

TEMPORARY ORDINANCE NO. 32-15

PERMANENT ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO GRANT AND DECLARING A UTILITY AND ACCESS EASEMENT ON CITY PROPERTY

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, Ohio, that:

SECTION 1. That the City of Lancaster authorizes the Service-Safety Director to grant and declares the following utility and access easement to AEP through City property (Parcel No. 0533832500) situated in Section 31, Township 15, Range 18, as set forth in Exhibit A attached hereto.

SECTION 2. The Easement in the form presently on file with the Clerk of Council, attached hereto as Exhibit A, is hereby approved and authorized with changes therein not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Service-Safety Director. The Service-Safety Director, for and in the name of the City, is hereby authorized to execute the Agreement provided and the approval of changes thereto by the Service-Safety Director. This Council further authorizes the Service-Safety Director, for and in the name of the City, to execute any amendments to the Easement, which amendments are not inconsistent with this Ordinance and not substantially adverse to this City.

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa L. 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

EASEMENT AND RIGHT-OF-WAY
FROM
THE CITY OF LANCASTER, OHIO,
AN OHIO MUNICIPAL CORPORATION
TO
OHIO POWER COMPANY, AN OHIO CORPORATION
AND UNIT OF AMERICAN ELECTRIC POWER

It is hereby agreed that THE CITY OF LANCASTER, OHIO, AN OHIO MUNICIPAL CORPORATION, 104 East Main Street, Lancaster, Ohio, 43130, hereinafter called "Grantor" for One Dollar (\$1.00) and other valuable consideration paid by OHIO POWER COMPANY, AN OHIO CORPORATION AND UNIT OF AMERICAN ELECTRIC POWER, 850 Tech Center Drive, Gahanna, Ohio, 43230-6605, hereinafter called "Grantee" grants to Grantee:

a permanent easement and right of way over, under, upon and across the following described 7.63 acre tract of real property of Grantor (Parcel No. 0533832500) as further described in Exhibit A which is attached hereto and hereby incorporated herein,

The easement granted in this agreement shall be used solely for entering and re-entering said premises for the purpose of the installation, operation, repair, maintenance, inspection, rebuilding, replacing, relocating, and removing of electric and other current/future energy or communication purposes.

The easement shall be permanent and shall be Twenty (20) feet wide lying Ten (10) feet on each side of the facilities as constructed. A drawing showing the exact location of the permanent easement is attached hereto as Exhibit A.

Grantor hereby warrants that Grantor has full power and authority to grant this easement and has a good and indefeasible fee simple title to the above described easement premises, free and clear of all liens and encumbrances, except those of record which do not unreasonably interfere with the uses herein described, and agrees to forever defend the above described easements and rights unto Grantee, Grantee's successors and assigns, against every person or entity lawfully claiming or to claim the easement property or any part of it, except as noted above.

This easement shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto. Where the term Grantor or Grantee is used herein, the term shall be deemed to include the successors and assigns of that party.

In addition to the easement, rights, and privileges conveyed in this instrument, Grantee shall have the right to use as much of the surface of the property of Grantor as may be reasonably necessary to construct and install within the right of way granted hereby the facilities contemplated by this grant. Upon the completion of the construction, installation, repair, maintenance, rebuilding, replacing, relocating, or removing of said electric and other current/future energy or communication purposes, Grantee shall replace and restore the surface to the condition it was in prior to said construction, maintenance, rebuilding, replacing, relocating, and/or removing of said pipeline.

Grantor also retains, reserves, and shall continue to enjoy use of the surface of the property for any and all purposes that do not interfere with or prevent the use by Grantee of the easements.

With intent to be legally bound, the parties have entered into this agreement this ____ day of November, 2015.



Grantor:
City of Lancaster, Ohio
An Ohio Municipal Corporation

Grantee:
Ohio Power Company
An Ohio Corporation and Unit of AEP

BRIAN S. KUHN
SERVICE-SAFETY DIRECTOR

By: _____
Title: _____

State of Ohio
County of Fairfield SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above named Brian S. Kuhn, Service-Safety Director of the City of Lancaster, Ohio, an Ohio Municipal Corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed on behalf of said Municipal Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this _____ day of November, 2015.

Notary Public, State of Ohio

State of Ohio
County of Fairfield SS:

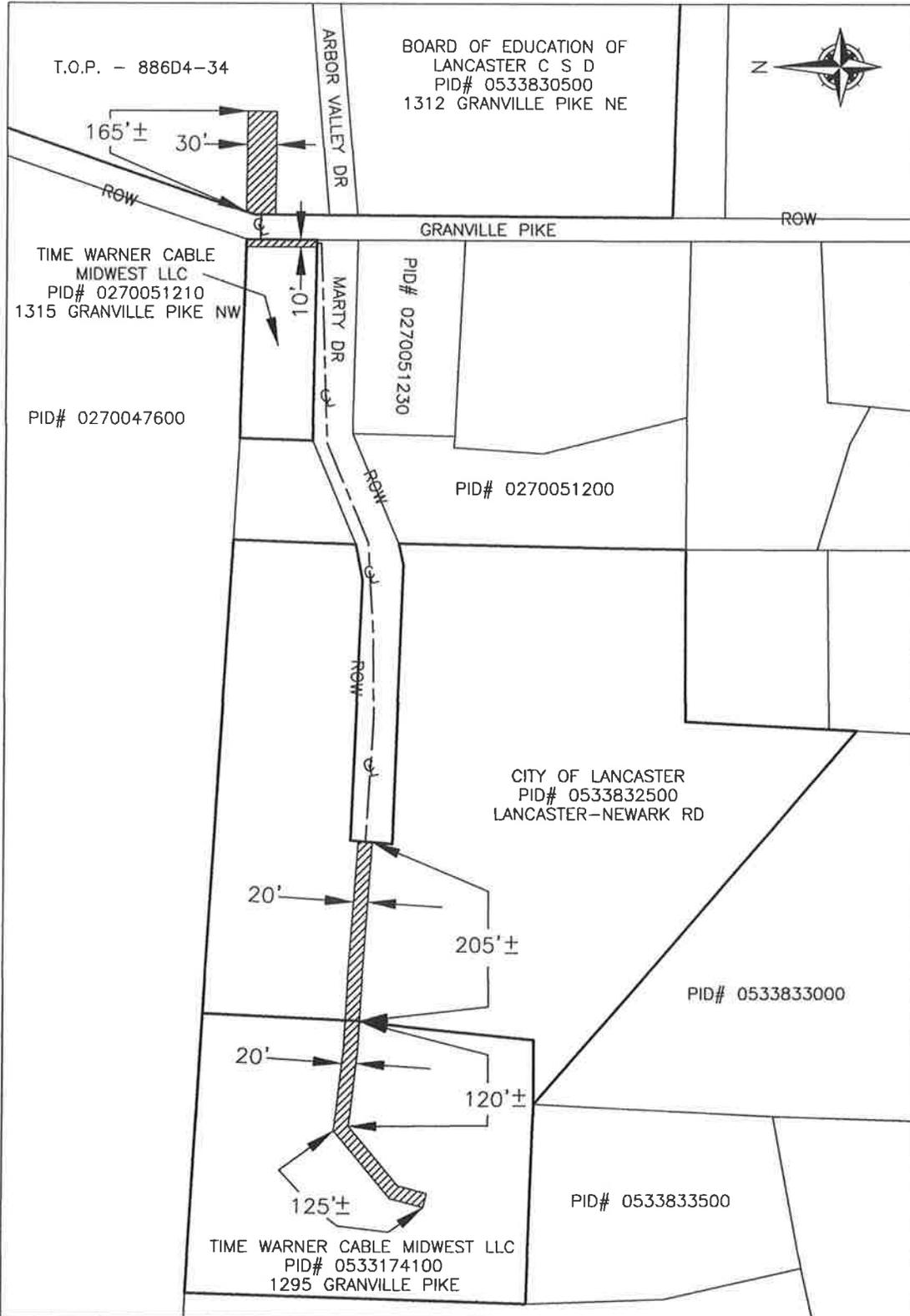
BEFORE ME, a Notary Public in and for said county and state, personally appeared _____, of Ohio Power Company, An Ohio Corporation and Unit of American Electric Power, who represented that he/she is duly authorized in the premises, and who acknowledges that he/she did sign the foregoing instrument and that the same is his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this _____ day of November, 2015.

Notary Public, State of Ohio

Prepared by:
Randall T. Ullom
Law Director & City Prosecutor
City of Lancaster, Ohio
123 East Chestnut Street
P.O. Box 1008
Lancaster, Ohio 43130

EXHIBIT "A"



**AMERICAN
ELECTRIC
POWER**

America's Energy Partner
OHIO POWER

Drawn by: ROBERT HARDMAN

County: FAIRFIELD

Drawing Scale: NTS

City/Township:

WR# 59298241

State: OHIO

Date: 10-15-2015