

ORDINANCE NO. 62-06

By: John Rohyans

An Ordinance to release a certain easement retained by the City at the rear of certain platted lots in the Mayfield Place Subdivision, to authorize the Mayor and Auditor to execute a Release of Easement and to declare an emergency.

WHEREAS, when the Mayfield Place Subdivision was originally platted, Lots 45, 46, 47, 48, 49, and 50 were platted with a 10-foot wide easement on the rear of the platted lots; and

WHEREAS, the Franklin County Recorder's Office shows no formal easement of record in this location; and

WHEREAS, the Bexley Court apartment buildings have been constructed partially on top of this easement; and

WHEREAS, no utilities are known to exist within this easement; and

WHEREAS, the City of Bexley has no current need for a 10-foot wide easement at this location; and

WHEREAS, the release of this easement will permit the orderly transfer of the Bexley Court Apartments property to a new owner;

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, provided that such release shall not affect the rights of any public utilities or other private parties that have an interest in this vacated easement.

Section 2. That the Mayor and Auditor are hereby authorized and directed to execute, on behalf of the City, a Release of Easement in a form provided 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 allow the transfer of the Bexley Court Apartments property to a new owner at the earliest possible date, and shall be in full force and effect from and after its passage and approval by the Mayor.

Passed: 8.02, 2006

Helen Mac Murray
President of Council

Attest: [Signature]
Clerk of Council

7-25-06 First Reading.
8-02-06 Second Reading.
Three reading rule
suspended. Passed.

Approved: 813, 2006

[Signature]
David H. Madison, Mayor

HRABCAK & COMPANY, L.P.A.

Attorneys At Law

67 East Wilson Bridge Road, Worthington, Ohio 43085
(614) 781-1400 Phone, (614) 781-1171 Fax

June 27, 2006

VIA FACSIMILE ONLY (614) 235-3420

Ms. Dorothy Pritchard
Zoning Director
City of Bexley
2242 E. Main Street
Bexley, Ohio 43209

Re: Our Client: Bexley Court, Ltd.
Property Located at: 909-925 Mayfield Placc, Bexley, Ohio 43209

Dear Ms. Pritchard:

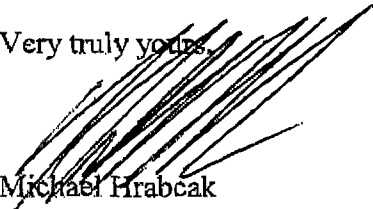
I am sending this correspondence in follow up to our telephone conversation of today's date in regard to the above-captioned. It was a pleasure speaking with you at that time.

As you will recall, at that time, I indicated to you that our client, Bexley Court, Ltd. is involved in the sale of the property located at 909-925 Mayfield Place, Bexley, Ohio. While the title company was preparing the various title documents, it was discovered that there is a platted utility easement per Plat Book 11, page 20 - platted. A copy of the Mayfield Place Subdivision plat map is enclosed herein for your information and records. In addition, we are also enclosing herein, for your information, records, and review, the survey completed by Myers Surveying Company, Inc. whereby your attention is directed to the apparent encroachments, specifically Item No. 4 and Item No. 11 contained therein. Both of these reference the utility easement. However, although the plat of Mayfield Place shows the easement area in question to be reserved in deeds for sewers and other public utility purposes, no formal easement is of record with the Franklin County, Ohio Recorder's Office. As such, we are seeking an abandonment from Columbia Gas of Ohio and/or Columbia Transmission, as well as American Electric Power and the City of Bexley in regard to the same. An abandonment will allow the title to the property to be marketable. It is our understanding that the easement is not in use and has not been in use. We have obtained, from American Electric Power, a vacation of the aforementioned, a copy of which is enclosed here for your information and records. In addition, we are working with Columbia Gas of Ohio and Columbia Gas Transmission and are reasonably confident we received a vacation from those entities as well.

Ms. Dorothy Pritchard
Zoning Director
City of Bexley
June 27, 2006
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It is our understanding that the parties are tentatively scheduled to close this transaction on Friday, June 30, 2006 at 3:30 p.m. If you are in agreement that in fact the City of Bexley has no interest in this easement, we shall draft and forward documentation to evidence the same for your review and approval.

Very truly yours,



Michael Hrabcak
Attorney at Law

MH/law
Attachments
Z:\SHARE\Client\Neal, Roger R\Pritchard LTR 062706.doc

04/19/2006 11:11 FAX 614 463 8058 NCB IRE-CENTRAL 002/002
JAN - 18 0011061 11:33 ACS DOWNTOWN TEL:614 221 8206 P 0114

Myers Surveying Company, Inc.

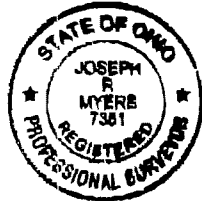
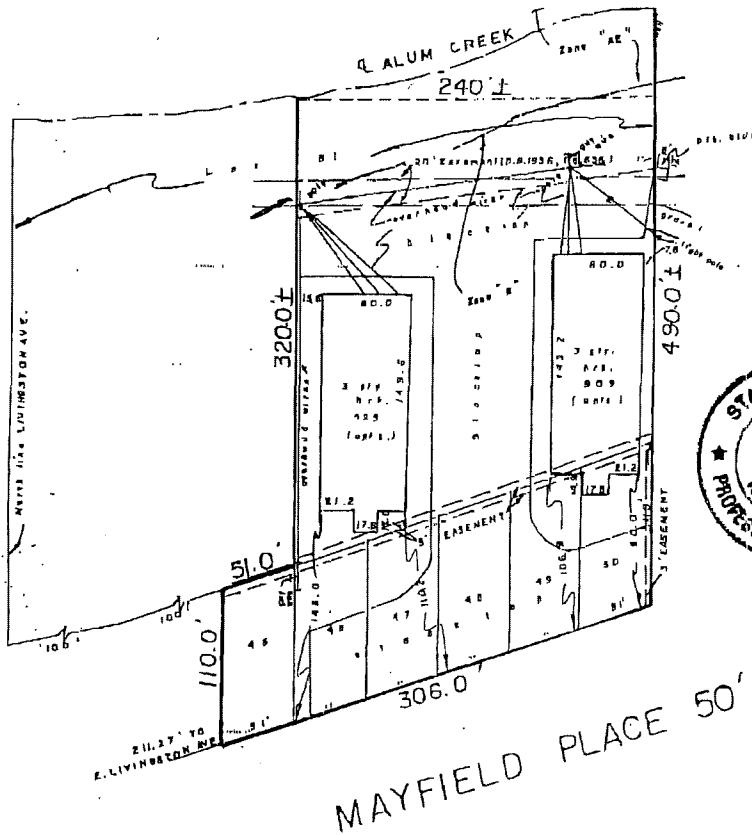
2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:
Ohio Bar Title Insurance Company and/or Fifth Third Bank, Central Ohio
Legal Description: Situated in Ohio, County of Franklin, City of Bexley, Being Lots 45, 46, 47, 48, 49, 50 and Part of Lot 51 Mayfield Place Subdivision, Plat Book 11, Page 20
Applicant: Bexley Courts, Ltd.
Posted Address: 909-925 Mayfield Place, Bexley, Ohio
F.E.M.A. Flood Zone Designation: Flood Zones "AE" and "X" as per F.I.R.M. 390168 0255G (Subject Buildings Zone "X")
Apparent Encroachments: 1) Overhead Wires Crossing Property. 2) Block Building Off Property 3) Gravel Drive Used by Adjoinder 4) Building in Easement 5) Light Pole Over Property Line

Ohio Bar Title Commitment No. OBT 99-1693
Effective date: October 25, 1999 at 7:00 a.m. - Schedule B - Section 2

80' 40' 0' 80'
Scale: 1" = 80'
Date: 11-10-'99
rev 11-12-'99 (client/comm)

- 9. Easement per Deed Book 2455, Page 274 - Does not apply.
- 10. Easement per Deed Book 1936, Page 636 - Plotted.
- 11. Platted utility easement per P.E. 11, Page 20 - Plotted.



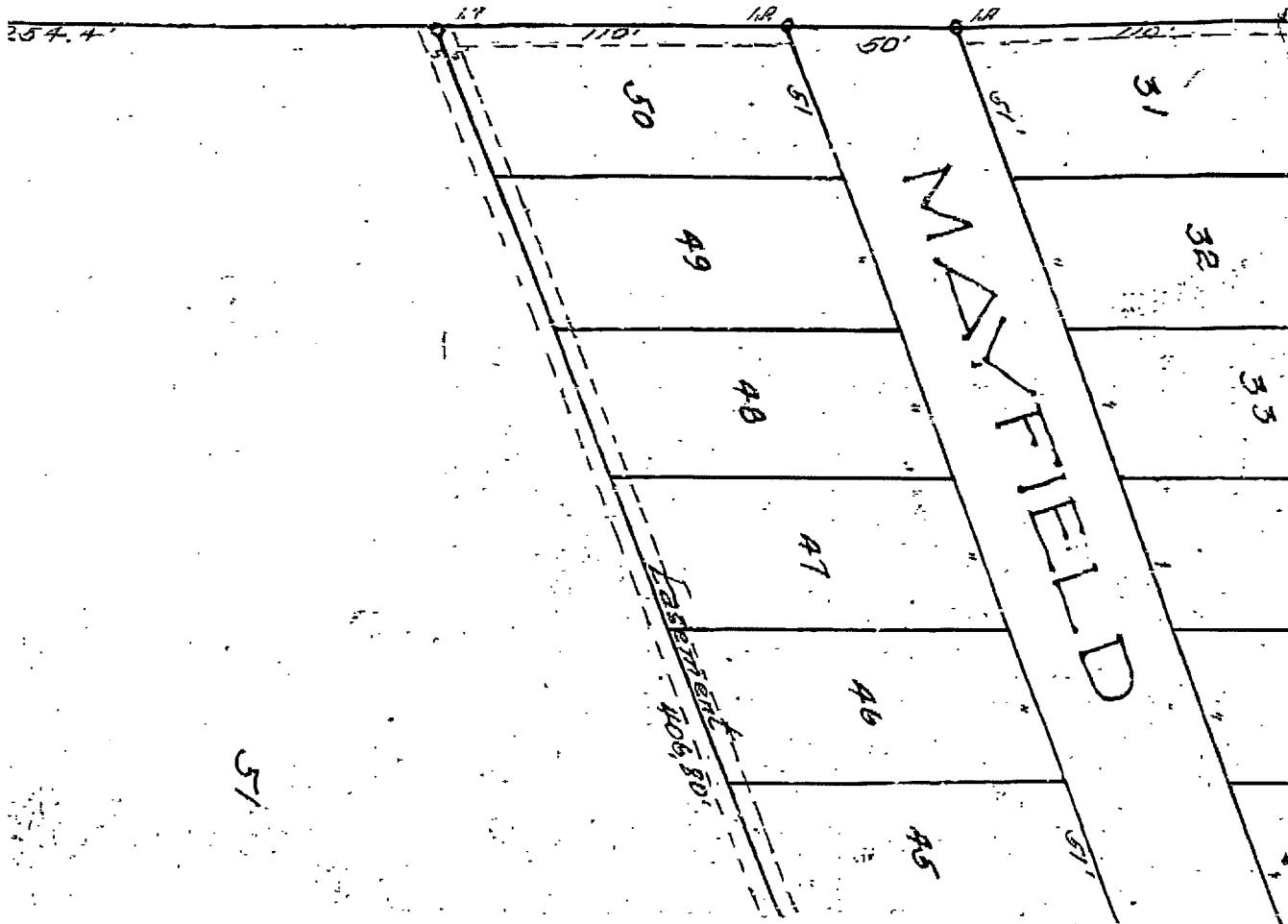
We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code. THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

Myers Surveying Co., Inc.
BY *Joseph R. Myers*
Professional Surveyor

MINAKU

MAYFIELD

SUBDIV



11 0 02

11 0 02

[Handwritten signature]

4271

-101

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Joseph W. Testa
Auditor, Franklin County, Ohio

Geographic Information System

PID: 020-003815
Bexley Court Apartments
925 Mayfield Pl 101
Bexley, OH 43209-2355

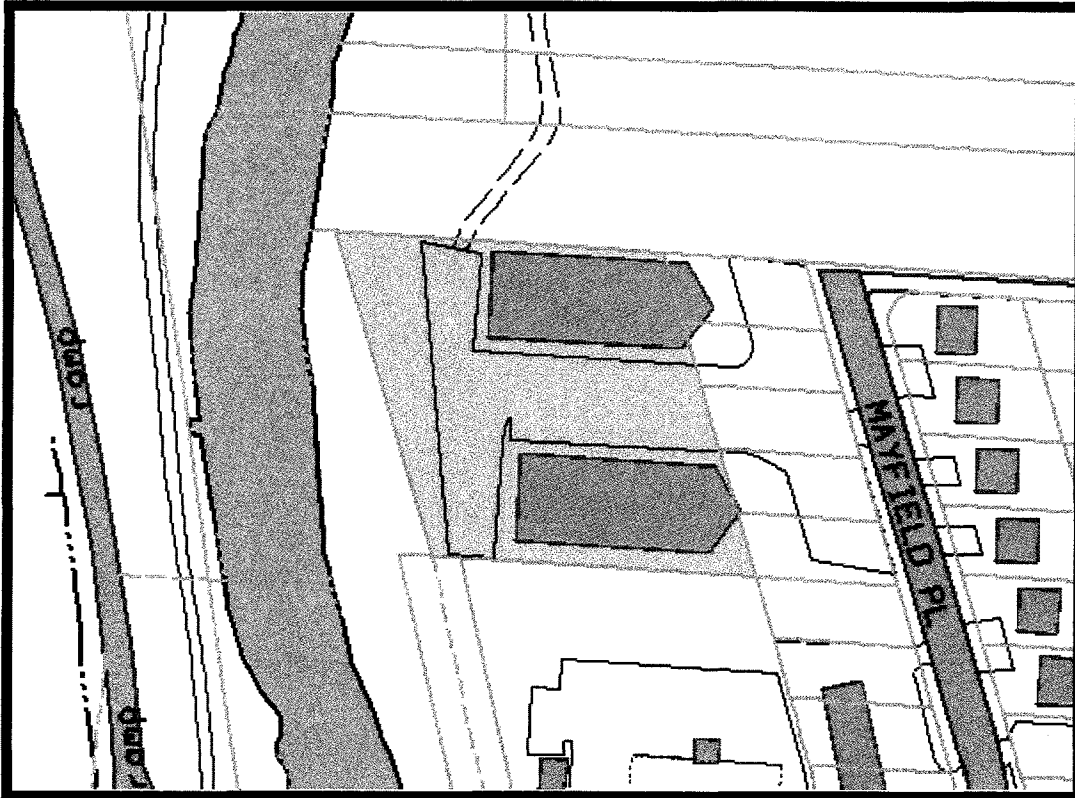


Image Date: Wed Jul 19 08:55:04 2006

Disclaimer

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information source should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.