



CITY OF PATASKALA

RESOLUTION 2015-059

Passed September 8, 2015

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE 0.189 ACRES OF PROPERTY ON MINK STREET AND BROAD STREET FROM VITTORIO M. CESTA**

*WHEREAS*, the City of Pataskala (City) was awarded an Ohio Public Works Commission (OPWC) grant to make improvements at the Mink Street and Broad Street intersection; and

*WHEREAS*, in order to complete the planned improvements at the Broad Street and Mink Street intersection, the City must acquire additional property; and

*WHEREAS*, it is necessary to purchase 0.189 acres of property at the northeast corner of the Broad Street and Mink Street intersection for the project as provided in the attached exhibits; and

*WHEREAS*, the project budget includes funding to purchase property.

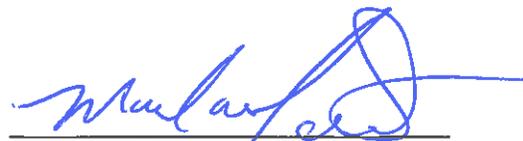
**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS CONCURRING THAT:**

**Section 1:** The City Administrator is hereby authorized to purchase .0189 acres of property from Vittorio M. Cesta at the northeast of the Broad Street and Mink Street intersection in an amount not to exceed \$15,000.

**Section 2:** This Resolution shall become effective from and after the earliest period allowed by law.

**ATTEST:**

  
Kathy M. Hoskinson, Clerk of Council

  
Michael W. Compton, Mayor

**APPROVED AS TO FORM:**

A handwritten signature in black ink, appearing to read "Rufus B. Hurst", written over a horizontal line.

Rufus B. Hurst, Law Director

**EASEMENT  
HIGHWAY - UTILITIES**

KNOW ALL MEN BY THESE PRESENTS, THAT, **Vittorio M. Cesta, unmarried**, whose address is **12853 Broad Street, Pataskala, Ohio 43062**, hereinafter referred to as "GRANTOR", for valuable consideration paid by the **City of Pataskala, Ohio, 621 West Broad Street, Pataskala, Ohio 43062**, (hereinafter "GRANTEE"), receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, CONVEY and RELEASE to the GRANTEE, its successors and assigns, the following:

Situated in the State of Ohio, County of Licking, and City of Pataskala, and being bounded and described as follows:

A perpetual easement for public highway purposes and the design, construction, and maintenance thereof, including, but not limited to, any utility construction, relocation and/or utility maintenance work deemed appropriate by the GRANTEE (whether or not such utilities are owned and/or operated by the GRANTEE), together with a perpetual easement for the construction, relocation, and/or maintenance of perpetual watercourses, ditches, channels, or other drainage facilities, in, on, and/or over that portion of the GRANTOR'S described as follows:

Situated in the State of Ohio, County of Licking, and City of Pataskala, and being bounded and described as follows:

Being a parcel of land containing 0.189 acres, more or less, more fully described in Exhibits "A" and "A-1", attached hereto and incorporated herein.

Prior Instrument Reference: Instrument Number 200610240031117, Licking County Official Records and Volume 769, page 813, Licking County Deed Records.

Part of Tax Parcel No. 063-140334-00.000

Subject to all legal highways, all limitations of access to public roads or highways, leases and rights of way, zoning regulations, easements of record and restrictive covenants.

GRANTOR retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted.

This Easement is subject to the GRANTOR and GRANTEE entering into a purchase agreement, within 60 days of the date hereof, to purchase the 0.189 acre parcel for the gross amount of \$15,000.00, under the terms as previously presented by GRANTOR to GRANTEE.

This Easement is executed, granted and delivered by GRANTOR, for itself and its successors and assigns, and accepted by GRANTEE, for itself and its successors and assigns. GRANTOR releases all rights of dower (if any) therein.

IN WITNESS WHEREOF, GRANTOR has executed this Easement this \_\_\_\_\_ day of August, 2015.

**GRANTOR:**

\_\_\_\_\_  
Vittorio M. Cesta, unmarried

STATE OF OHIO  
COUNTY OF LICKING, SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of August, 2015, by Vittorio M. Cesta, unmarried.

\_\_\_\_\_  
NOTARY PUBLIC

This instrument prepared by:  
Robert T. Erhard, Attorney at Law  
Morrow & Erhard Co., L.P.A.  
10 West Locust St., P.O. Box 487  
Newark, Ohio 43058-0487  
Telephone: (740) 349-7262  
626-0000 RTE 08/16/2015

**EXHIBIT A**

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RX 251 WDV

Rev. 05/09

Ver. Date 01/28/15

PID MINK

**PARCEL 3-WDV  
LIC-16-2.34**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF PATASKALA, LICKING COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

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[Surveyor's description of the premises follows]

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Situated in the State of Ohio, County of Licking, City of Pataskala, located in Lot Number 5, Quarter Township 3, Township-1-North, Range-15-West, United States Military Lands, and being a part of Subdivision Lot 1 of the CESTA SUBDIVISION as recorded in Plat Book 13, Page 222, as conveyed to Vittorio M. Cesta and Filomena Cesta, by deed of record in Instrument Number 200610240031117 and Deed Book Volume 769, Page 813, all records of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

**Beginning** at a Concrete R/W Monument found at the intersection of the existing northerly Right-of-Way line of Broad Street (State Route 16) with the existing easterly Right-of-Way line of Mink Street (County Road 41) at a southwesterly corner of said Subdivision Lot 1, being 40 feet left of Broad Street Centerline Station 124+30.5, as delineated on the Right-of-Way Plan for LIC-16-0.00-3.60 on file with the Ohio Department of Transportation;

Thence North 04 degrees 32 minutes 57 seconds East, a distance of 275.80 feet along the westerly line of said Subdivision Lot 1, and along the existing easterly Right-of-Way line of Mink Street, to an Iron Pin Set marking the northwest corner of said Subdivision Lot 1, being 29.97 feet right of Mink Street Centerline Construction Station 23+23.00;

Thence North 87 degrees 22 minutes 10 seconds East, a distance of 10.08 feet along the northerly line of said Subdivision Lot 1 to an Iron Pin Set at the intersection with the proposed easterly Right-of-Way line of Mink Street, being 39.98 feet right of Mink Street Centerline Construction Station 23+24.25;

**EXHIBIT A**

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Thence South 04 degrees 32 minutes 57 seconds West, a distance of 123.31 feet across said Subdivision Lot 1, along the proposed easterly Right-of-Way line of Mink Street, and parallel to the existing easterly Right-of-Way line of Mink Street, to an Iron Pin Set being 38.09 feet right of Mink Street Centerline Construction Station 22+00.00;

Thence South 04 degrees 26 minutes 27 seconds East, a distance of 99.84 feet across said Subdivision Lot 1, and along the proposed easterly Right-of-Way line of Mink Street, to an Iron Pin Set being 50.00 feet right of Mink Street Centerline Construction Station 21+00.00;

Thence South 56 degrees 08 minutes 40 seconds East, a distance of 41.74 feet across said Subdivision Lot 1, and along the proposed easterly Right-of-Way line of Mink Street, to an Iron Pin Set at the intersection with the proposed northerly Right-of-Way line of Broad Street, being 55.00 feet left of Broad Street Centerline Station 125+00.00;

Thence North 77 degrees 46 minutes 01 seconds East, a distance of 85.69 feet across said Subdivision Lot 1, along the proposed northerly Right-of-Way line of Broad Street, and parallel to the existing Right-of-Way centerline of Broad Street, to an Iron Pin Set in an easterly line of said Subdivision Lot 1, being 55.00 feet left of Broad Street Centerline Station 125+85.69;

Thence South 10 degrees 39 minutes 49 seconds East, a distance of 25.00 feet along an easterly line of said Subdivision Lot 1 to the southeast corner of said Subdivision Lot 1, being 30.00 feet left of Broad Street Centerline Station 125+85.00;

Thence South 77 degrees 46 minutes 01 seconds West, a distance of 145.00 feet along the southerly line of said Subdivision Lot 1, and along the existing northerly Right-of-Way line of Broad Street, to a southwesterly corner of said Subdivision Lot 1, being 30 feet left of Broad Street Centerline Station 124+40;

Thence North 56 degrees 21 minutes 39 seconds West, a distance of 13.47 feet along the southwesterly line of said Subdivision Lot 1, and along the existing northerly Right-of-Way line of Broad Street, to the Point of Beginning containing 0.189 acres, more or less, of which 0.000 acres, more or less, lies within the present road occupied;

Of the above described area, 0.189 acres is contained within the Licking County Auditor's Parcel 063-140334-00.000.

The bearing of North 77 degrees 46 minutes 01 seconds East for the centerline of Broad Street is based upon the Ohio State Plane Coordinate System, South Zone, NAD 1983 (NSRS 2011), as measured using G.P.S. methods through the Licking County Monuments "TT 209 TWC" and "PATASKALA CITY 3".

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The stationing for Broad Street (State Route 16) is based on the Right-of-Way Plan for LIC-16-0.00-3.60 on file with the Ohio Department of Transportation.

This description was based upon an actual field survey of Broad Street and Mink Street by Stantec Consulting Services, Inc., in September of 2013, under the direction of Tim A. Baker, Registered Surveyor Number 7818.

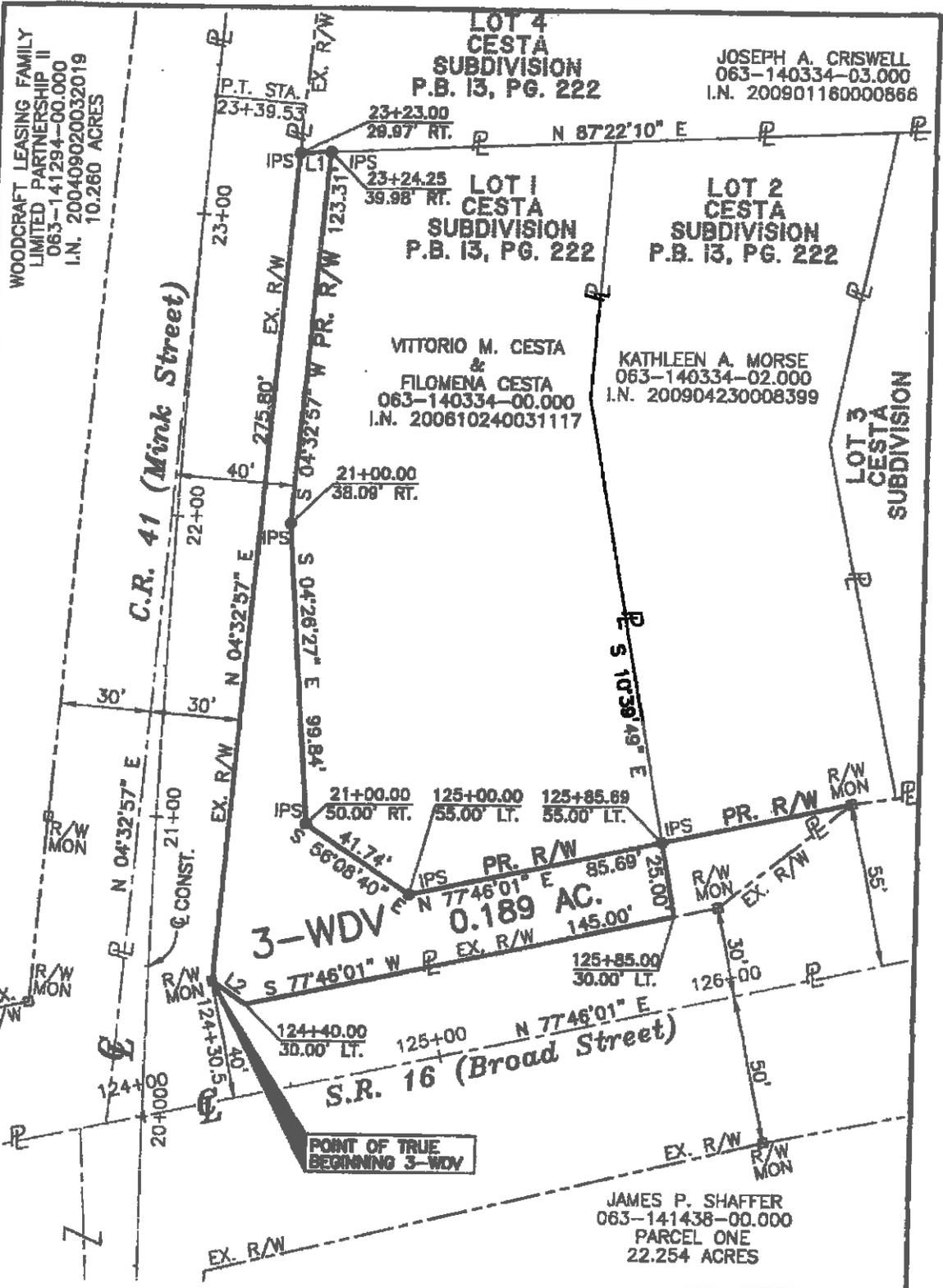
Iron Pins Set are 3/4 inches in diameter by 30 inches long with a 2 inch aluminum cap placed on top bearing the name "ODOT R/W" and "STANTEC".

Grantor Claims title by instrument of record in Instrument Number 200610240031117 and Deed Book Volume 769, Page 813, of the Recorder's Office, Licking County, Ohio.



STANTEC CONSULTING SERVICES, INC.

*Tim Baker* 1-28-15  
Registered Surveyor No. 7818 Date



I:\bakar\173496932\transportation\division\ROW\Legal Exhibits\3-WDV.dwg Layout1 Layout1 JAN 28, 2015 9:27 AM

R/W LINE DATA		
#	BEARING	DISTANCE
L1	N 87°22'10" E	10.08'
L2	N 56°21'38" W	13.47'

- LEGEND**
- = EXISTING IRON PIN
  - = IRON PIPE SET WITH ALUMINUM CAP
  - = EXISTING MONUMENT

**BASIS OF BEARINGS**  
THE BEARING OF NORTH 77° 46' 01" EAST FOR THE CENTERLINE OF BROAD STREET IS BASED UPON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983 (NSRS 2011) FROM LICKING COUNTY MONUMENTS TT 209 TWC AND PATASKALA CITY 3.



**0.189 ACRES**  
**PARCEL 3-WDV**  
**S.R. 16 & C.R. 41**  
City of Pataskala, Licking County, Ohio  
Qtr. Township 8, Township 1-N, Range 15-W  
Lot Number 6

SCALE: 1" = 20'      DATE: JAN. 2015



**Startec**  
1500 Lake Shore Drive, Suite 100  
Columbus, Ohio 43204  
(614) 488-4383

*Tim Baker*  
Registered Surveyor #7818      1-28-15  
Date