

ORDINANCE NO. 25-67

By: K. D. McIlwain

To authorize the Mayor to execute a deed of easement to the City of Columbus 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 hereby is authorized and directed to execute easements to the City of Columbus, Ohio, in the following form and for the easements therein described:

"DEED OF EASEMENT"

KNOW ALL MEN BY THESE PRESENTS, that City of Bexley, Ohio, a municipal corporation, the Grantors herein, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to it paid by the City of Columbus, Ohio, the Grantee herein, receipt of which is hereby acknowledged, does grant, release and convey to the City of Columbus, Ohio, a Municipal Corporation, its successors and assigns forever, a perpetual easement over, under, and through the following described real estate for the purposes of constructing, using, replacing, and maintaining a sanitary sewer, tributary connections, and appurtenant work in any part of said easement, including the right to clean, repair, replace, and care for said sewer facilities together with the right of access to said easement over said easement for said purposes:

Situated in the State of Ohio, County of Franklin, City of Bexley, being a strip of land in, over and through a tract located on the south side of Main Street, east of Alum Creek and being the Park Area shown on Park Drive Addition, of record in Plat Book 20, Page 36, Recorder's Office, Franklin County, Ohio.

Being a strip of land twenty (20) feet in width partially across the central portion of said tract, the centerline of said strip being more particularly described as follows:

Permanent Easement

Beginning at a point in the east edge of Alum Creek channel, the centerline of an existing sewer as shown on R. P. #1894, Division of Sewerage and Drainage, Columbus, Ohio, said point being located southerly, as measured at right angle, a distance of about 467 feet, from the centerline of Main Street; thence westwardly on a line approximately parallel with said Main Street, a distance of about 27 feet to the point of ending in the westerly boundary of said tract, the Corporation line of the City of Columbus and the City of Bexley.

Permanent Easement - 540 sq. ft.

Construction Easement

The right to use only during the period of construction of the sewer herein provided for additional area of land alongside said easement strip to the extent of limiting lines as follows: being limiting lines parallel to and fifty (50) feet left and right, measured at right angle, of the centerline of said easement strip, and with the westerly and limiting line being the westerly boundary of said tract and the easterly end limiting line being the beginning of said strip.

Construction Easement - 2160 sq. ft.

This Deed of Easement is subject to the following covenants, to-wit:

1. Grantor, its successors and assigns, hereby release the City of Columbus from any further claims for compensation as provided for in Article I, Section 19, Constitution of Ohio, 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.

2. The City of Columbus, as soon as practicable after construction of said sewer 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.

3. The rights granted herein shall not be construed to interfere with or restrict the Grantor, its successors or assigns 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 sewer.

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.

Grantor for itself, covenants that it is lawfully seized of the premises, that said premises are free and clear of liens and encumbrances, except taxes for the year 1967 and restrictions of record; and that it will forever warrant and defend the same unto the Grantee, its successors and assigns against the lawful claims of all persons whomsoever."

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 City of Columbus is being held up on the construction of a sewer until it receives this easement, and said ordinance shall go into immediate force and effect upon its passage and approval by the Mayor.

Passed: Sept 12 1967

J. Paul Trable
President of Council

Attest:
[Signature]
Clerk of Council

Approved: 9/12 1967

[Signature]
MAYOR

Posted 9/13/67