

TEMPORARY ORDINANCE NO. 12-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF PUBLIC GAS UTILITY EASEMENT RIGHT-OF-WAY, AND TO DECLARE AN EMERGENCY

WHEREAS, Pursuant to an "Agreement for Right of Way" from Frank M. Engle executed April 3, 1963 and recorded as Vol 322, Pages 674-675 on August 5, 1963, and attached hereto as Exhibit A, a gas utility easement right-of-way consisting of 111.14 acres was given to the City of Lancaster, Ohio; and

WHEREAS, this easement includes the entire 3.285 acres of Parcel No. 0533011210 as surveyed in Exhibit B and legally described in Exhibit C attached hereto; and

WHEREAS, Parcel No. 0533011210 is being considered for purchase and redevelopment as private student housing for OUL; and

WHEREAS, the request for vacation of the easement has been provided to City personnel who have determined that a portion of the public gas utility easement right-of-way as described in Exhibits B and C is not needed; and

WHEREAS, City utilities currently occupy the 80 feet wide SR 37 roadway right-of-way depicted and described in Exhibits B and C and is specifically excluded from this vacation of public gas utility easement right-of-way by City Council; and

WHEREAS, it is determined that the vacation of the public gas utility easement right-of-way will be a benefit to the general interest of the City in furtherance of economic development by the redevelopment of the property;

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

SECTION 1. That the 3.285 acres of Parcel No. 0533011210 as surveyed and described in Exhibits B and C attached hereto is hereby vacated from the public gas utility easement right-of-way granted to the City of Lancaster, Ohio from Frank M. Engle as recorded in Vol 322, Pages 674-675 on August 5, 1963 consisting of 111.14 acres as described in Exhibit A attached hereto with the specific exclusion by City Council of the 80 feet wide SR 37 roadway right-of-way depicted and described in Exhibits B and C.

SECTION 2. That due to the interest of economic development and more specifically the further development of Parcel No. 0533011210 in a timely manner, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

AGREEMENT FOR RIGHT OF WAY.

THIS AGREEMENT, made this 3 day of April A. D. 1963
 between Frank M. Engle
 and The City of Lancaster, Ohio,
 WITNESSETH, That the said Frank M. Engle

in the consideration of the sum of One Dollar to Him paid by The City of Lancaster, Ohio, the receipt whereof is hereby acknowledged, do hereby grant to the said The City of Lancaster, Ohio, its successors and assigns forever, the right of way to lay, maintain, operate and remove pipe lines through which Natural Gas or Petroleum is to be transported from the wells of said The City of Lancaster, Ohio, its successors and assigns, to and through the following described premises, situate in the Township of Pleasant county of Fairfield State of Ohio. The Frank M. Engle Farm, 111.14 acres, in the North East Quarter of Section 31.

and to enter upon said land to lay, and when necessary, repair said gas line pipe and replace the same with other pipe, together with the right to operate, maintain, repair, replace with other pipe and remove the same at any time, and if said lines shall at any time be removed by the said The City of Lancaster, Ohio, or its successors and assigns, its right under this contract shall cease and determine, unless said pipe be then replaced with other pipe.

The pipe shall be laid and buried not less than one and one-half feet in depth, so as not to interfere with the cultivation of the land or the existing tile drainage.

The said The City of Lancaster, Ohio, or its successors or assigns, agrees to pay all damages to growing crops or fences occasioned by operating, repairing, replacing or removing said pipe lines, and if said damage cannot be mutually agreed upon, each party hereto shall select a man, and those two a third man, who shall determine the amount of such damage and their decision shall be final, and such award shall be paid within ten days thereafter. And whenever said real estate is occupied by the said The City of Lancaster, Ohio, or its successors or assigns, by laying their pipe lines through said land, the said The City of Lancaster, Ohio,

or its successors or assigns, ~~agrees to allow the owner one 1" Gas Tap~~ only for one single family residence dwelling.

IN WITNESS WHEREOF, the said Frank M. Engle

have hereto set their hands, this 3 day of April A. D. 1963

Signed and acknowledged in the presence of:

Handwritten signatures and notes in the witness area.



THE STATE OF OHIO, Fairfield COUNTY, ss.

BE IT REMEMBERED, That on this 3 day of April A. D. 63 before me, the subscriber, a Notary Public in and for said County, personally came the above named Frank W. Engle

the grantors in the foregoing instrument; and acknowledged the signing of the same to be his voluntary act and deed, for the uses therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid

Wm. W. Smith
Notary Public - Fairfield Co., Ohio.



*Transfer Not Necessary
August 5, 1963
A. A. Mock, County Auditor
J. A. S., Deputy*

AGREEMENT

—FOR—
Right of Way

FROM

TO

RECEIVED IN FAIRFIELD COUNTY, OHIO

AUG - 5 1963

Ray M. Bellinger

RECORDED
FAIRFIELD COUNTY, OHIO

VOL 322 pg 670

February 9, 2015

DESCRIPTION OF A 3.285 ACRE TRACT

Situated in the City of Lancaster, County of Fairfield, State of Ohio, located in Section 31, Township 15, Range 18, United States Military Lands, being all of that 3.29 acre tract conveyed to Margaret E. Hill, Trustee in Official Record 1551, Page 3830 and all of Parcel #0533011210, said 3.285 acre tract being more particularly described as;

Beginning at a stone found at the northeast corner of the northwest quarter of Section 31, being in the northerly line of said Section 31, the southerly line of Section 30, the northerly line of said 3.29 acres and in the southerly line of that 5.38 acre tract conveyed to the Board of Commissioners of Fairfield County, Ohio in O.R. 1560, Page 1534;

Thence, from said TRUE PLACE OF BEGINNING, South $87^{\circ}51'39''$ East, with the northerly line of said 3.29 acres, with a southerly line of said 5.38 acres and with said section line, passing a $\frac{3}{4}$ -inch iron pipe found at a distance of 71.82 feet and passing a $\frac{3}{4}$ -inch iron pipe found at a distance of 231.62 feet, a total distance of 271.62 feet to a mag nail set at the intersection of the northerly line of Section 31 with the centerline of Granville Pike (S.R. 37), said nail being also in the southerly line of Section 30, being the southeasterly corner of said 5.38 acres, being the southwesterly corner of that 43.98 acre tract conveyed to the Board of Trustees of Ohio University in D.B. 348, Page 244, the northwesterly corner of that tract of land conveyed to The State of Ohio (Ohio University) and being the northeasterly corner of said 3.29 acre tract;

Thence, South $21^{\circ}02'52''$ West, with the easterly line of said 3.29 acres, with the westerly line of said State of Ohio (Ohio University) tract and with said centerline of Granville Pike, a distance of 351.25 feet to a mag nail set at the southeasterly corner of said 3.29 acres, the same being a northeasterly corner of that 21.89 acre tract conveyed to E.H. Smith Properties, LLC in O.R. 1371, Page 2999;

Thence, North $78^{\circ}40'21''$ West, with the southerly line of said 3.29 acres and with a northerly line of said 21.89 acre tract, passing a rebar set at a distance of 40.00 feet, a total distance of 420.36 feet to a $\frac{3}{4}$ -inch iron pipe found at the southwesterly corner of said 3.29 acres;

Thence, North $01^{\circ}46'45''$ East, with the westerly line of said 3.29 acres and with an easterly line of said 21.89 acre tract, a distance of 265.17 feet to a rebar set at the northwesterly corner of said 3.29 acres, the same being in the southerly line of that 66.96 acre tract conveyed to Monte and Susan Black, Trustees in O.R. 1510, Page 3617 and being in said section line;

Thence, South $87^{\circ}51'39''$ East, with the northerly line of said 3.29 acres, with a southerly line of said 66.96 acres, with a southerly line of said 5.38 acres and with said section line, passing a $\frac{3}{4}$ -inch iron pipe found at a distance of 59.52 feet, a total distance of 258.84 feet to the TRUE PLACE OF BEGINNING.



