

TEMPORARY ORDINANCE NO. 24-19

PERMANENT ORDINANCE NO. 19-19

AN ORDINANCE TO SUPERSEDE A PREVIOUS EASEMENT NECESSARY FOR THE CONSTRUCTION OF ELECTRIC LINES

WHEREAS, South Central Power Company currently has a Service Line Easement granted November 28, 2008, by City of Lancaster Ordinance 54-08, recorded in Deed Volume 678 & 1373, Pages 792 & 705, over and across a portion of Fairfield County Auditor Tax Parcel Number 0531004050; and,

WHEREAS, the current easement area must be abandoned due to planned development in the area and a new easement area must be established; and,

WHEREAS, there exists a real and present need to grant said easement for the installation and maintenance of electric lines by South Central Power Company;

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

SECTION 1. That the Service-Safety Director is hereby authorized to enter into a permanent easement under the terms and conditions substantially similar to the attached agreement entitled "Electric Line ~ Right of Way Easement" and its "Exhibit A" depicting the easement area:

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT AREA</u>	<u>EXHIBIT</u>
City of Lancaster	20 Feet Wide- 10 Feet on each side of South Central Power Company's electric lines as constructed	A

SECTION 2. As a condition, South Central Power Company shall pay all costs associated with the acceptance and/or recording of this property right.

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

Passed: 11/4/19 after 2nd reading. Vote: Yeas 9 Nays 0

Approved: 11/4/19

Clerk: Jessica Lee Sandy

David A. Miller

President of Council

David L. Schepfer

Mayor

Offered by: R. Smith

Second by: L. Hall

Requested by Law Committee

### ELECTRIC LINE ~ RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, (whether one or more), for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to SOUTH CENTRAL POWER COMPANY, an Ohio corporation (hereinafter called "South Central") whose address is 2780 Coonpath Rd NE Lancaster Ohio and to its successors and assigns, the right, privilege and easement to enter upon the lands and property of the undersigned, situated in the Township of: Greenfield County of: Fairfield State of Ohio, and more particularly described as follows:

Property Owners: City of Lancaster Ohio

Property Address: 1424 and 1442 Campground Road, City of Lancaster, Ohio.

Map/Location: 163-019-0018

Work Order #: 202251-01

Containing: 38.33 acres more or less

Parcel No: 0531004050

Recorded In-Deed Vol:

OR Volume 678 & 1373

Page: 792 & 705

Initials: TRH

Vms No:

Section: 33 NE 1/4

Township No: 15

Range: 19

Easement width shall be 20 feet, 10 feet each side of South Central Power Company's electric lines and facilities as constructed.

The approximate location of said easement is depicted on the Exhibit "A" drawing attached hereto and incorporated herein.

This easement shall supersede a previous easement granted on November 28, 2008 recorded in OR Volume 1507, page 2017-2018 in the Fairfield County Recorder's Office.

The right to construct, reconstruct, re-phase, relocate, install, inspect, upgrade, repair, extend, operate and maintain on, over, across, under, and through said lands and property and/or all streets, roads or highways abutting said land and property, electric transmission and/or distribution lines or systems, to make such excavations as may be reasonably necessary to carry out the foregoing acts in respect to any underground lines or systems, to cut, trim, remove and control growth to trees, shrubbery, and vegetation within such right-of-way and any dead weak, leaning or danger trees outside of the right-of-way that may strike the lines or system in falling, by chemical means, machinery or otherwise vegetation that may interfere with or threaten to endanger the operation and maintenance of said lines or systems, together with the right at all times to enter upon said lands for the purpose of inspecting said lines or systems, making repairs, renewals, alterations and extensions thereon, thereunder, thereto and therefrom; also the right of ingress and egress over the property of the undersigned to and from said lines or systems. No tree or trees shall be planted, grown or permitted to grow in such right-of-way, and no other vegetation shall be planted, grown or permitted to grow in such right-of-way that may interfere with Grantee's use and enjoyment; to license, permit or otherwise agree to the joint use or occupancy of the lines or systems by any other person, association or corporation for electrification, telephone or other utility purposes; with the right to assign this easement in whole in part.

No improvement, structure or building shall be built or placed within the easement area, or the level of the ground be changed by excavation or mounding without written consent of the Grantee. Grantee can remove, without compensation to the Grantor, trees, vegetation, improvements, structures or other obstructions within the right-of-way that, in the Grantee's judgment, may interfere with Grantee's use and enjoyment of such right-of-way or the operation and maintenance of such poles, lines or systems, or that may be a safety hazard. South Central shall restore and repair the property owned by the Grantor to the approximate same condition following the completion of any work undertaken in the easement area.

The undersigned agrees that all poles, wires and other facilities including any equipment, installed on, over, across, under, or through said lands and property shall remain the property of South Central, removable at its option, upon termination of service to said lands or property. It is covenanted by the undersigned that the undersigned is the owner of the above described lands and property and that said lands and property are free and clear of encumbrances and liens of whatsoever character except ..... and the lien of current taxes not yet due and payable.

Owner: City of Lancaster Ohio

BY: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Ohio, County of: .....

BE IT REMEMBERED, that on this..... day of ....., 20 .  
before me, the subscriber, a Notary Public in and for said County, personally came the above named  
City of Lancaster Ohio

in the foregoing easement and acknowledged the signing of the same to be a / their  
voluntary act and deed, for the uses and purposes therein mentioned.

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

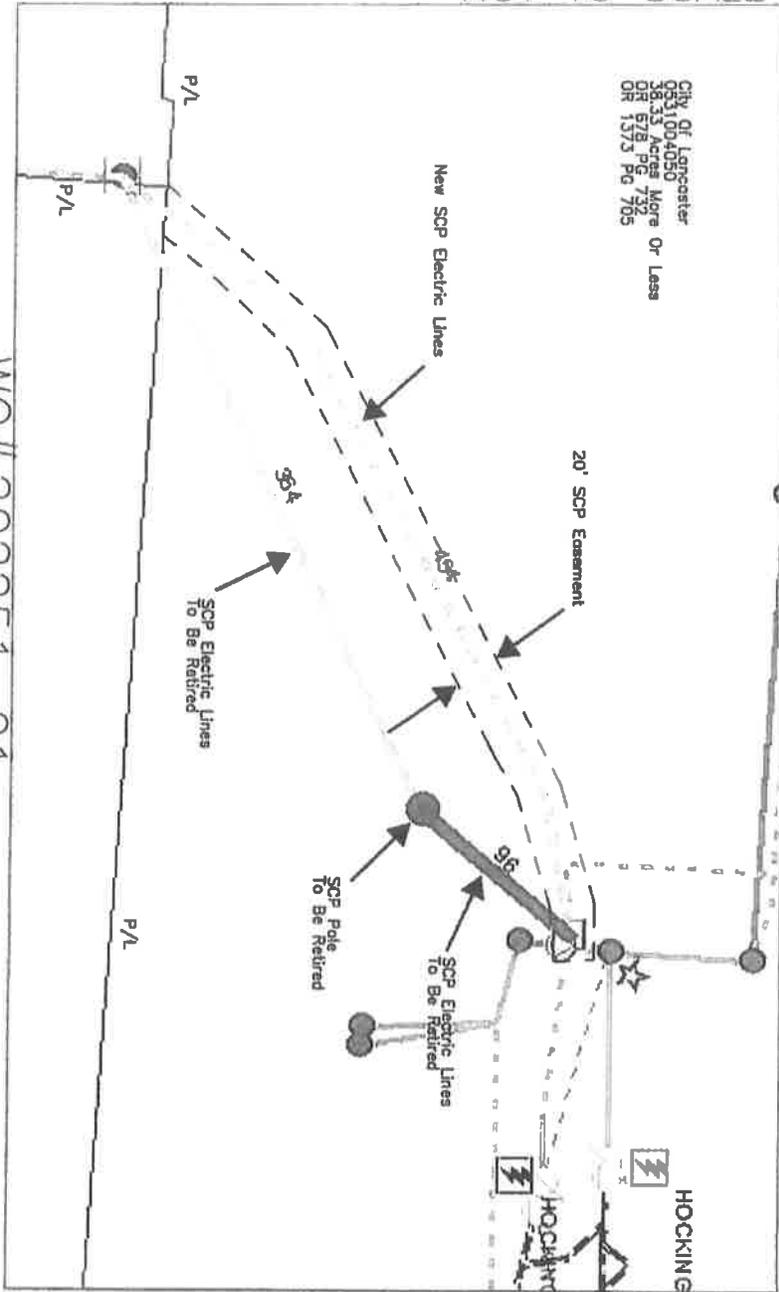
.....  
Notary

Place notary stamp in box

This instrument prepared by: South Central Power Co., 2780 Coonpath Rd NE, Lancaster, OH  
43130 Approved by: BakerHostetler, As to form, 65 East State St. Columbus, OH 43215

EXHIBIT "A"  
NOT TO SCALE

CITY OF LANCASTER  
0631004050  
36.33 Acres More Or Less  
OR 679 Pg 732  
OR 1373 Pg 705



WO# 202251-01