

Ordinance No. 46-85

By William W. Bellamy

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. H. H. H.  
Clerk of Council

John H. H.  
President of Council

Approved: Oct. 8, 1985

David H. Madison  
David H. Madison, Mayor

*Sept. 24, 1985 - 1<sup>st</sup> reading*  
*Oct. 8, 1985 - 2<sup>nd</sup> 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.

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

CONVEYANCE TAX  
EXEMPT  
P SPK  
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  
Recorded: OCT 22 1985 9:00 A.M.  
Time: 9:00 A.M.

JOSEPH W. TESTA, Recorder

Recorder's Fee \$12.00

06431B02

IN WITNESS WHEREOF, we have hereunto set our hand(s) this 14<sup>th</sup> day of OCTOBER, 1985.

Signed and Acknowledged  
in the Presence of:

PATRICIA L. DESALVO

W. H. PARICK  
W. H. PARICK

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

\_\_\_\_\_ 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 CR-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 \_\_\_\_\_

FROM

City of Bexley

TO  
THE OHIO BELL TELEPHONE COMPANY

FORM # 287 Reference

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

Signed by \_\_\_\_\_

COUNTY RECORDER'S RECORD

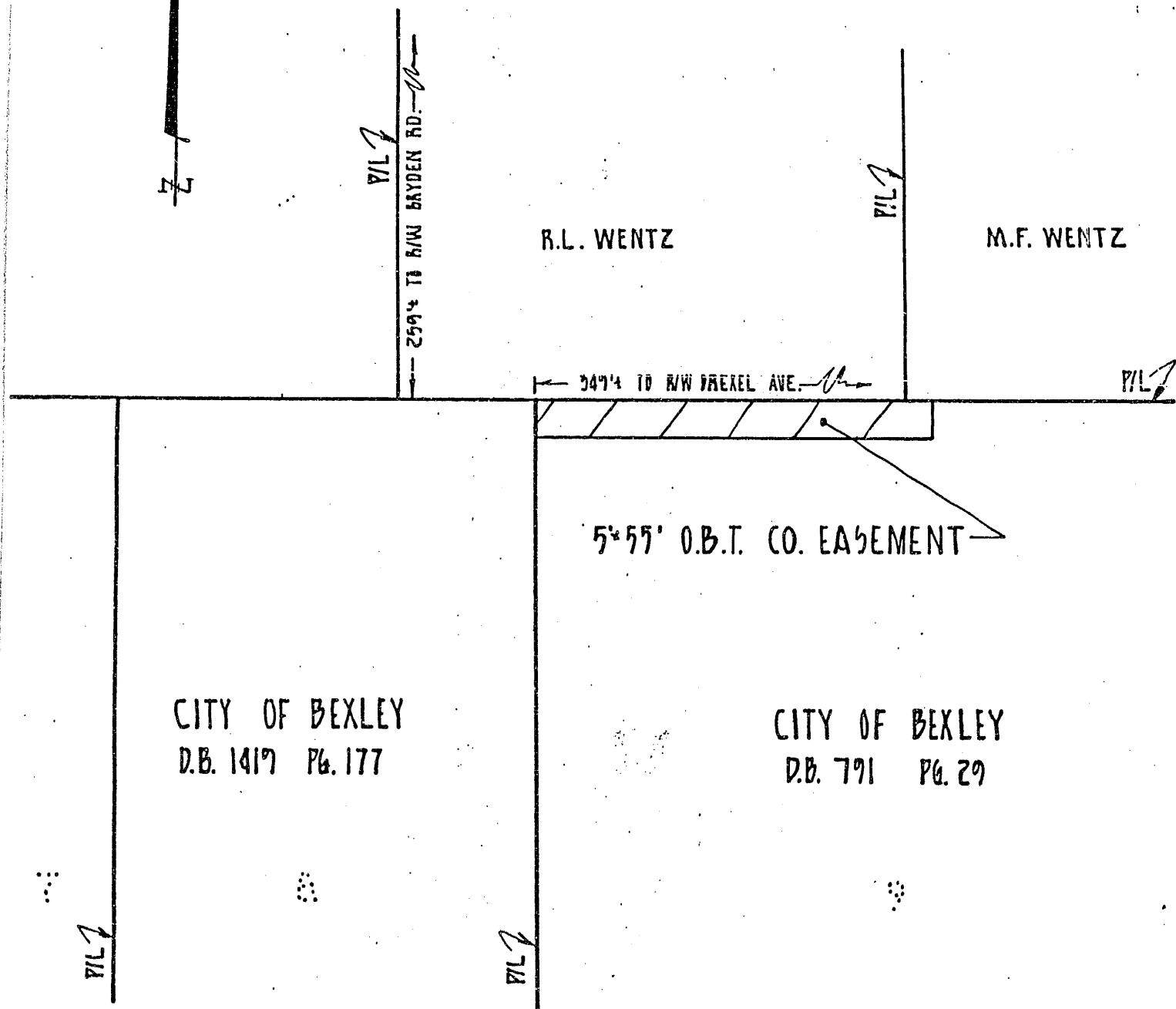
Received for record \_\_\_\_\_ 19\_\_\_\_

At \_\_\_\_\_ G'clock \_\_\_\_\_ PM \_\_\_\_\_ AM \_\_\_\_\_

Recorded \_\_\_\_\_ 19\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_

County \_\_\_\_\_ Recorder \_\_\_\_\_

**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:

W. H. Karick David H. Madison  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
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 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

Marianne 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. BO 66042-85 Date \_\_\_\_\_  
Amt. of Voucher \_\_\_\_\_ Amt. of 287 \_\_\_\_\_

Signed by \_\_\_\_\_

COUNTY RECORDER'S RECORD

Received for record \_\_\_\_\_ 19\_\_\_\_

At \_\_\_\_\_ O'clock \_\_\_\_\_ PM \_\_\_\_\_ AM

Recorded \_\_\_\_\_ 19\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_

County \_\_\_\_\_ Recorder \_\_\_\_\_

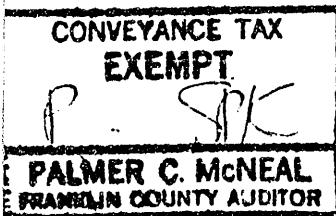
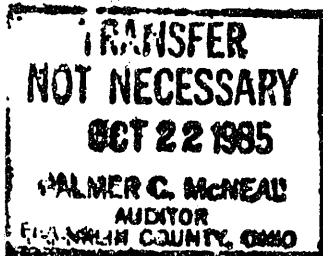
98483

## 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.



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

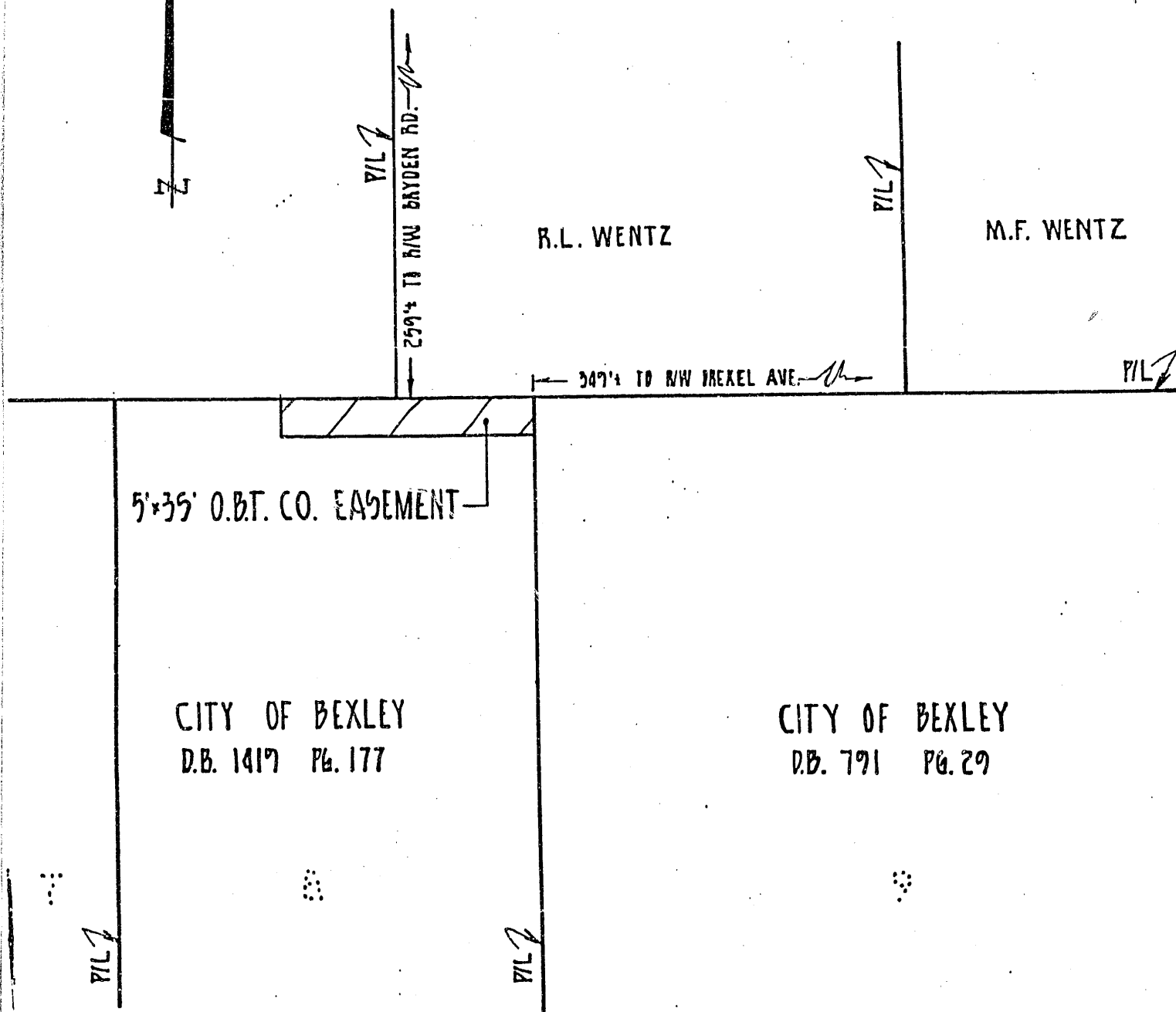
Recorded: 9:00A Time: 9:00A

JOSEPH W. TESTA, Recorder

Recorder's Fee \$12.00

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 1417, 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, <sup>They</sup> have hereunto set <sup>their</sup> hand(s) this 14<sup>th</sup> day of October, 1985.

Signed and Acknowledged  
in the Presence of:

Rebecca J. [Signature] David H. Madison  
W. H. [Signature] John W. Hornberger

STATE OF OHIO )  
COUNTY OF FRANKLIN ) SS

Before me, a Notary Public in and for said County, personally appeared David H. Madison and John W. 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

Marianne McCullough  
Notary Public in and for  
Franklin County, Ohio

EXCH.            T.R. NO.             
SEC. NO.            BLK. NO.             
POLE NO.            TO            INC.             
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City of Bexley

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

Signed by           

COUNTY RECORDER'S RECORD

Received for record            19             
At            O'clock            PM            AM

Recorded            19             
Deed Book            Page           

County            Recorder