

ORDINANCE NO. 38-2017

Accepting a Permanent Easement for Landscaping at
50 East Dublin-Granville Road, Worthington, Ohio
43085.

WHEREAS, landscaping associated with the new patio and pergola at the James Kilbourne Memorial Library located at 752 High Street; and,

WHEREAS, in order to install and maintain landscaping in this six-foot easement it is necessary to obtain from certain property owners permanent easements; and,

WHEREAS, Worthington Schools has agreed to grant easements upon their property located at 50 East Dublin-Granville Road, Worthington, Ohio, 43085.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. In connection with the installation and maintenance of landscaping, the City hereby accepts a permanent easement from Worthington Schools as more specifically described and shown on Exhibit "A" attached hereto and made a part hereof.

SECTION 2. The City Manager is authorized and directed to execute and deliver any and all documents that may be necessary to evidence the authority granted in furtherance of the acceptance of this easement.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed October 16, 2017

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced October 2, 2017
P.H. October 16, 2017
Effective November 8, 2017

EXHIBIT "A"

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the BOARD OF EDUCATION OF THE WORTHINGTON CITY SCHOOL DISTRICT (the "Grantor"), for good and valuable consideration paid by THE CITY OF WORTHINGTON (the "Grantee"), receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns forever, a permanent easement in, over and under a portion of the real property located at 50 East Granville Road, Worthington, Ohio, PIN #100-006615 (the "Landscape Easement"), for the purpose of installing, maintaining, removing or replacing landscaping in any part thereof (hereinafter referred to as the "Landscaping").

(See Exhibit "A" for a depiction of the "Landscape Easement")

The Grantor claims title to said lands by the document of record described as Aff. Book 8, Pg. 116 in the Recorder's Office, County of Franklin, State of Ohio.

The Grantor and Grantee understand and hereby agree that all terms and conditions contained herein shall be effective and binding upon the parties and their respective successors and assigns.

The Grantor hereby grants the Grantee the right to enter the Grantor's property for the purpose of accessing the Landscape Easement area. The Grantee shall use its best efforts to keep from disturbing any property outside of the Landscape Easement while installing, maintaining, removing or replacing the Landscaping, provided, however, as soon as is practicable after all installation of the Landscaping is completed, the Grantee shall cause restoration of any such disturbed area by returning it to its former grade and restoring the surface area to its former condition as nearly as is reasonably possible.

The easement rights granted herein are non-exclusive. Neither the Grantor nor the Grantee, except as expressly permitted herein, shall cause or allow to be constructed any permanent building, structure, facility or improvement, which in any way impairs the use or interferes with the installation, maintenance, removal, or replacement of the Landscaping or access thereto.

EXHIBIT "A"

The Landscape Easement has been recommended by the Grantee to the user of the adjacent Kilbourne Building as a buffer between the uses on the patio at the Kilbourne Building and Kilbourne Middle School. However, should Grantor determine that the property underlying the Landscape Easement is needed for school purposes, Grantor shall provide Grantee with one hundred and eighty days written notice of its intent to terminate this Deed of Easement.

The Grantor hereby covenants with Grantee that it has full right and power to grant this Deed of Easement.

CITY OF WORTHINGTON

BOARD OF EDUCATION OF THE
WORTHINGTON CITY SCHOOL DISTRICT

By _____
Matthew H. Greeson, City Manager

By Jeffrey S. McQueen

STATE OF OHIO
COUNTY OF FRANKLIN

On September 12, 2017 the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by JEFFREY S. McQueen the TREASURER/CFO of the Board of Education of the Worthington City School District, for and on behalf of the Board.

Loretta S. Zimmerman
Notary Public

STATE OF OHIO
COUNTY OF FRANKLIN

Loretta S. Zimmerman
Notary Public-State of Ohio
Commission Expires 5-10-2020

On _____, 20__ the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Matthew H. Greeson, the City Manager of the City of Worthington, for and on behalf of the City.

Notary Public

This document prepared by:
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EXHIBIT "A"

