

**VACATING A PORTION OF THE UTILITY EASEMENT
GRANTED TO THE CITY BY HOMEWOOD
CORPORATION, LOCATED ON LOTS 173 & 174 IN THE
LAKEWOOD SUBDIVISION - SECTION 3.**

WHEREAS, Homewood Corporation (the "Developer"), which owned property located in the Lakewood Subdivision, conveyed a twenty foot wide utility easement to the City of Hilliard in January, 2001, as described in Plat Book 96, pages 48-50 of the Franklin County Recorder, in order for the Developer to construct a north-south storm line; and

WHEREAS, between lots 173 and 174, the Developer did construct the storm line contemplated by the easement; and

WHEREAS, the residence on Lot 174 was incorrectly staked by a surveyor and thereafter constructed, resulting in the storm sewer as originally constructed being in close proximity to the residence and the residence being partially located within the original utility easement; and

WHEREAS, because a new storm line was recently constructed to the west of the original storm line, the original storm line is no longer in service, rendering a portion of the easement no longer necessary and the current owner has requested that the City vacate a portion of the original utility easement; and

WHEREAS, the City now seeks to vacate that portion of the utility easement as defined in the "Plat of Easement Vacation, Lot 174 (Remainder), Lakewood Section 3, Plat Book 96, pages 48-50 City of Hilliard, Franklin County" and as described on the legal description attached hereto as Exhibit "A"; and

WHEREAS, the Director of Public Service has reviewed the request and determined that the vacation is in the best interest of the City, and that such vacation of the unused utility easement is not in conflict with the general health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. This Council finds that the request by the owner of the property for the City to vacate a portion of the original utility easement granted to the City of Hilliard, as depicted in Exhibit "A", attached hereto and incorporated herein, and as described Plat Book 96, pages 48-50 of the Franklin County Recorder, is in the best interest of the City and not adverse to the general health, safety and welfare of the public, and said portion of the utility easement is hereby vacated.

TRANSFERRED
NOT NECESSARY
SEP 28 2006
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

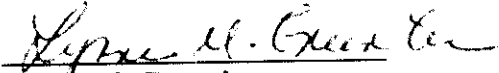
CONVEYANCE TAX
EXEMPT
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

Lynne M. Greenter
Clerk of Council hereby certify that
the foregoing is a true copy of Resolution No. 06-R-21
ordinance/resolution duly adopted by the
Council of the City of Hilliard the 8th day of May, 2006.
Lynne M. Greenter
Clerk of Council
City of Hilliard

SECTION 2. The Clerk of Council is directed to record this Ordinance and Exhibit "A" in the Office of the Recorder of Franklin County, Ohio and notify the Auditor of Franklin County of the vacation by sending the Auditor a copy of this Resolution and Exhibit "A".

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided by law.

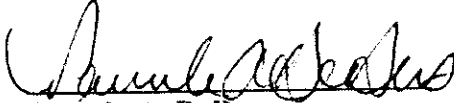
ATTEST:


 Lynne M. Greenler
 Clerk of Council

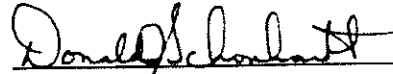
SIGNED:


 J. William Uttley
 President of Council

APPROVED AS TO FORM:


 Pamela A. DeDent
 Director of Law

APPROVED:


 Donald J. Schonhardt
 Mayor

06-R-21

Vote:

	Yea	Nay	Abstain
President Uttley	✓		
Vice President Scioto	✓		
Allison	✓		
Brown	✓		
Cope	✓		
Peacock	✓		
Roberts	✓		
Results:	7	0	0

Exhibit A
Resolution No. 06-R-21



February 16, 2006

DESCRIPTION OF A 0.004 ACRE PORTION OF
AN EASEMENT AREA TO BE VACATED

Situated in the City of Hilliard, County of Franklin, State of Ohio, being a 0.004 acre portion of an existing easement area to be vacated, located in Lot 174 in Lakewood Section 3, a subdivision of record in Plat Book 96, Pages 48-50, said lot being conveyed to Steven D. Beale in Instrument No. 200301020000944, said 0.004 acres being more particularly described as:

Beginning, for reference, at a 3/4-inch iron pin found at the southeasterly corner of Lot 173 in said subdivision, the same being the southwesterly corner of said Lot 174 and being in the northerly right-of-way line of Lampton Pond Drive (60');

Thence, North 83° 43' 42" East, with the southerly line of a portion of said Lot 173 and with a portion of said Lot 174, a distance of 15.00 feet to a point;

Thence, North 06° 16' 18" West, a distance of 45.00 feet to the TRUE PLACE OF BEGINNING;

Thence, from said TRUE PLACE OF BEGINNING, South 83° 43' 42" West, a distance of 3.50 feet to a point;

Thence, North 06° 16' 18" West, a distance of 55.00 feet;

Thence, North 83° 43' 42" East, a distance of 3.50 feet to a point;

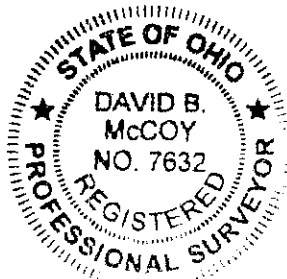
Thence, South 06° 16' 18" East, a distance of 55.00 feet to the TRUE PLACE OF BEGINNING;


Containing 0.004 acres of land, more or less.

Bearings are based on North 83° 43' 42" East, as given for the northerly line of Lakewood Section 3, a subdivision plat of record in Plat Book 96, Pages 48-50.

All iron pins set are 3/4" inch iron pipe with a yellow plastic cap stamped "HOY SURV. - P.S. 7313".

All references are to records of the Recorder's Office, Franklin County, Ohio.




David B. McCoy
Registered Professional Surveyor No. 7632

The Hilliard City Bulletin
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06-37 (continued)

Department of Finance-Office of the Clerk of Courts

<u>Title</u>	<u>Authorized Number</u>	<u>Grade</u>
Magistrate	1	per contract

(f) The following hourly rates of pay are authorized for part-time City employees:

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
P1	\$6.00	\$8.00
P2	\$7.50	\$9.50
P3	\$10.50	\$12.50
P4	\$15.00	\$18.50
S1	\$6.00	\$11.50

The Mayor as appointing authority may designate any classification listed in Section 127.04(c) as part time. That position will be paid an hourly rate within the listed pay grade as determined by the Mayor and will not count against the number of full time positions.

SECTION 2. All remaining subsections of Section 127.04 not expressly set forth in Section 1 above shall remain unchanged.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period provided by law.

Resolutions

The following Resolutions were passed by Council on May 8, 2006.

06-R-21 VACATING A PORTION OF THE UTILITY EASEMENT GRANTED TO THE CITY BY HOMEWOOD CORPORATION, LOCATED ON LOTS 173 & 174 IN THE LAKEWOOD SUBDIVISION – SECTION 3.

WHEREAS, Homewood Corporation (the "Developer"), which owned property located in the Lakewood Subdivision, conveyed a twenty foot wide utility easement to the City of Hilliard in January, 2001, as described in Plat Book 96, pages 48-50 of the Franklin County Recorder, in order for the Developer to construct a north-south storm line; and

WHEREAS, between lots 173 and 174, the Developer did construct the storm line contemplated by the easement; and

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WHEREAS, because a new storm line was recently constructed to the west of the original storm line, the original storm line is no longer in service, rendering a portion of the easement no longer necessary and the current owner has requested that the City vacate a portion of the original utility easement; and

WHEREAS, the City now seeks to vacate that portion of the utility easement as defined in the "Plat of Easement Vacation, Lot 174 (Remainder), Lakewood Section 3, Plat Book 96, pages 48-50 City of Hilliard, Franklin County" and as described on the legal description attached hereto as Exhibit "A"; and

WHEREAS, the Director of Public Service has reviewed the request and determined that the vacation is in the best interest of the City, and that such vacation of the unused utility easement is not in conflict with the general health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

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06-R-21 (continued)

SECTION 1. This Council finds that the request by the owner of the property for the City to vacate a portion of the original utility easement granted to the City of Hilliard, as depicted in Exhibit "A", attached hereto and incorporated herein, and as described Plat Book 96, pages 48-50 of the Franklin County Recorder, is in the best interest of the City and not adverse to the general health, safety and welfare of the public, and said portion of the utility easement is hereby vacated.

SECTION 2. The Clerk of Council is directed to record this Ordinance and Exhibit "A" in the Office of the Recorder of Franklin County, Ohio and notify the Auditor of Franklin County of the vacation by sending the Auditor a copy of this Resolution and Exhibit "A".

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided by law.

Tabled Legislation

Ordinances

06-17 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT TO REPAINT AND MAINTAIN THE OLD HILLIARD WATER TOWER AND APPROPRIATING FUNDS THEREFOR (CAPITAL IMPROVEMENT PROJECT W-20 WATER TANK PAINTING).

Resolutions

*****None*****

*Future meetings of the Hilliard City Council
May 22nd & June 12th*