

ORDINANCE C-52-97

AN ORDINANCE TO VACATE A WATER LINE EASEMENT ALONG THE WESTERLY
AND SOUTHERLY SIDES OF THE FIRST PRESBYTERIAN CHURCH PROPERTY
LOCATED AT 4227 BROADWAY AND RESCIND ORDINANCE C-52-96

WHEREAS, there are existing water line easements along the westerly and southerly sides of the First Presbyterian church property located at 4227 Broadway; and

WHEREAS, these easements were never used and are no longer required; and

WHEREAS, Ordinance No. C-52-96 attempted to vacate these easement, but, only vacated a portion.

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

SECTION 1. Ordinance No. C-52-96 is hereby rescinded.

SECTION 2. The water line easements, both permanent and temporary, granted to the City of Grove City by Deed of Easement show of record in Deed Book 3570, Page 35, Recorder's Office, Franklin County, Ohio and which are adjacent to the westerly and southerly lines of the First Presbyterian Church property at 4227 Broadway are hereby vacated.

SECTION 3. This ordinance shall take effect and be in force at the earliest opportunity allowed by law.

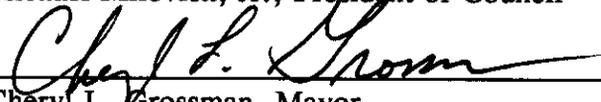
Passed: 9-2-97
Effective: 9-2-97

Attest:

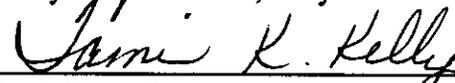
I Certify that this ordinance
is correct as to form.



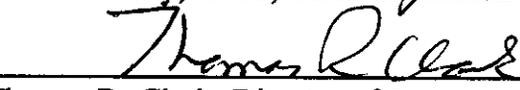
Michael Milovich, Jr., President of Council



Cheryl L. Grossman, Mayor



Tami K. Kelly, CMC, Clerk of Council



Thomas R. Clark, Director of Law

SUNSHINE PARK PLACE

SUNSHINE PARK PLACE

GROSSMAN PLACE
P.B. 17, PG. 236

Shero A. Saylor
0.207 AC.
Oil. Rec. 2183-B-13 (parcel B)

Shero A. Saylor
0.248 AC.
Oil. Rec. 2183-B-13 (parcel B)

Existing House
0.234 AC.
Oil. Rec. 38277-118

2.705 AC.
Oil. Rec. 38278-9-16

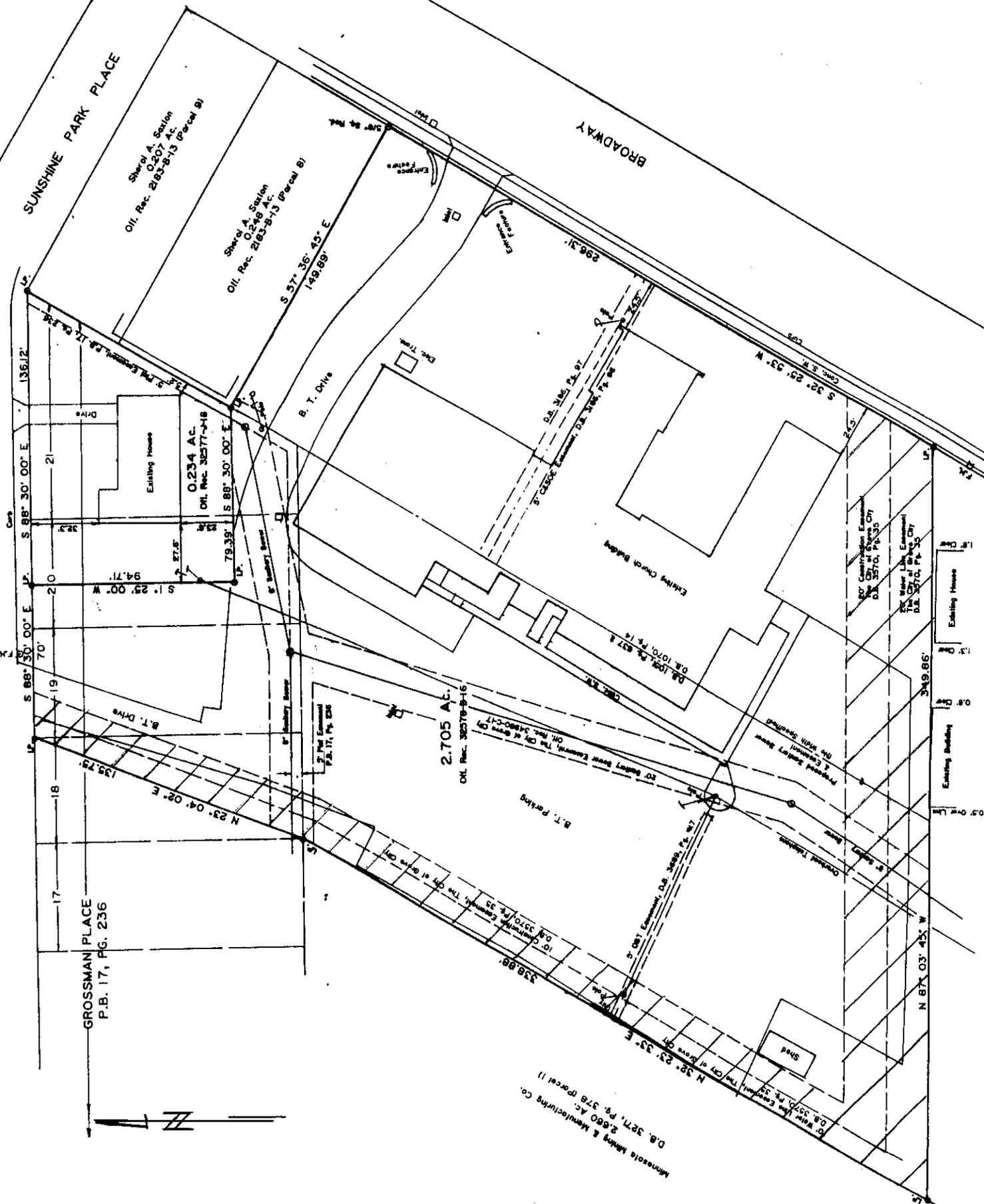
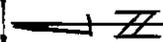
Minnesota Mining & Manufacturing Co.
2,650 AC.
D.B. 3271, Pg. 378 (parcel 1)

BROADWAY

Existing Church Building

Existing House

Existing Building



KNOW ALL MEN BY THESE PRESENTS, that

The First Presbyterian Church of Grove City

hereinafter called "Grantor", for and in consideration of One (\$1.00) Dollar, and other valuable considerations paid by the CITY OF GROVE CITY, OHIO, a municipal corporation, the Grantee herein, receipt of which is hereby acknowledged, hereby grants with general warranty covenants to Grantee, its successors and assigns forever, a perpetual easement in, through, over, and under the following described real estate for the purpose of constructing, operating, installing, maintaining, removing or replacing water pipe lines and tributary connections and appurtenant work in any part of said easement.

Said real estate is situated in the County of Franklin in the State of Ohio and in the City of Grove City and lying within two (2) tracts of land belonging to the First Presbyterian Church of Grove City. The first tract being two (2) parcels (parcel 1 being 0.334 acres and parcel 2 being 0.144 acres) as recorded in Deed Book 3300, Page 247, and the second tract being a 0.616 acre tract as recorded in Deed Book 2175, Page 527, Recorder's Office, Franklin County, Ohio, said WATERLINE EASEMENT being two (2) strips of land, a ten (10) foot strip and a twenty (20) foot strip, and being more particularly described as follows:

Said WATERLINE EASEMENT STRIP NO. 1 being a 10 foot strip of land lying left of and adjacent to the following described two (2) courses: Beginning a point in the south right-of-way line of Sunshine Park Place at the northwest corner of said parcel 2; thence with the westerly line of said parcel 2, South 24°21'42" West, a distance of 135.75 feet to a point;

Thence with the westerly line of said parcel 1, South 33°44'06" West, a distance of 338.74' to a point at the southwest corner of said parcel 1; Said WATERLINE EASEMENT STRIP NO. 2 being a 20 foot strip of land from said previous point and lying adjacent to and left of the following described course: Thence with the southerly line of said parcel 1 and said 0.616 acre tract, South 85°50'45" East, a distance of 350.06 feet to a point in the westerly right-of-way line of South Broadway (Harrisburg Pike) said point terminating the WATERLINE EASEMENT and containing 0.269 acres, more or less.

Said grantor also grants herein a TEMPORARY CONSTRUCTION EASEMENT to last for the duration of the construction of said waterline for said purpose over and under the following described real estate:

Said TEMPORARY CONSTRUCTION EASEMENT being a 10 foot strip of land lying adjacent to and East of said STRIP NO. 1 and a 20 foot strip of land lying adjacent to and North of STRIP NO. 2 of the above described WATERLINE EASEMENT.

In the event said WATERLINE EASEMENTS overlap part of an existing easement it is not the intent to limit the use of the existing easement in any manner.

The above described EASEMENTS were prepared from records on file at the Recorder's Office, Franklin County, Ohio by Bischoff & Associates, Inc.

Grantor, its successors and assigns, hereby releases the City of Grove City from any further claim for compensation resulting from this grant.

The City of Grove City, at its expense and as soon as practicable after construction of said utility and all subsequent alterations and repairs thereto, shall cause all affected property of Grantor to be restored as nearly as practicable to its previous condition.

The City of Grove City, for itself and its contractors, hereby indemnifies and guarantees to save harmless the Grantor, its successors and assigns, from any and all loss, cost, damage and expense from any claim arising out of the construction of said utility and all subsequent alterations and repairs thereto.

TRANSFER
NOT NECESSARY
MAR 14 1977
ARCH & WARREN
AUDITOR
FRANKLIN COUNTY, OHIO

TRANSFER TAX
EXEMPT
By: A. J. P.
ARCH I. WARREN
FRANKLIN COUNTY, AUDITOR

The rights granted herein shall not be construed to interfere with or restrict the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are so constructed as not to impair the strength or interfere with the use and maintenance of said utility, or ingress and egress to or over the easement area. This easement, however, shall not be construed as giving to Grantee any right of ingress and egress to or over the remainder of said premises owned by Grantor.

Prior Instrument Reference: Volume 3300, Page 247

IN WITNESS WHEREOF, the said Grantor, 2175 527

The First Presbyterian Church of Grove City

who hereby releases their respective rights of dower have hereunto set their hands this 12 day of March, 19 77.

Signed and acknowledged in the presence of:

John R. Moore
Betty C. Martin

L. James Frank
Clerk of Session
John W. Johnson
Chairman Trustees

STATE OF Ohio ss:
COUNTY OF Franklin

Before me a notary public in aforesaid County appears the First Presbyterian Church of Grove City by

its _____ and
its _____ and as such _____ and

being duly authorized agents of said Corporation and being authorized to execute the foregoing instrument by adoption of a resolution of the Board of Trustees of said non-profit Corporation did sign the foregoing instrument and the same is their free act and deed and the free act and deed of said Corporation.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my hand and seal of the day and year first aforesaid.

Nancy J. Frederick
NOTARY PUBLIC
NANCY J. FREDERICK, NOTARY PUBLIC
FRANKLIN COUNTY, OHIO
MY COMMISSION EXPIRES, JULY 31, 1980

This instrument was Prepared by:

Ronald E. Plmale
Director of Law
City of Grove City

MAR 14 1977

2:35 P

Recorded... 19... M... O'Clock... M
Recorded MAR 16 1977... 19... in Franklin County

JAMES A. SCHAEFER, Recorder

Recorder's Fee \$.....