

ORDINANCE NO. 2 -93BY: John H. Offenberg

An Ordinance accepting an easement of Malcolm D. Jeffrey, Nancy J. Kingsley and Walter Jeffrey, Jr., for sanitary sewer purposes.

WHEREAS, Malcolm D. Jeffrey, Nancy J. Kingsley, and Walter Jeffrey, Jr. have agreed to execute their certain easement to the City of Bexley, Ohio, for the purpose of operating, maintaining and repairing a sanitary sewer line, together with the right of access to said easement for said purposes, over and through the following described real estate to wit:

Situate in the State of Ohio, County of Franklin, City of Bexley, part of Half Section 17 of Section 12, Range 22, Refugee Lands and being strips of land on, over and across Lot Numbers 1 through through 6 inclusive of WALTER JEFFREY ADDITION as shown of record in Plat Book 73, Page 15, records of the Recorder's office, Franklin County, Ohio, and being more particularly described as follows:

STRIP NO. ONE

Being a strip of land, 15.00 feet in width, the centerline to which being more particularly described as follows:

Beginning for reference at a point in the westerly right-of-way line of Parkview Avenue at the southeasterly corner of said Lot Number 1;

Thence N 4° 42' 09" E, a distance of 147.50 feet, along the westerly right-of-way line of Parkview Avenue and the easterly line of said Lot Number 1 to the point of true beginning for the herein described strip of land;

Thence the following three (3) courses and distances across said Lot Numbers 1 through 6, inclusive:

1. Thence N 84° 57' 57" W, a distance of 870.09 feet, to an angle point;
2. Thence N 89° 53' 12" W, a distance of 268.54 feet, to an angle point;
3. Thence S 79° 26' 36" W, a distance of 96.82 feet, to the terminus point in the westerly line of said Lot Number 3, said point being located N 9° 10' 08" W, a distance of 103.83 feet, from the southwesterly corner of said Lot Number 3.

STRIP NO. TWO

Being a strip of land, 15.00 feet in width, the centerline to which being more particularly described as follows;

Beginning for reference at the point of true beginning for afore-described Strip No. One;

Thence N 84° 57' 57" W, a distance of 498.17 feet, along the centerline of said Strip No. One and across said lots to the point of true beginning for the herein described Strip No. Two;

Thence S 4° 56' 18" W, a distance of 148.37 feet, across said Lot Number 1 to the terminus point in the southerly line of said Lot Number 1 said point being located S 85° 04' 30" E, a distance of 2.50 feet, from the southwesterly corner of said Lot Number 1.

WHEREAS, said easement is necessary to protect the health and general welfare of the citizens of the City of Bexley, Ohio. 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 accept a Deed of Easement to the City of Bexley, Ohio, for the purpose of operating, maintaining and repairing a sanitary sewer line, and that said Deed of Easement is attached hereto and made a part hereof.

Section 2. That this Ordinance shall take effect on the earliest date permitted by law.

Passed: February 23, 1993

Paul Musser
President of Council

Attest: J. W. Jeffsani
Clerk of Council

Approved: Feb 23, 1993

D. H. Madison
David H. Madison, Mayor

072/Jeffsani

Jan. 26, 1993 - 1st reading
Feb. 9, 1993 - 2nd reading
Feb. 23, 1993 - 3rd reading
Adopted

DEC 18 1991

EASEMENT

894084

JOSEPH W. TESTA, RECORDER

RECORDER'S FEE \$

140

The undersigned MALCOLM D. JEFFREY, married, NANCY J. KINGSLEY, married, and WALTER JEFFREY, JR., married (hereinafter collectively "Grantors"), in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by the CITY OF BEXLEY, OHIO, a municipal corporation (hereinafter "Grantee"), the receipt and sufficiency of which are hereby acknowledged, do hereby grant to Grantee, its successors and assigns, forever, a perpetual, non-exclusive easement in, over, under and through the real property legally described in Exhibit "A" attached hereto and made a part hereof for the purposes of constructing, operating, maintaining, repairing and replacing a sanitary sewer line and appurtenances thereto, together with the right of access to said easement for said purposes.

PRIOR INSTRUMENT REFERENCES: O.R. 05765G08 and O.R. 15831J06, Recorder's Office, Franklin County, Ohio.

A sanitary sewer and appurtenant works are to be constructed within the easement area by Grantors at their expense and in accordance with plans and specifications approved by Grantee. By acceptance hereof, Grantee agrees to maintain the sanitary sewer and appurtenant works upon completion by Grantors and inspection and acceptance by Grantee.

Grantee, as soon as is practicable after all entries made pursuant to the rights granted herein, shall restore the surface area to its former condition as nearly as is reasonably possible.

The rights granted herein shall not be construed to interfere with or restrict Grantors' use of the easement area, except that no structure, building, facility, or improvement (other than pavement) shall be constructed within the easement area.

Grantors hereby covenant with Grantee that Grantors are the true and lawful owners of the above described real property and are lawfully seized of the same in fee simple and have good right and full power to grant this easement.

To have and to hold said easement unto Grantee, its successors and assigns forever, for the uses and purposes set forth herein.

IN WITNESS WHEREOF, the Grantors have executed this instrument. Betty M. Jeffrey, wife of Malcolm D. Jeffrey, Richard K. Kingsley, husband of Nancy J. Kingsley, and Marilyn H. Jeffrey, wife of Walter Jeffrey, Jr., have joined in the execution of this instrument to waive dower rights.

Porter, Wright Box - Conf

Signed and acknowledged
in the presence of:

Dianne L. Bowe
Dianne L. Bowe
George McElroy
(as to both) George McElroy

Malcolm D. Jeffrey
Malcolm D. Jeffrey
Betty M. Jeffrey
Betty M. Jeffrey

Sharon Kennon
Sharon Kennon
James R. Morse
(as to both) James R. Morse

Nancy J. Kingsley
Nancy J. Kingsley
Richard K. Kingsley
Richard K. Kingsley

Barbara A. Voltmer
Barbara A. Voltmer

Walter Jeffrey, Jr.
Walter Jeffrey, Jr.

Barbara A. Voltmer
(as to both) Barbara A. Voltmer
Ellen A. Ivey
Ellen A. Ivey

Marilyn H. Jeffrey
Marilyn H. Jeffrey

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 6th day
of December, 1991 by Malcolm D. Jeffrey and Betty M. Jeffrey.

Dianne L. Bowe
Notary Public
DIANNE L. BOWE
Notary Public, State of Ohio
My Commission Expires Feb. 10, 1995

STATE OF CALIFORNIA,
COUNTY OF San Francisco, SS:

The foregoing instrument was acknowledged before me this 4th day
of December, 1991, by Nancy J. Kingsley and Richard K. Kingsley.



Sharon Kennon
Notary Public

STATE OF NEW JERSEY,
COUNTY OF Essex, SS:

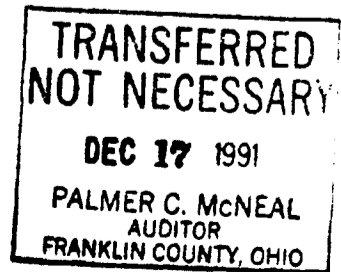
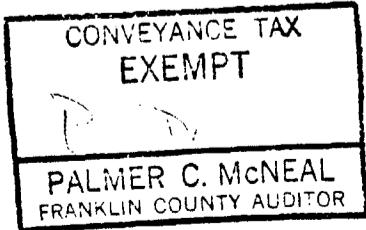
The foregoing instrument was acknowledged before me this 26th day
of November, 1991, by Walter Jeffrey, Jr. and Marilyn H. Jeffrey.

Barbara A. Voltmer
Notary Public
BARBARA A. VOLTMER
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JAN. 28, 1996

THIS INSTRUMENT PREPARED BY:

Donald W. Jordan, Esq.
PORTER, WRIGHT, MORRIS & ARTHUR
41 South High Street
Columbus, Ohio 43215

JOR/2001



SANITARY SEWER EASEMENT
WALTER JEFFREY ADDITION

Situate in the State of Ohio, County of Franklin, City of Bexley, part of Half Section 17 of Section 12, Range 22, Refugee Lands and being strips of land on, over and across Lot Numbers 1 through 6 inclusive of WALTER JEFFREY ADDITION as shown of record in Plat Book 73, Page 15, records of the Recorder's office, Franklin County, Ohio and being more particularly described as follows:

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R. D. ZANDE & ASSOCIATES, LIMITED

LWP:jce
RDZ JN 2287.1
April 24, 1991
2287WALT.ER2

LESLIE H. WEXNER
 ORIG. 3.24 ACRES
 O.R. 1327 G16
 SECOND PARCEL

MIRIAM SCHWARTZ
 1.640 ACRES
 O.R. 1436 H10

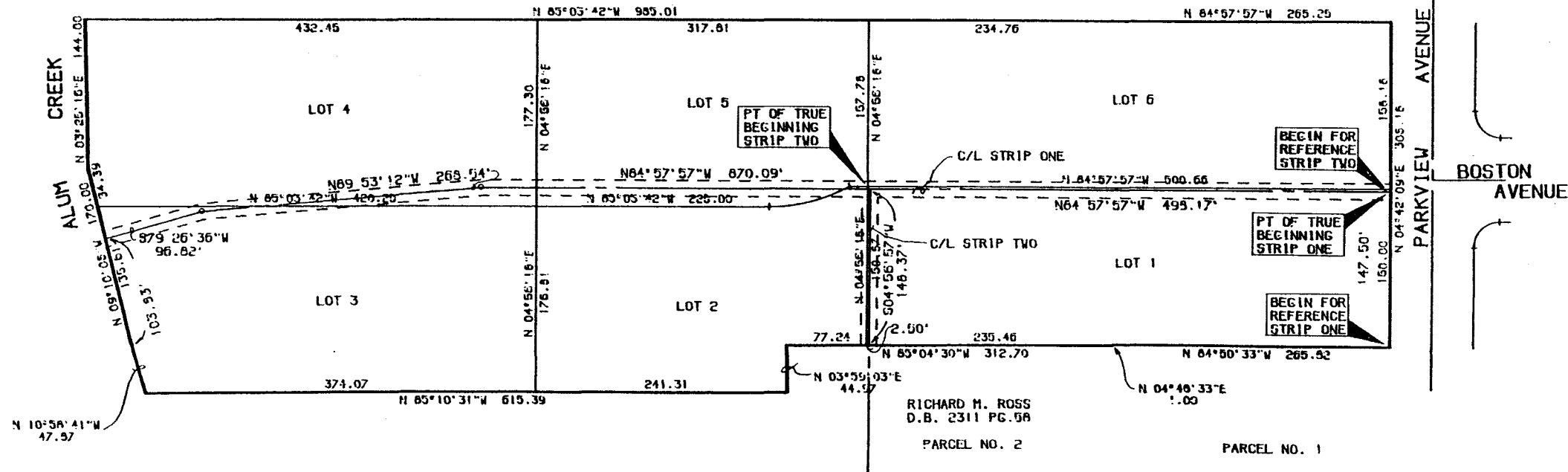
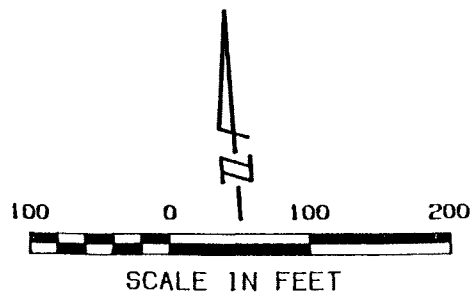


EXHIBIT OF
 SANITARY SEWER EASEMENTS
 WALTER JEFFREY ADDITION
 CITY OF BEXLEY, OHIO
 SCALE: 1"=100' NOVEMBER, 1990

R.D.ZANDE & ASSOCIATES LTD.
 CONSULTING ENGINEERS
 1237 DUBLIN ROAD
 COLUMBUS, OHIO 43215
 (614) 486-4383



18240E17



CONSULTING ENGINEERS & SURVEYORS

December 28, 1992

City of Bexley
2242 East Main Street
Bexley, Ohio 43209

Attention: Ms. Dorothy C. Pritchard
Assistant Service Director

Re: Walter Jeffrey Addition
Bexley, Ohio
Waterline & Sanitary Sewer Imps.
E.M.H.&T., Inc. Order No. S-3176

Dear Dorothy:

A final inspection was recently conducted on the above referenced project and no deficiencies were observed.

It is therefore recommended that these improvements be accepted by the City of Bexley, subject to the one year maintenance provisions of the City.

It is further recommended that five hundred dollars (\$500.00) be retained by the City to cover the estimated inspection costs for the one year period.

Very truly yours,

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Walter A. Ramey, P.E.

WR/ta

cc: Corna DiCesare Construction Co.
Northwest Conduit, Inc.
Mr. Nelson Kohman

EVANS, MECHWART, HAMBLETON & TILTON, INC.
170 MILL STREET, GAHANNA, OHIO 43230 614/471-5150 Telefax No. 614/471-9286