

ORDINANCE NO. 33 - 05

By: Richard F. Weber

An Ordinance to release certain easements retained by the City in two alleys vacated by Ordinance No. 17-63 and Ordinance No. 55-42, to authorize the Mayor and Auditor to execute a Release of Easements and to declare an emergency.

WHEREAS, Ordinance No. 17-63 vacated the first alley east of Parkview Avenue from Main Street north to the south line of Lot 3 of Powell's Subdivision, reserving to the City certain easements; and

WHEREAS, Ordinance No. 55-42 vacated the first alley north of Main Street to the first alley east of Parkview Avenue, reserving to the City certain easements; and

WHEREAS, said easements are not required by the City and interfere with development of the property as approved by the Main Street Redevelopment Commission;

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

Section 1. That the City hereby releases all easements reserved for the benefit of the City and the public by Ordinance No. 17-63 and Ordinance No. 55-42; provided that such release shall not affect the right of any public utilities or other private parties that have an interest in the vacated alleys.


Section 2. That the Mayor and Auditor are hereby authorized and directed to execute, on behalf of the City, a Release of Easements in a form approved by the City Attorney.

Section 3. That this Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety or welfare, said emergency being the need to permit the development of the property as approved by the Main Street Redevelopment Commission to proceed at the earliest possible date, and shall be in full force and effect from and after its passage and approval by the Mayor.


Passed: April 12, 2005

*3-29-05 First Reading
4-12-05 Second Reading
Three reading rule
suspended. Passed*

John B. Raby
President of Council

Attest: 
Clerk of Council

Approved: 4/12, 2005


David H. Madison, Mayor

Ordinance 33-05

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street • Post Office Box 1008 • Columbus, Ohio 43216-1008 • Telephone (614) 464-6400 • Facsimile (614) 464-6350 • Cable VORYSATER

James H. Gross
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Facsimile (614) 719-4740
E-Mail: jhgross@vssp.com

April 27, 2005

VIA COURIER

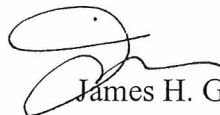
Jackson B. Reynolds, III
Smith & Hale
37 West Broad Street
Columbus, Ohio 43215

Re: City of Bexley/Bexley Gateway Plaza L.P.

Dear Jack:

Enclosed are the two Release of Easements executed on behalf of the City of Bexley. Upon filing, please send me copies of the releases with recording information for the City's files. Please call me if you have any questions.

Very truly yours,


James H. Gross

JHG/mlk

Enclosures

cc: David H. Madison ←
Daniel Lorek

RELEASE OF EASEMENT

WHEREAS, Bexley Gateway Plaza L.P. is the owner of an easement by virtue of recorded plat of Julian Subdivision as recorded in Plat Book 5, Page 185, Recorder's Office, Franklin County, Ohio; and,

WHEREAS, Bexley Gateway Plaza L.P. has requested that all the forgoing easement be released for an alley vacated by ordinance 17-63; and

WHEREAS, the City Council of Bexley, Ohio, has determined that the release of said easement will not be detrimental to the City of Bexley, Ohio;


NOW THEREFORE:

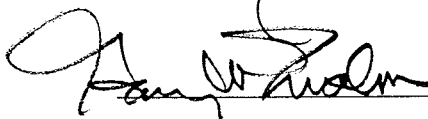
KNOW ALL MEN BY THESE PRESENTS that the City of Bexley, Ohio, "Grantor", a municipal corporation, for valuable consideration given, does hereby release all easement rights in and to that platted easement as described as follows:

Prior Instrument Reference: P.B. Vol. 5, Pg. 185
Recorder's Office, Franklin County, Ohio.

The Grantor, City of Bexley, Ohio, by David Madison, Mayor, and Gary Qualmann, Auditor, as authorized by Bexley City Council Ordinance No. 33-05 passed on the 12th day of April, 2005, has hereunto caused this instrument to be subscribed this 26th day of April, 2005.

CITY OF BEXLEY, OHIO
a municipal corporation

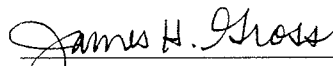
 , Mayor

 , Auditor

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 26th day of April, 2005 the foregoing instrument was acknowledged before me by David Madison, Mayor and Gary Qualmann, Auditor, on behalf of the City of Bexley, Ohio, a municipal corporation.

(seal)


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

RELEASE OF EASEMENT

WHEREAS, Bexley Gateway Plaza L.P. is the owner of an easement by virtue of recorded plat of Eugene Powell Subdivision as recorded in Plat Book 4, Page 239, Recorder's Office, Franklin County, Ohio; and

WHEREAS, Bexley Gateway Plaza L.P. has requested that all of the forgoing easement be released for an alley vacated by ordinance 55-42; and

WHEREAS, the City Council of Bexley, Ohio has determined that the release of said easement will not be detrimental to the City of Bexley, Ohio;


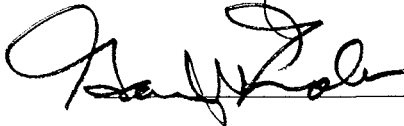
NOW THEREFORE:

KNOW ALL MEN BY THESE PRESENTS that the City of Bexley, Ohio, "Grantor", a municipal corporation, for valuable consideration given, does hereby release all easement rights in and to that platted easement as described as follows:

Prior Instrument Reference: P.B. Vol. 4, Pg. 239
Recorder's Office, Franklin County, Ohio.

The Grantor, City of Bexley, Ohio, by David H. Madison, Mayor, and Gary Qualmann, Auditor, as authorized by Bexley City Council Ordinance No. 33-05 passed on the 12th day of April, 2005, has hereunto caused this instrument to be subscribed this 26th day of April, 2005.

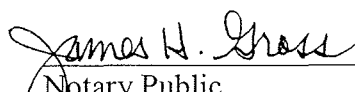
CITY OF BEXLEY, OHIO
a municipal corporation


_____, Mayor

_____, Auditor

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 26th day of April, 2005 the foregoing instrument was acknowledged before me by David H. Madison, Mayor and Gary Qualmann, Auditor, on behalf of the City of Bexley, Ohio, a municipal corporation.

(seal)



Notary Public

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