



RESOLUTION 2019-05  
Adopted May 6, 2019

**A RESOLUTION TO GRANT CONSENT TO THE GOLF VILLAGE PROPERTY OWNERS ASSOCIATION FOR USE OF THE SAWMILL PARKWAY ROAD RIGHT-OF-WAY FOR CERTAIN STREETScape IMPROVEMENTS AND CART PATH CROSSINGS.**

**WHEREAS,** pursuant to Section 4939.03 of the Ohio Revised Code, no person shall occupy or use the road right-of-way without obtaining the requisite consent of the municipal corporation owning and/or controlling the right-of-way; and

**WHEREAS,** the City of Powell has received a request From the Ohio Department of Transportation to clarify the right of the Golf Village Property Owners Association to use a portion of the Sawmill Parkway road right-of-way for fences, irrigation systems, and other streetscape improvements and cart path crossings; and

**WHEREAS,** Council has reviewed the specifics of this request and Council desires to consent to such use of the right-of-way.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

Section 1: That Council hereby grants consent to Golf Village Property Owners Association for use of the Sawmill Parkway road right-of-way for streetscape improvements and golf cart crossings as set forth on the plan sheets attached hereto as Exhibit "A" as a part DEL- 609-2.24 Resurfacing project, PID 105806, and incorporated herein by reference.

Section 2: Golf Village Owners Association understands that the location of the above-referenced improvements within the current right-of-way is subject and subordinate to the right of the City to extend the width of Sawmill Parkway and associated intersections in the future. Within thirty (30) days of written notice, any or all of the above-referenced improvements shall be removed from the right-of-way so that the City may implement plans to widen the street and appurtenances for public use or for any reason deemed necessary.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 4: That this Resolution shall take effect at the earliest possible date permitted by law.

VOTE ON RESOLUTION 2019-05 Y 7 N 0

Jon C. Bennehoof 5/7/2019 Karen J. Mitchell 5/7/2019  
Jon C. Bennehoof Date Karen J. Mitchell Date  
Mayor City Clerk

EFFECTIVE DATE: May 6, 2019



This legislation has been posted in accordance with the City Charter on this date 5/7/2019  
Karen J. Mitchell City Clerk

Frank Bertone Tom Counts Brian Lorenz Jon C. Bennehoof Mayor  
Melissa Riggins Daniel Swartwout