

ORDINANCE 2004-41

AN ORDINANCE GRANTING AN EASEMENT FOR A GUY WIRE STABILIZATION FOR A UTILITY POLE TO AMERICAN ELECTRIC POWER (AEP) AFFECTING A PORTION OF CITY PROPERTY KNOWN AS "ARBOR RIDGE PARK" WITHIN THE MUNICIPALITY OF POWELL AND DECLARING AN EMERGENCY.

WHEREAS, AEP requested a permanent easement from the Municipality of Powell affecting a certain portion of Arbor Ridge Park located within the Municipality, and

WHEREAS, Council having determined that execution of the foregoing easement is in the best interest of the Municipality of Powell, and

WHEREAS, That it is hereby declared that an emergency exists requiring immediate passage of the ordinance, that emergency consisting of the grantee's necessity to commence work as relates to the park improvements.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the City Manager is herewith authorized to execute a permanent easement in favor of AEP which is attached hereto and incorporated herein by reference.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect immediately upon its adoption.

VOTE ON RULE SUSPENSION:

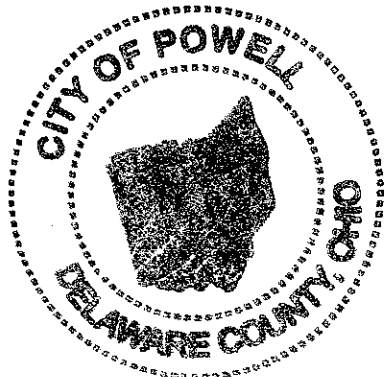
Y 6 N 0

VOTE ON ORDINANCE 2004-41:

Y 6 N 0

Dan Wiencek 6/15/04
Dan Wiencek Date
Mayor

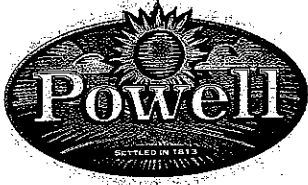
Sue D. Ross 6/15/04
Sue D. Ross Date
Deputy Clerk of Council



This legislation has been posted in accordance with
the City Charter on this date 7/1/04.
Schauman
Clerk of Council

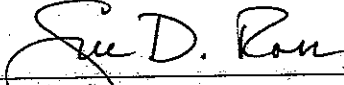
City of Powell
47 Hall Street
Powell, Ohio
43065-8357

www.ci.powell.oh.us
614.885.5380 tel
614.885.5339 fax



CERTIFICATION

I, Sue D. Ross, being the duly appointed Deputy Clerk of Council of the Municipality of Powell, Delaware County, Ohio, do hereby certify that the attached is a true and correct copy of Ordinance 2004-41, passed June 15, 2004.



Sue D. Ross
Deputy Clerk of Council

6/15/04

Date

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VOTE ON RULE SUSPENSION:

Y 6 N 0

VOTE ON ORDINANCE 2004-41:

Y 6 N 0

Dan Wienczek 6/15/04
Dan Wienczek Date
Mayor

Sue D. Ross 6/15/04
Sue D. Ross Date
Deputy Clerk of Council



ABP America's Energy Partner

Easement & Right of Way

The ^{City} Village of Powell, Ohio, grantor(s), in consideration of \$1.00, the easement terms, and other good and valuable consideration from Columbus Southern Power Company, an Ohio corporation, 700 Morrison Rd., Gahanna, OH 43230-6605, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee, a right of way and "Easement", for electric, other energy or communication purposes for current/future uses, overhead and underground, in, on, over, through and across the following described lands situated in ^{City} Village of Powell, Delaware County, Ohio, Quarter Township 4, Township 3, Range 19, Section __, United States Military Lands, being 8.425 acres, as recorded in Deed Book 610, pages 51-54, Delaware County Recorders Office.

Said lines shall be constructed within the limits of a five (5) foot wide strip of land. The centerline being the anchor as installed on pole grid X843097Y786229, the approximate location of which is shown on the attached drawing marked Exhibit "A" and made a part hereof.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, replace, enlarge, upgrade, relocate within the easement, extend or remove utility facilities, with poles, anchors, guys, supporting structures, conductors, conduits, service pedestals, grounding systems, foundations, manholes, devices and associated equipment, as it may deem appropriate, adding thereto from time to time; perform grading or filling for such facilities. Said easement includes the right to cut, trim, remove and/or otherwise control, at Grantee's option, without any liability to Grantor, any trees, overhanging limbs or branches, brush, shrubs, undergrowth, of whatever size, (including those that are dead, diseased, weak, or leaning), buildings, structures, or other obstructions that in Grantee's reasonable judgment endangers or will endanger the safety of, interfere with or encroach upon the use of its facilities, both within and adjoining the Easement. Within the easement, Grantor shall not: place any buildings, structures, pile or debris, interfere with lateral support, construct any swimming pool, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards and for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant, this Easement conveys the right to relocate such facilities to a comparable location subject to approval of grantor which shall not be unreasonably withheld.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall conduct construction/maintenance activities on its property consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group and if Grantor initiates any construction or building activities on its property, always call the applicable utility protection service before the activity begins. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops, caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their respective successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby. Easement attachments, if any, are incorporated herein by this reference.

WITNESS, Grantor(s) signed this Easement on the 16th day of June, 2004.

The ^{City} Village of Powell, Ohio

By: Stephen A. Lutz

Print Name: Stephen A. Lutz

Title: City Manager

By: _____

Print Name: _____

Title: _____

STATE OF OHIO, COUNTY OF DELRWARE SS: _____ day of JUNE, 2004
The foregoing instrument was acknowledged before me this 11th day of JUNE, 2004
by STEPHEN A. LUTZ



Nanette Metz

NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 13, 2005

STATE OF OHIO, COUNTY OF _____ SS: _____ day of _____, 200_____
The foregoing instrument was acknowledged before me this _____ day of _____, 200_____
by _____

Notary Public
Commission Expires _____

STATE OF OHIO, COUNTY OF _____ SS: _____ day of _____, 200_____
The foregoing instrument was acknowledged before me this _____ day of _____, 200_____
by _____
[Name], _____ [Title of officer], of _____ [State of incorporation] corporation, on behalf of the corporation.
[Corporation Name], a _____

Notary Public
Commission Expires _____

STATE OF OHIO, COUNTY OF _____ SS: _____ day of _____, 200_____
The foregoing instrument was acknowledged before me this _____ day of _____, 200_____
by _____
[Name of partner or agent], _____ [Title of partner or agent], on behalf of _____
[Name of principal].

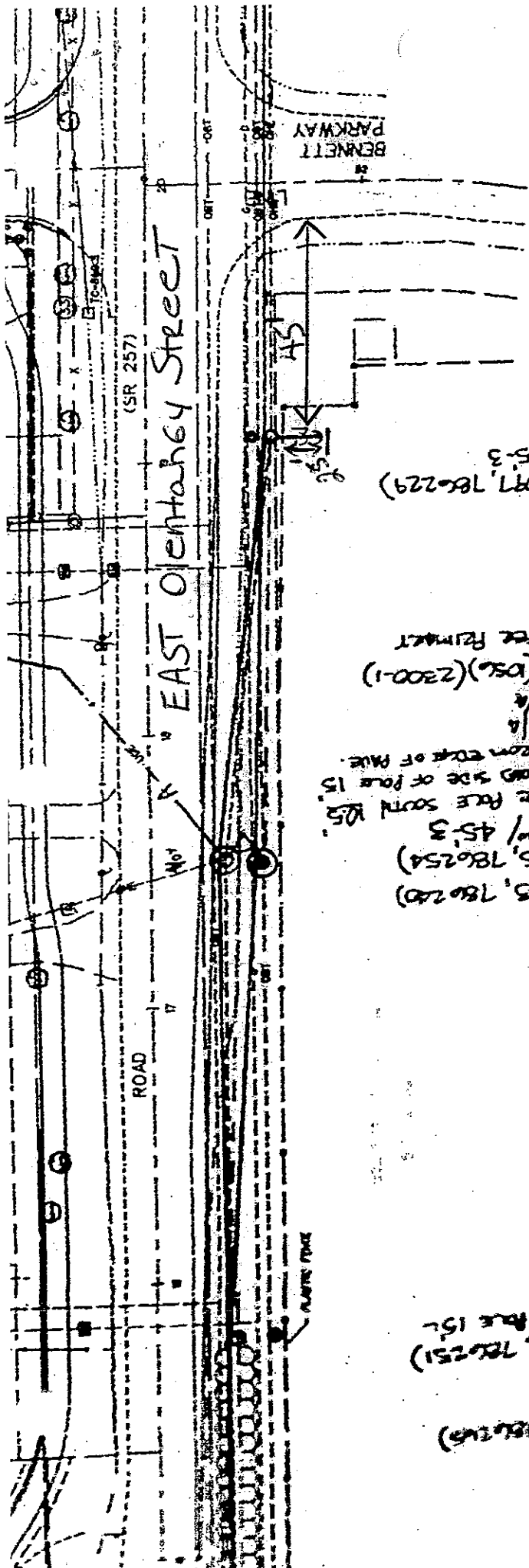
Notary Public
Commission Expires _____

STATE OF OHIO, COUNTY OF _____ SS: _____ day of _____, 200_____
The foregoing instrument was acknowledged before me this _____ day of _____, 200_____
by _____
[Name of attorney in fact], on behalf of _____ [Name of principal].

Notary Public
Commission Expires _____

For use by Recorder's Office and Auditor's Office.

Eas. No. _____ Address:: **East Olentangy Street and Bennett Parkway**
Drawing No. 109810
W. O. No. W0009045
Easement prepared by Columbus Southern Power Company VC



(182295, 780200)
 or (182935, 786254)
 R 45' w/ 45-3
 RELOCATE FACE SOUTH 125'
 SPACE BAND SIDE OF POLE 15'
 SOUTH FROM EDGE OF PAVE.
 EN. 20' 1/4
 11.594
 (3311)(056)(2300-1)
 TRANSFER PLUMMER

(182295, 786254)
 or 45-3
 (182295, 786254)
 R. 40-5
 (20)
 R. 40-5
 (182295, 786254)

Village of Lowell
 Anchor EASEMENT
 5' X 25' 6104

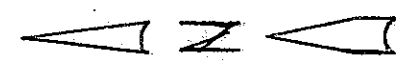


EXHIBIT "A"