for said County, personally appeared
and
who acknowledged that _____ did sign the foregoing instruments and that
the same is _____ free act and deed.

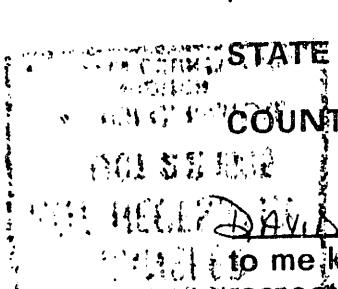
IN WITNESS WHEREOF, I have hereunto subscribed my name affixed
my official seal this _____ day of _____, 19 ____.



Notary Public in and for

Franklin County, Ohio.

(This acknowledgement is to be executed if the Grantor is a corporation.)



STATE OF OHIO |
COUNTY OF FRANKLIN | SS THIS INSTRUMENT PREPARED
BY THE OHIO BELL TELEPHONE
COMPANY ON 10-15-85

Personally came before me this 14 day of October, 1985,
DAVID H. MADISON and John W. HORNBERGER
to me known to be the MAYOR and AUDITOR
respectively, of the above named corporation, and by me duly sworn, did severally depose and say that they executed the foregoing instrument for and on behalf of said corporation as such officers, being duly authorized so to do, and further did severally depose and say that they are such officers of said corporation and that the seal affixed to said instrument is the seal of said corporation.

MARIANNA McCULLOUGH
Notary Public-State of Ohio
My Commission Expires 6-6-90

MARIANNA McCULLOUGH
Notary Public in and for

Franklin County, Ohio

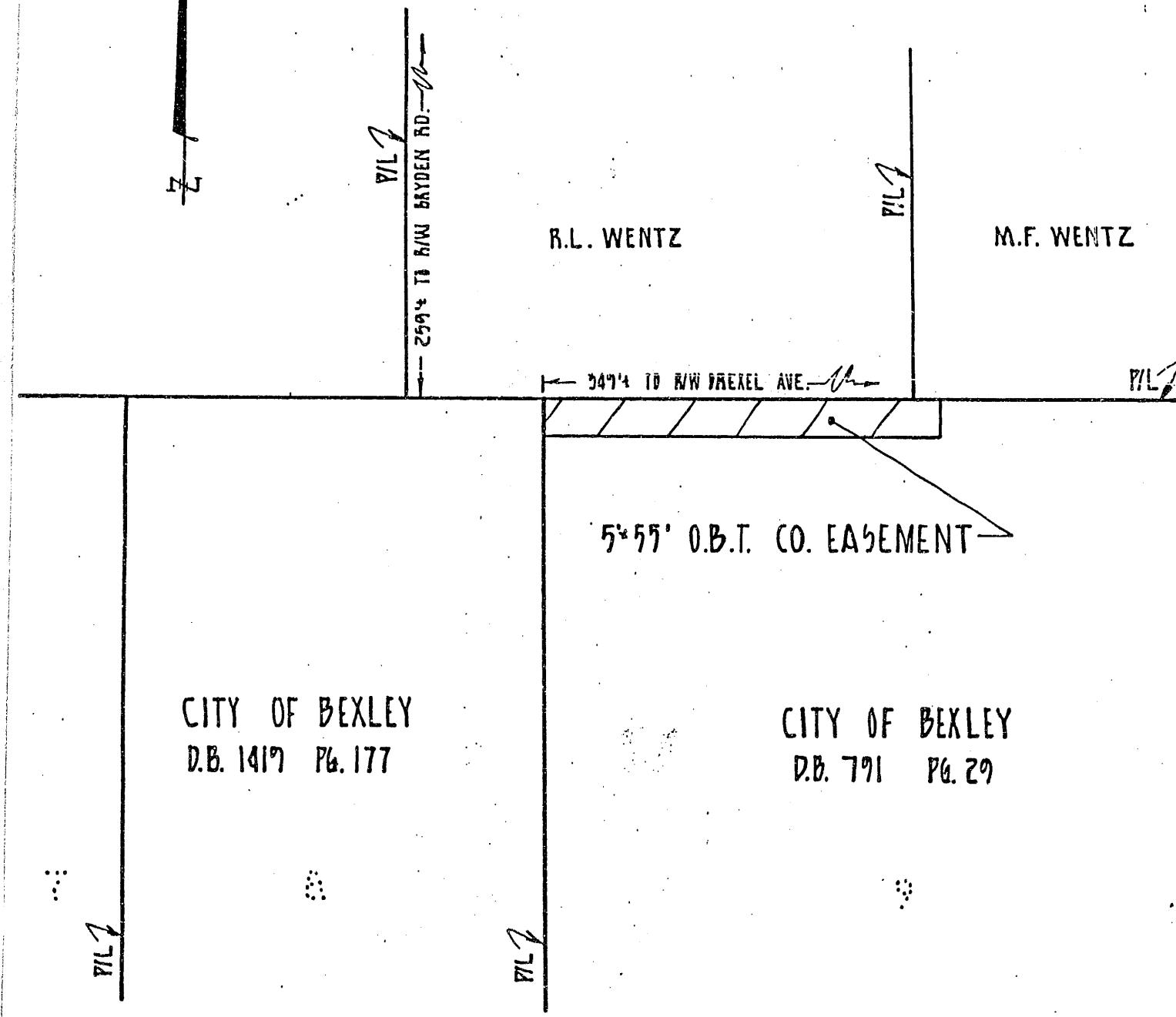
EXCH. _____ T.R. NO. _____
SEC. NO. _____ BLK. NO. _____
POLE NO. _____ TO _____ INC.
OTHER ITEMS _____

City of Bexley

TO
THE OHIO BELL TELEPHONE COMPANY
FORM # 287 Reference
Order No. BO 66042-85 Date 19
Amt. of Voucher _____ Amt. of 287 _____
Signed by _____
COUNTY RECORDER'S RECORD
Received for record _____ PM _____ 19 _____
At _____ O'clock _____ AM _____ 19 _____
Recorded _____ 19 _____
Deed Book _____ Page _____
County _____ Recorder _____

06431B03

EXHIBIT "A"



NOT TO SCALE

TO EASEMENT DATED OCTOBER 14, 1985
FROM: THE CITY OF BEXLEY
TO: THE OHIO BELL TELEPHONE COMPANY

AS RECORDED IN FRANKLIN COUNTY RECORDS,
DEED BOOK 791, PAGE 29,
ON DECEMBER 2, 1924
SITUATE IN THE CITY OF BEXLEY,
COUNTY OF FRANKLIN,
STATE OF OHIO.

8 MAIL
ENVELOPE FURNISHED

IN WITNESS WHEREOF, have hereunto set hand(s) this day of
 , 19 .

**Signed and Acknowledged
in the Presence of:**

Patricia J. S.

10

W.H. Karick

STATE OF OHIO

COUNTY OF FRANKLIN)
)
)

IN WITNESS WHEREOF, I have hereunto subscribed my name affixed
my official seal this _____ day of _____, 19____.

Notary Public in and for

County, Ohio.

(This acknowledgement is to be executed if the Grantor is a corporation.)

STATE OF *OHIO*

COUNTY OF FRANKLIN }
 } SS

Personally came before me this 14 day of October, 1985,
DAVID H. MADISON and John W. HORNBERGER
to me known to be the Mayor and AUDITOR
respectively, of the above named corporation, and by me duly sworn, did sever-
ally depose and say that they executed the foregoing instrument for and on
behalf of said corporation as such officers, being duly authorized so to do, and
further did severally depose and say that they are such officers of said corpo-
ration and that the seal affixed to said instrument, is the seal of said corporation.

MARIANNA McCULLOUGH
Notary Public-State of Ohio
My Commission Expires 6-6-90

Notary Public in and for

County, Ohio

EXCH. _____ T.R. NO. _____
SEC. NO. _____ BLK. NO. _____
POLE NO. _____ TO _____ INC.
OTHER _____
ITEMS _____

University of Bexley

TO
THE OHIO REED TELEPHONE COMPANY

E08M # 297 Dated 10/10/00

Order No. BO 66042-85 Date
Amt. of Voucher Amt. of 287

Simpler Demand

Received for record _____ 19 _____ PM _____
At _____ On _____

Recorded _____ 19 _____
Deed Book _____ Page _____

800-Order

98-183

THE OHIO BELL TELEPHONE COMPANY

In consideration of One and No/100 Dollars (\$ 1.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, I hereby grant unto THE OHIO BELL TELEPHONE COMPANY, its successors and assigns, (hereinafter called the company) a perpetual right of way and easement to install, construct, reconstruct, operate, maintain, repair, supplement and remove, at any time or times hereafter, its underground communication systems, together with all such communication facilities, including conduits, manholes, cables, wires, fixtures and appurtenances, as it may from time to time require or deem proper therefor, in, under, over and upon a strip of land as shown on exhibit(s) across the property and/or along the highway adjoining the property which I own, or in which I have an interest, situated in the City of Bexley County of Franklin, State of Ohio, Known as being A tract of land being the property of the City of Bexley as recorded on February 3, 1948

and being the same premises of record in Deed Book 1419 page 177, of Franklin County Records.

Said (underground) communication system shall be constructed within the boundaries of a strip of land as shown and delineated upon the attached drawing marked, "Exhibit A" and made a part hereof.

TRANSFER
NOT NECESSARY
OCT 22 1985
PALMER C. MCNEAL
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT
P. SMC
PALMER C. MCNEAL
FRANKLIN COUNTY AUDITOR

With each and every right given to the company by this easement, the company shall also have the perpetual right and easement to place above the strip of land shown in Exhibit A the following:

Said grant includes the right, at all times, of ingress to and egress from said strip, the right to use the premises parallel to and adjoining the boundaries of said strip for the operation of apparatus, appliances and equipment for any of the purposes herein specified, the right to clear said strip upon land of the undersigned, and the right to carry in said underground communication systems the communication facilities the company deems proper. The company shall promptly compensate the undersigned for all damage caused by any of the operations which the company is herein granted the right to perform. The company, at its expense, shall restore all disturbed areas to as reasonable a condition as possible to the condition prior to any construction.

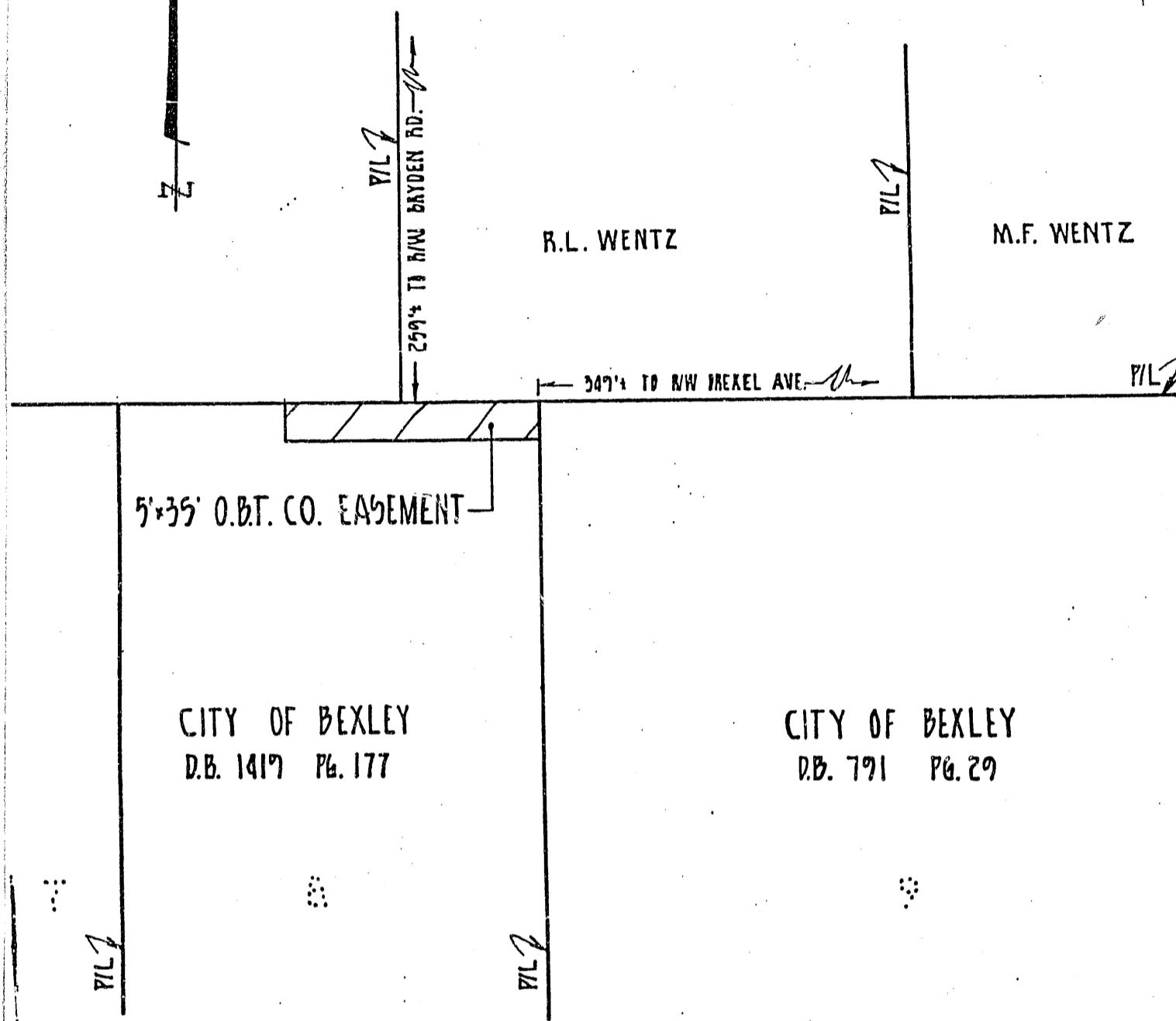
The company shall indemnify and save harmless the owners of said property from all damages to said property by reason of any negligence in the construction of, and maintenance of said equipment upon said premises.

The undersigned may use the surface of said strip provided such use does not interfere with the Company's use of said easement.

FRANKLIN COUNTY, OHIO
OCT 22 1985
Recorded: 9:00 A.M. Time: 9:00 A.M.
JOSEPH W. TESTA, Recorder
Recorder's Fee \$1.00

06431A20

EXHIBIT "A"



NOT TO SCALE

TO EASEMENT DATED OCTOBER 14, 1985
FROM: THE CITY OF BEXLEY
TO: THE OHIO BELL TELEPHONE COMPANY

AS RECORDED IN FRANKLIN COUNTY RECORDS,
DEED BOOK 1419, PAGE 177,
ON FEBRUARY 3, 1948
SITUATE IN THE CITY OF BEXLEY,
COUNTY OF FRANKLIN,
STATE OF OHIO.

8 MAIL
ENVELOPE FURNISHED

IN WITNESS WHEREOF, They have hereunto set their hand(s) this 14th day of October, 1985.

Signed and Acknowledged
in the Presence of:

Richard J. DeLisi
John H. Hornberger
John H. Hornberger

STATE OF OHIO)
COUNTY OF FRANKLIN) SS

Before me, a Notary Public in and for said County, personally appeared Richard J. DeLisi and John H. Hornberger, who acknowledged that they did sign the foregoing instruments and that the same is a free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name affixed my official seal this 14 day of October, 1985.

Notary Public in and for
Franklin County, Ohio.

(This acknowledgement is to be executed if the Grantor is a corporation.)

STATE OF - OHIO)
COUNTY OF FRANKLIN) SS

Personally came before me this 14 day of OCTOBER, 1985, Mayor David H. Madison and John W. Hornberger to me known to be the Mayor and AUDITOR respectively, of the above named corporation, and by me duly sworn, did severally depose and say that they executed the foregoing instrument for and on behalf of said corporation as such officers, being duly authorized so to do, and further did severally depose and say that they are such officers of said corporation and that the seal affixed to said instrument is the seal of said corporation.

MARIANNA McCULLOUGH
Notary Public-State of Ohio
My Commission Expires 6-6-90

Marianna McCullough
Notary Public in and for

Franklin County, Ohio

EXCH.	T.R. NO.
SEC. NO.	BLK. NO.
POLE NO.	TO INC.
OTHER ITEMS	FROM
City of Bexley	
TO THE OHIO BELL TELEPHONE COMPANY	
FORM # 287 Reference	
Order No. <u>BO 66042-85</u>	Date <u>19</u>
Amt. of Voucher _____	Amt. of 287 _____
Signed by _____	
COUNTY RECORDER'S RECORD	
Received for record <u>19</u>	PM _____
At _____	0'clock _____ AM _____
Recorded <u>19</u>	Page _____
Deed Book _____	Recorder _____
County _____	Recorder _____