



Clerk of Council's Office



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07/09/2010 8:37AM ND
Robert G. Montgomery
Franklin County Recorder



CERTIFICATE

I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of

ORDINANCE NO. 2010-16, "TO VACATE AN EXISTING ELECTRIC EASEMENT LOCATED SOUTH OF WEST SCHROCK ROAD AND WEST OF SOUTH STATE STREET, ON PROPERTY OWNED BY WESTERVILLE PLAZA, LLC."

was passed by the Westerville City Council on June 1, 2010.

Mary J. Johnston, MMC
Clerk of Council

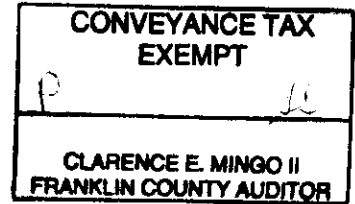
Date: June 2, 2010

TRANSFER
NOT NECESSARY

JUL - 8 2010

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

ORDINANCE NO. 2010-16



*TO VACATE AN EXISTING ELECTRIC EASEMENT LOCATED
SOUTH OF WEST SCHROCK ROAD AND WEST OF SOUTH
STATE STREET, ON PROPERTY OWNED BY WESTERVILLE
PLAZA, LLC.*

WHEREAS, an electric line easement exist which was conveyed to the City of Westerville by deed of record in Official Record 5593, Page A 04, said easement being through a portion of a 6.698 acre tract of land conveyed as Tract II to Westerville Plaza L.P. by deed of record in Instrument 199909290245419 and Instrument 200406090132848, all references to the Franklin County Recorder's Office; and

WHEREAS, the Council finds that there is good cause for vacation of a portions of the electric easement on the aforementioned property, and that such vacations will not be detrimental to the general interest of the citizens of the City;

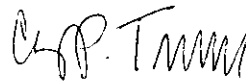
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That the electric easement as described in the document attached as Exhibit "A-1" and delineated on the survey map attached hereto as Exhibit "A", which were conveyed to the City by deed of record in Official Record 5593, Page A 04 of record in the Franklin County Recorder's Office, be and the same is hereby vacated.

Section 2. That the Clerk of the City of Westerville is hereby directed to file a copy of this ordinance with the Franklin County Recorder evidencing the vacation of such portion of such easement.

Section 3. That this ordinance shall take effect and be in force and after the earliest period allowed by law.

PASSED: June 1, 2010



Craig P. Treneff
Vice Chair of Council

APPROVED:



Bruce E. Bailey
Director of Law



Mary J. Johnston, MMC
Clerk of Council

EXHIBIT "A-1"

05593A04

**THE CITY OF WESTERVILLE
ELECTRIC EASEMENT**

Richard J. Solove, unmarried and John J. Chester, married, Grantor, in consideration of One Dollar and other good and valuable considerations, receipt whereof is hereby acknowledged, hereby grant(s) unto the CITY OF WESTERVILLE, its successors and assigns, (hereinafter called CITY), a perpetual right-of-way and easement to install, construct, reconstruct, operate, maintain, repair, rebate, inspect, supplement and remove, at any time or times hereafter, electric distribution and transmission facilities, including guys, poles, conduits, manholes, cables, wires, fixtures, transformers and appurtenances, as it may from time to time require or deem proper therefore, in, under, and upon a strip of land ten (10) feet wide across the property which Grantor owns, or in which Grantor has an interest, situated in the City of Westerville, Counties of Franklin and Delaware, and in the State of Ohio, known as:

SEE EXHIBIT "A" ATTACHED HERETO

J1440

Said electric distribution and transmission facilities shall be constructed according to the following course: THE FACILITIES SHALL OCCUPY ANY PART OF THE LAND SHOWN ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND THE CENTER LINE OF SAID STRIP SHALL BE THE SAME AS THE LOCATION OF AND COINCIDE WITH THE CABLE AND/OR CONDUIT AND FACILITIES AS THEY ARE INITIALLY PLACED BY THE CITY. THE CITY IS GRANTED THE RIGHT TO EXTEND ELECTRIC DISTRIBUTION AND TRANSMISSION FACILITIES IN THE FUTURE AS SHALL BE DETERMINED BY THE CITY.

The easement granted hereby includes the right to trim or remove any trees or shrubbery which may hereafter interfere with the construction, reconstruction, operation and/or maintenance of said lines and facilities, within the limits of the easement and within the limits of a strip of land 5 feet in width on each side, adjacent and parallel to the easement, and to trim or cut, any trees or shrubbery that now interfere with the construction or reconstruction of said lines and facilities.

Said grant includes the right, at all times, of ingress to and egress from said strip, and the right to use the premises parallel to and adjoining the boundaries of said strip for the operation of apparatus, appliances and equipment for any of the purposes herein specified. The CITY shall restore all property, including fences except buildings or other structures within the permanent easement, to its original condition insofar as practicable, after entering upon said premises for the purposes hereinbefore set forth, including the construction, repair, maintenance, replacement, relocation, operation, inspection, and maintenance of all facilities and improvements located within such easements and right-of-way.

The Grantor may use the surface of said strip provided such use does not interfere with the CITY'S use of said easement.

Grantor covenants with the CITY, its successors and assigns, that Grantor is lawfully seized of the premises and that Grantor will forever warrant and defend the same unto the CITY, its successors and assigns, against all claims of all persons whomsoever.

The term "CITY" shall include the successors and assigns of the City of Westerville and the term "Grantor" shall include singular and plural, masculine and feminine, individuals and corporations, partnerships and associations, and the heirs, assigns, administrators, executors and successors of all of them.

METZ, BAILEY & SPICER BOX

FRANKLIN COUNTY, OHIO

APR 18 1985

Time 11:59A

Recorded:

JOSEPH W. TESTA, Recorder

124

TRANSFER
NOT NECESSARY
APR 18 1985
PALMER C. McNEAL
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT
P
PALMER C. McNEAL
FRANKLIN COUNTY AUDITOR

05593A05

IN WITNESS WHEREOF, Grantor and Cynthia J. Chester, who hereby releases her rights of dower, have executed this caseant on April 12, 1988.

Signed and acknowledged in the presence of:

Linda L. Smith

Richard J. Solove
Richard J. Solove

Diane G. Wickham

Linda L. Smith

John J. Chester
John J. Chester

Diane G. Wickham

Cynthia J. Chester
Cynthia J. Chester

STATE OF OHIO
COUNTY OF Franklin, S.S.

The foregoing instrument was acknowledged before me on April 12, 1988, by Richard J. Solove, unmarried, and John J. Chester and Cynthia J. Chester, husband and wife.

Linda L. Smith
Notary Public

LINDA L. SMITH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES APRIL 17 1993

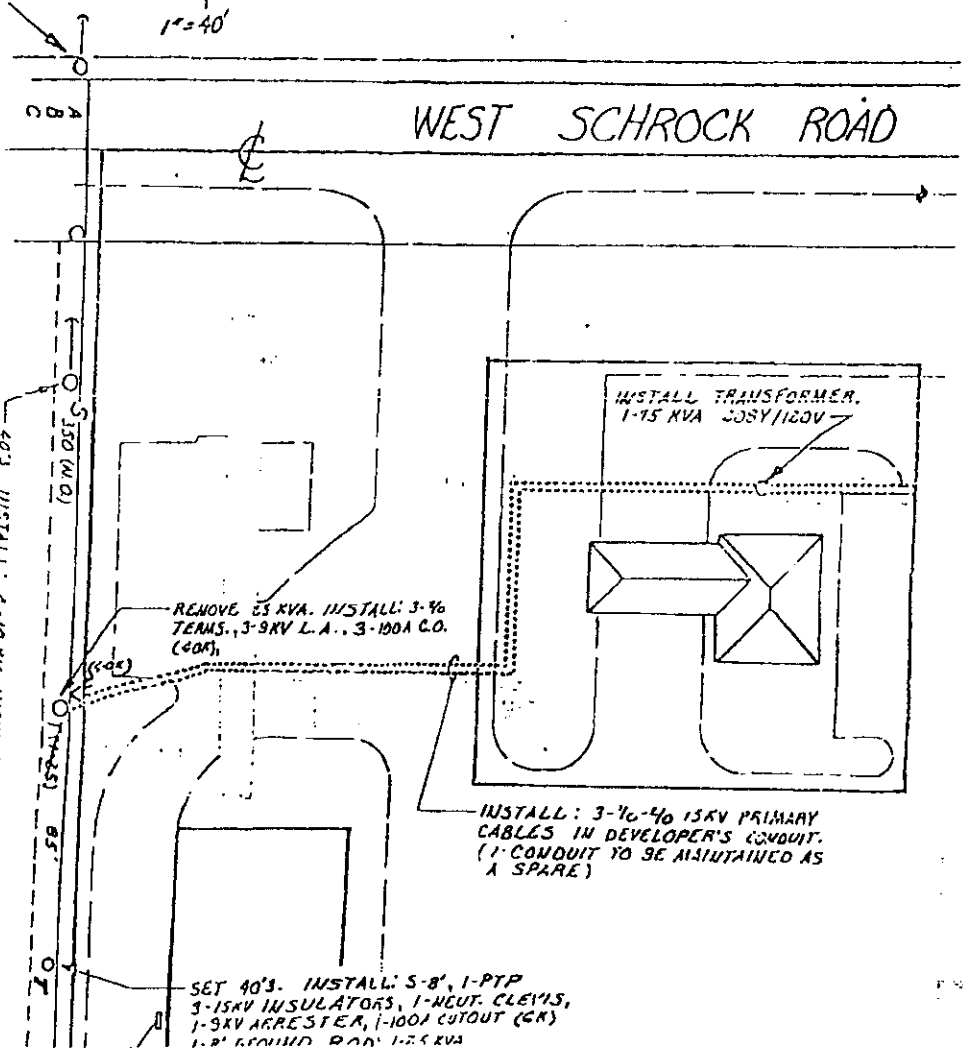
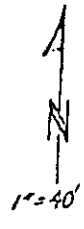
This instrument was prepared by: Roy E. Metz, METZ, BAILEY & SMICER, 33 E. Schrock Rd., Westerville, Ohio, 43081

05593A06

EXHIBIT "A"

Richard J. Solove and John J. Chester to the City of Westerville.

Official Record 03209820 (8.0 acres)



REMOVE 25 KVA. INSTALL: 3-1/2 TURNS, 3-9KV L.A., 3-100A C.O. (600)

INSTALL TRANSFORMER, 1-15 KVA 208V/100V

INSTALL: 3-1/2-1/2 15KV PRIMARY CABLES IN DEVELOPER'S CONDUIT. (1 CONDUIT TO BE MAINTAINED AS A SPARE)

SET 40'S. INSTALL: 5-8', 1-PTP 3-15KV INSULATORS, 1-NEUT. CLEVIS, 1-9KV ARRESTER, 1-100A CUTOUT (CR) 1-8' GROUND ROD 1-25 KVA