

VILLAGE OF JOHNSTOWN, OHIO



ORDINANCE 18-2016

AN ORDINANCE TO APPROPRIATE .008 ACRE, MORE OR LESS, PERMANENT EASEMENT, AND .004 ACRE, MORE OR LESS TEMPORARY CONSTRUCTION EASEMENT FROM MARK TURNER, FROM THE PROPERTY LOCATED AT 120 WEST JERSEY STREET FOR THE JERSEY STREET IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Johnstown is preparing to perform improvements on Jersey Street including drainage, intersection, signal, sidewalk and water works along with full depth road reconstruction (the "Project");

WHEREAS, the Project requires that the Village obtain a permanent easement and temporary easement from Mark Turner, as described in the Exhibits labeled "A," and "B," attached hereto, said property interests being located in the Village of Johnstown, County of Licking, State of Ohio;

BE IT ORDAINED by the Council of the Village of Johnstown, State of Ohio:

Section 1. Council considers it necessary and declares its authorization to appropriate, for the appraised value of \$762.00, for the public purpose of constructing roadway improvements on Jersey Street including drainage, intersection, signal, sidewalk and water works along with full depth road construction, a permanent easement and a temporary easement as described in Exhibits labeled "A," and "B," attached hereto and incorporated herein by reference.

Section 2. The Village Law Director's office is hereby authorized to file a petition for appropriation in the county Court of Common Pleas should it become necessary, and to utilize the quick-take procedures in Chapter 163 of the Ohio Revised Code.

Section 3. Council further authorizes and directs the Village Manager, the Director of Law, Finance Director, Clerk of Council or other appropriate officers of the Village to take any other actions as may be appropriate to implement this Ordinance.

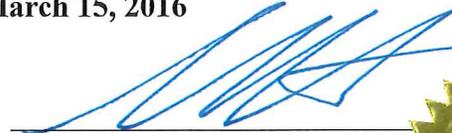
Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees resulted in such formal action where

meetings open to the public in compliance with all legal requirements including Section 121.11 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Section 5. This Ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that obtaining the property interest is necessary for the advancement of this Project. The Ordinance shall therefore take effect immediately upon passage.

Date of Introduction/Public Hearing/Passage: March 15, 2016

By: Van Gundy



Mayor Sean Staneart



ATTEST TO:

APPROVED AS TO FORM:



Teresa Monroe, Clerk of Council



Jennifer Croghan, Law Director

Ord 18-2016

Ingress and Egress –Pedestrian & Multi-Use Path Easement

Mark A. Turner having a mailing address of 120 West Jersey Street, Johnstown, Ohio 43031 ("Grantor") for and in consideration of Seven Hundred Sixty-Two Dollars (\$762.00) and other good and valuable consideration to Grantor paid by **The Village of Johnstown**, an Ohio municipal corporation having a mailing address of 599 South Main Street, Johnstown, Ohio 43031 ("Grantee"), the receipt of which is hereby acknowledged, does hereby grant and release to Grantee, its successors and assigns forever, a perpetual, non-exclusive easement (the "Easement") in, through, over and across a portion of a certain parcel of real property, more particularly described in the legal description and depicted on the drawing attached hereto as Exhibits A and B and incorporated by reference, such easement area to used solely for the purpose of (i) ingress and egress and (ii) the installation and maintenance of a pedestrian and multi-use path for the benefit of residents of the Village of Johnstown and all members of the general public.

Grantor grants to Grantee herein reasonable access on either side of the Easement Area to permit Grantee, its contractors, employees, agents, successors and assigns the ability to maintain, restore, and/or replace that portion of the pedestrian and multi-use path as Grantee reasonably determines is necessary.

The Easement is granted solely for the purpose of construction, maintenance, removal, replacement, repair, use and enjoyment of a pedestrian and multi-purpose path including ingress and egress over and across the same, which pedestrian and multi-purpose path is to be constructed by Grantee, or its contractors, employees, successors and assigns, within the Easement Area subject to the terms and conditions set forth herein.

Except as herein granted, Grantor shall continue to have the full use and enjoyment of Grantor's real property, including, but not limited to the Easement Area so long as the same does not impair Grantee's rights herein.

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: 	
DATE: 9/2/15	

14E

Easement for The Village of Johnstown

Situate in the State of Ohio, Licking County, the Village of Johnstown, and being a part of the Fourth Quarter in T3N, R15W of the United States Military Lands and being part of a parcel conveyed to Mark A. Turner recorded in Instrument Number 201012270026731 in the Licking County Recorder's office and being more particularly described as follows:

Beginning at the grantors southwest corner and the north right of way of West Jersey Street at centerline station 14+81.84, 16.50 feet left, said point being the **Point of Beginning** for the parcel herein described;

Thence from the **Point of Beginning** along the grantors west line North 37 Degrees 40 Minutes 41 Seconds West 4.00 feet to a point on the grantors west line at centerline station 14+81.77, 20.50 feet left;

Thence North 53 Degrees 26 Minutes 47 Seconds East 89.94 feet across the grantor to a point on the grantors east line at centerline station 15+71.70, 20.50 feet left;

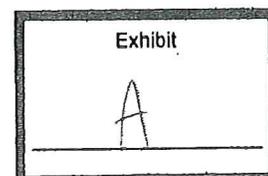
Thence South 37 Degrees 40 Minutes 38 Seconds East 4.00 feet along the grantors east line to the grantors southeast corner and the north right of way of West Jersey Street at centerline station 15+71.78, 16.50 feet left;

Thence South 53 Degrees 26 Minutes 47 Seconds West 89.94 feet along the grantors south line and the north right of way line of West Jersey Street to the **Point of Beginning**.

The above described contains 0.008 acres more or less and is contained in Auditors parcel number 053-181572-00.001.

Subject to all legal easements and rights of way.

Plat of survey is attached hereto and made a part thereof.



All iron pins set are ¼ inch x 30 inch rebar with cap stamped "Canter S-7226",

All stations and offsets are referenced to the centerline of right of way of West Jersey Street.

This description was prepared under the direction and supervision of Robert C. Canter, Registered Surveyor No. 7226 and is based on a field survey made by Canter Surveying/GPS Services, Inc., completed October 2014.

All bearings, coordinates and distances are expressed as NAD 83(2011), Ohio State Plane South Zone, Grid. Reference the centerline of West Jersey Street being North 53 Degrees 26 Minutes 47 Seconds East.

Robert C. Canter, P.S. 7226

04/07/15
Date



**VILLAGE OF JOHNSTOWN
TEMPORARY RIGHT OF ENTRY AGREEMENT**

Mark A. Turner (hereinafter referred to as "Grantor") hereby grants to the Village of Johnstown, Licking County, Ohio, its respective employees, agents and contractors (hereinafter collectively "Village"), a temporary right to enter upon 0.004 acres more or less as described in Exhibit A, attached hereto and incorporated herein, for the purpose of construction and installation of improvements along Jersey Street ("Project").

The term of this temporary right of entry shall commence on the date that construction of the project on the land of the Grantors is commenced. This temporary right of entry shall continue in full force and effect for one (1) year after the acceptance of the Project by the Village.

The Village agrees that all construction work performed in furtherance of the Project shall be performed at the Village's sole cost and expense.

The Village shall restore all property within the temporary access area, to its original condition insofar as practicable, after entering upon said premises for any of the purposes herein set forth, including construction, repair, maintenance, replacement, relocation, operation, inspection and maintenance of all improvements by the Village, its successors and assigns, within the temporary right of entry area, including Project improvements required by the Project.

The terms of this Agreement may not be assigned by the Village, and may only be assigned by Grantor to any purchaser of the Property, but shall be binding on any successors of the parties hereto.

IN WITNESS WHEREOF, Grantor and the Village have executed this Temporary Right of Entry Agreement on this ___ day of _____, 2016.

Village of Johnstown, Licking County, Ohio

Mark A. Turner

Jim Lenner, Village Manager

Date: _____

Date: _____

Approved as to form:

Jennifer B. Croghan, Law Director

14T

Temporary Easement for The Village of Johnstown

Situate in the State of Ohio, Licking County, the Village of Johnstown, and being a part of the Fourth Quarter in T3N, R15W of the United States Military Lands and being part of a parcel conveyed to Mark A. Turner recorded in Instrument Number 201012270026731 in the Licking County Recorder's office and being more particularly described as follows:

Commencing at the grantors southwest corner and the north right of way of West Jersey Street at centerline station 14+81.84, 16.50 feet left;

Thence along the grantors west line North 37 Degrees 40 Minutes 41 Seconds West 4.00 feet to a point on the grantors west line and the proposed right of way of West Jersey Street at centerline station 14+81.77, 20.50 feet left, said point being the **Point of Beginning** for the parcel herein described;

Thence from the **Point of Beginning** along the grantors west line North 37 Degrees 40 Minutes 41 Seconds West 2.00 feet to a point on the grantors west line at centerline station 14+81.72, 22.50 feet left;

Thence across the grantor North 53 Degrees 26 Minutes 47 Seconds East 89.94 feet to a point on the grantors east line at centerline station 15+71.66, 22.50 feet left;

Thence along the grantors east line South 37 Degrees 40 Minutes 38 Seconds East 2.00 feet to a point on the grantors east line and the proposed right of way of West Jersey Street at centerline station 15+71.70, 20.50 feet left;

Thence South 53 Degrees 26 Minutes 47 Seconds West 89.94 feet along the proposed right of way of West Jersey Street to the **Point of Beginning**.

The above described contains 0.004 acres more or less and is contained in Auditors parcel number 053-181572-00.001.

Subject to all legal easements and rights of way.

All iron pins set are 3/4 inch x 30 inch rebar with cap stamped "Canter S-7226".

All stations and offsets are referenced to the centerline of right of way of West Jersey Street.

This description was prepared under the direction and supervision of Robert C. Canter, Registered Surveyor No. 7226 and is based on a field survey made by Canter Surveying/GPS Services, Inc., completed October 2014.

All bearings, coordinates and distances are expressed as NAD 83(2011), Ohio State Plane South Zone, Grid. Reference the centerline of West Jersey Street being North 53 Degrees 26 Minutes 47 Seconds East.


Robert C. Canter, P.S. 7226

12/18/15
Date

