

ORDINANCE NO. 4 -95

BY: John H. Offenberg

An Ordinance accepting an easement for an asphalt path and gravel drive from Bexley Senior Citizens Housing Corp. over the property occupied by Bexley Heritage Village Apartments.

WHEREAS, Bexley Senior Citizens Housing Corp. has agreed to grant a certain easement to the City of Bexley, Ohio, for an asphalt path and gravel drive pursuant to a Deed of Easement and Agreement, the form of which is attached hereto as Exhibit A and made a part hereof; and

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 enter into a Deed of Easement and Agreement with Bexley Senior Citizens Housing Corp., substantially in the form attached here as Exhibit A and made a part hereof.

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

Passed: March 28, 1995

John M Brennan
President of Council

Attest: [Signature]
Clerk of Council

Approved: March 28, 1995

David H. Madison
David H. Madison, Mayor

February 28, 1995 - 1st reading
March 14, 1995 - 2nd reading
March 28, 1995 - 3rd reading
- Adopted



April 11, 1995

Jewish Community Senior Citizens Housing Corp.
1145 College Avenue
Columbus, Ohio 43209

ATTENTION: Dory

Dear Dory,

Please find enclosed the final recorded Deed of Easement and Agreement. If you should have any further questions, please feel free to call.

Sincerely,

Richard A. Utz
Richard A. Utz
President

Ohio Deed Book
R

28790C13

RECORDER FRANKLIN CO., OHIO

1124 AM

APR 5 1995

RICHARD B. METCALF, RECORDER

DEED OF EASEMENT AND AGREEMENT

RECORDER'S FEE 26.00

This Deed of Easement and Agreement (Easement) is entered into this 28th day of March, 1995, by and between Bexley Senior Citizens Housing Corp., an Ohio not-for-profit corporation (GRANTOR) and the City of Bexley, Ohio (GRANTEE) pursuant to the following terms and conditions:

043742

1. Grantor is the owner in fee simple of the real property described in Exhibit "A" attached hereto and incorporated herein (the Property). Title to the property was acquired by Grantor in a deed which appears of record at Official Record Volume 22750, page D-04 of the Franklin County, Ohio Recorder's records.
2. Grantee is the owner in fee simple of real property which is contiguous to and adjoins the property described in Exhibit "A" on its westerly boundary.
3. Grantee desires to obtain and Grantor is willing to grant access on, over, through and across the property described in Exhibit "A" from the right-of-way of Astor Avenue to Grantee's property.

NOW THEREFORE, for valuable consideration paid, Grantor and Grantee agree as follows:

- A. Grantor grants unto Grantee, its successors and assigns forever, a perpetual, nonexclusive easement for purposes of ingress and egress, and for all customary road purposes on, over, through and across the northwesterly corner of the property described in Exhibit "A" for a gravel drive/pathway and asphalt driveway/path to be located as shown on the plat of survey attached hereto and incorporated herein as Exhibit "B". Grantee agrees to maintain in good condition and repair the gravel drive/pathway and asphalt driveway/path within the easement areas.
- B. Grantor reserves unto itself the right to use the easement areas for any purposes not inconsistent with the rights granted by this Easement to Grantee.
- C. Grantee shall indemnify, defend and hold Grantor, its successors and assigns, harmless against any claim, damages, losses or expenses arising as a consequence of Grantee's exercising the rights granted by this Easement.
- D. This Easement is being executed and filed for record for the purpose of correcting that certain Easement previously granted by the Granter to the Grantee and filed for record at Official Records Volume 28041, Page I14, Recorder's Office, Franklin County, Ohio.

CONVEYANCE TAX
EXEMPT
PMA
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

TRANSFER
NOT NECESSARY
APR 5 1995
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

Witness the execution hereof by Grantor, this 3rd day of April, 1995, and by Grantee this 3rd day of April, 1995.

Signed and Acknowledged
in the presence of:

Bexley Senior Citizens Housing Corp.

Doris Schadler

By: Barbara Mickler
Barbara Mickler, President

Name Printed: DORIS SCHADLER

Betty Jo Radcliffe

Name Printed: BETTY JO RADCLIFFE

Signed and Acknowledged
in the presence of:

City of Bexley, Ohio

James H. Gross

By: David H. Madison
David H. Madison, Mayor

Name Printed: JAMES H. GROSS

By: John W. Hornberger
John W. Hornberger, Auditor

Velma R. Downs

Name Printed: Velma Downs

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 3rd day of April, 1995, by Barbara Mickler, President of Bexley Senior Citizens Housing Corp., an Ohio not-for-profit corporation, on behalf of the corporation.

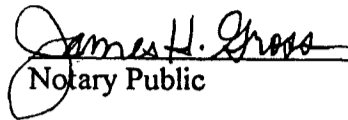
Michelle Eblin
Notary Public

MICHELLE EBLIN
Notary Public, State of Ohio
My commission expires 7-21-98

287 0015

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 28th day of March, 1995,
by David H. Madison, Mayor, and John W. Hornberger, Auditor, of the City of Bexley, Ohio, on
behalf of the City.


Notary Public

JAMES H. GROSS
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
LIFETIME COMMISSION

This instrument prepared by:
James H. Gross, Esq.
52 East Gay Street
Columbus, Ohio 43215

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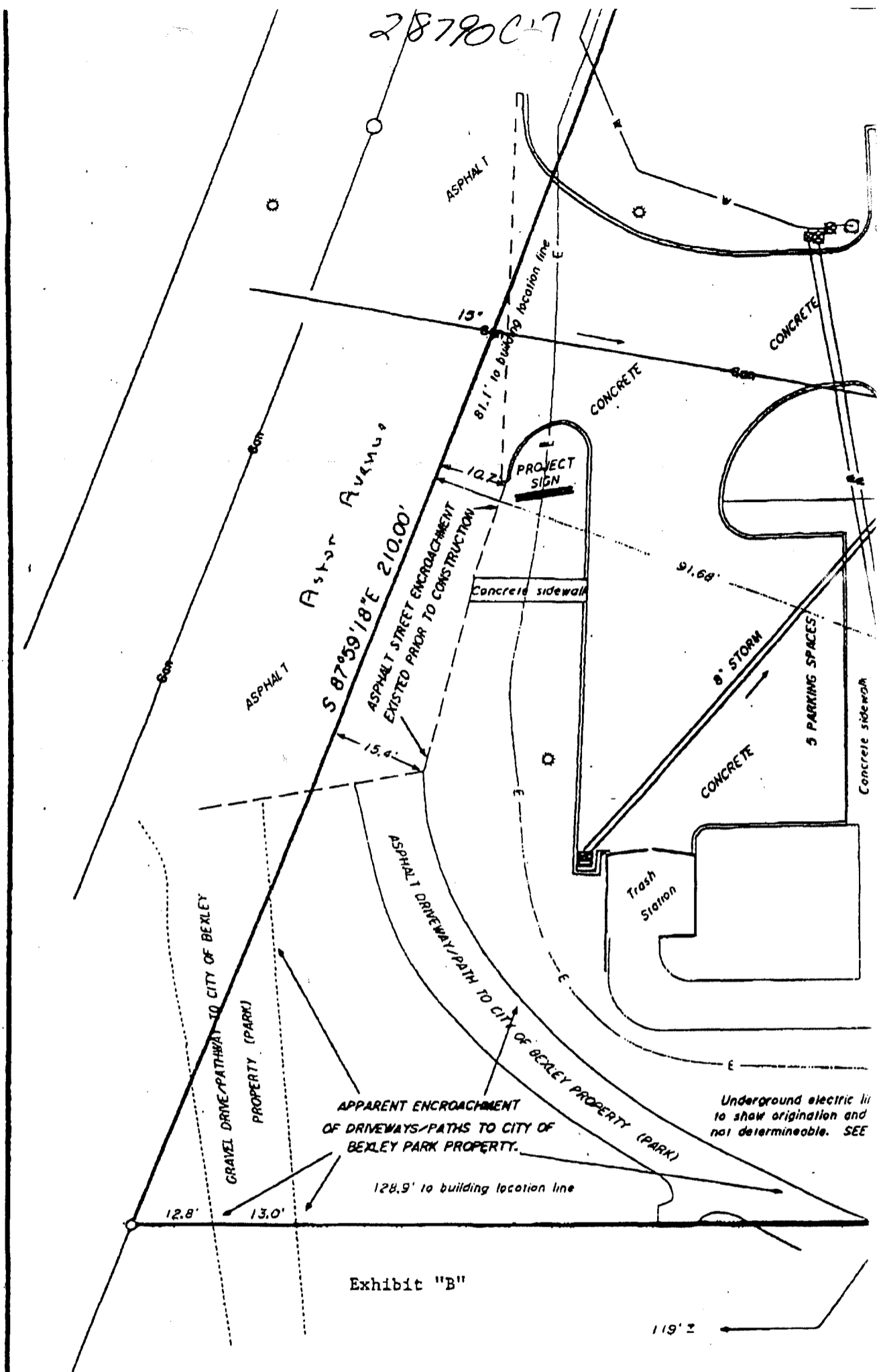


Exhibit "B"

Ahlers, Moe and Assoc., Inc.
ENGINEERING AND SURVEYING
360 WEST WATERLOO ST.
P.O. BOX 2
CANAL WINCHESTER, OHIO 43110
(614) 837-1178

28790016

POOR ORIGINAL
FOR FILING PURPOSES ONLY

June 5, 1992

EXHIBIT "A"
LEGAL DESCRIPTION
OF A 1.8638 ACRE PARCEL

Situate in the City of Bexley, Franklin County, Ohio and being a part of southeast quarter of Section 13, Township 5 North, Range 22 West of the Refugee Tract of the Congress Lands and also being a part of Lot 39 of the Bexley Drive Subdivision No. 3 and also being a part of the Bexley Village, LTD. parcel of record in Deed Book 3490, Page 131 of the Franklin County Recorder's Office and being more particularly described as follows;

Beginning at a 1" iron pipe found at the northeasterly corner of said Bexley Village parcel, the northwest corner of the Ellen Tripp parcel;

THENCE South 17 degrees 47 minutes 33 seconds East, along the west line of said Tripp parcel, for a distance of 431.76 feet to a 1" iron pipe found;

THENCE North 84 degrees 11 minutes 46 seconds West, across said Bexley Village parcel, for a distance of 201.86 feet to a 3/4" iron pipe set;

THENCE North 19 degrees 30 minutes 05 seconds West, along the east line of the City of Bexley parcel, (Deed Book 3574, Page 726), for a distance of 422.29 feet to a 3/4" iron pipe set in the south right-of-way of Astor Avenue (York Road);

THENCE South 87 degrees 59 minutes 18 seconds East, along said right-of-way, for a distance of 210.00 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.8638 acres more or less.

This description prepared by Ahlers, Moe and Associates, Inc. is based on an actual field survey done in May of 1992. The basis of bearings for this survey is the east line of the Bexley Village, LTD. parcel which bears South 17 degrees 47 minutes 33 seconds East, as called in Deed Book 3490, Page 131.


John R. Ahlers P.S. 6200
92-1480.LEG

