



CITY OF PATASKALA

RESOLUTION 2017-055

Passed August 7, 2017

A RESOLUTION OF INTENT TO APPROPRIATE 0.112 ACRES IN FEE SIMPLE AS WELL AS A 0.006 ACRE TEMPORARY CONSTRUCTION EASEMENT ON 5361 MINK STREET (PARCEL NO. 063-144630-00.000), LOCATED IN THE CITY OF PATASKALA, LICKING COUNTY, OHIO, FOR RECONSTRUCTION OF MINK STREET

WHEREAS, the City of Pataskala is preparing to reconstruct 1.6 miles of Mink Street, from a point 500' north of State Route 16, to the bridge 1,000' north of Havens Corner Road ("the Project"). The Project consists of widening the roadway to two 12' lanes with a 4' paved shoulder, and will include an intersection realignment, drainage improvements, relocation of utilities, and a railroad crossing; and

WHEREAS, the Project will require the City of Pataskala to obtain (1) a fee simple interest of 0.112 acres, of which 0.069 acres is Present Road Occupied (PRO) and (2) a temporary construction easement for the purpose of work site access and to complete grading and drive connection from 5361 Mink Street, currently owned by Crystal G. Walden and David E. Walden (Parcel No. 063-144630-00.000), located in the City of Pataskala, Licking County, Ohio, as more fully described in Exhibit A ("the Property"); and

WHEREAS, R.C. Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and

WHEREAS, R.C. Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets, and all other public places, where such appropriation will not unnecessarily interfere with the reasonable use of such property; and

WHEREAS, R.C. 719.04 requires the legislative authority of a municipal corporation to, whenever it is deemed necessary to appropriate property, pass a resolution declaring such intent, defining the purpose of the appropriation, and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated; and

WHEREAS, R.C. 719.05 requires only one reading of the resolution set forth in R.C. 719.04; and

WHEREAS, R.C. 719.05 also requires the mayor of a municipal corporation to, immediately upon the passage of a resolution under R.C. 719.04, cause written notice to be given to the owner of, person in possession of, or person having an interest of record in, every piece of property sought to be appropriated, or to the authorized agent of the owner or other such person. Such notice shall be served by a person designated for the purpose and return made in the manner provided for the service and return of summons in civil actions. If such owner, person, or agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in R.C. 7.16; and

WHEREAS, Council for the City of Pataskala believe it is necessary to appropriate the property set forth in Exhibit A.

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

Section 1: Council for the City of Pataskala hereby deems it necessary and declares its intent to appropriate, for the purpose of reconstruct 1.6 miles of Mink Street, from a point 500' north of State Route 16, to the bridge 1,000' north of Havens Corner Road, a fee simple interest and temporary construction easement in and on the property located at 5361 Mink Street (Parcel No. 063-144630-00.000), located in the City of Pataskala, Licking County, Ohio, as more fully described in description attached hereto as Exhibit A and incorporated herein by reference.

Section 2: The Mayor, or his designee, is hereby authorized and directed to cause written notice of the passage of this Resolution to be served upon the owners and persons in possession or having an interest of record in the Property. The notice shall be served according to law.

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

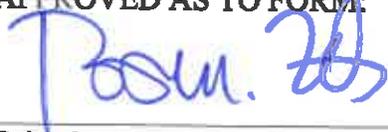
Section 4: This Resolution shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk


Michael W. Compton, Mayor

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Brian M. Zets" with a stylized flourish at the end.

Brian M. Zets, Law Director

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: <i>1-14-16</i>	

EXHIBIT A

LPA RX 851 WD
[Signature]
Ver. Date 01/31/14

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PID 95223

**PARCEL 67-WD
LIC-CR41-747
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).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Licking, City of Pataskala, being part of Section 13, Township-1, Range-15, United States Military Lands, and being part of Lot 2, of that subdivision entitled, "Bates-Emswiler Subdivision", as recorded in Plat Book 5, Page 218, containing 1.373 acres, (calculated), Parcel No. 063-144630-00.000, as conveyed to David B. Walden and Crystal G. Walden, as recorded in Instrument Number 201104250007710, all references being to those of record in the Recorder's Office, Licking County, Ohio and being more particularly bounded and described as follows:

Being a parcel of land lying on the right of the centerline survey of LIC-CR41-747 made by Jobs Henderson & Associates, Inc., as recorded in Instrument Number _____ and being located within the described points in the boundary thereof;

Beginning at the point in the centerline of Mink Street marking the southwest corner of Lot 2, said point being centerline station 88+16.30;

Thence along said centerline, North 3 degrees, 05 minutes, 54 seconds East, 99.87 feet to the point marking the northwest corner of Lot 2 and the southwest corner of Lot 3, said point being centerline station 89+16.17;

Thence leaving said centerline, along the northerly line of Lot 2 and the southerly line of Lot 3, South 87 degrees, 27 minutes, 45 seconds East, 49.00 feet to an iron pin set in the proposed easterly right-of-way line of Mink Street, passing the existing easterly right-of-way line at 30.00 feet, said iron pin set being 49.00 feet right of centerline station 89+16.65;

EXHIBIT A

LPA RX 551 WD

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Thence leaving the northerly line of Lot 2, along said proposed easterly right-of-way line, South 3 degrees, 08 minutes, 54 seconds West, 99.87 feet to an iron pin set in the south line of Lot 2, said iron pin set being 49.00 feet right of centerline station 38+16.78;

Thence leaving said proposed easterly right-of-way line, passing the existing easterly right-of-way line at 19.00 feet North 87 degrees, 27 minutes, 45 seconds West, 49.00 feet to the Point of Beginning and containing 0.112 acres, more or less, in which the present road occupies 0.069 acres, more or less, leaving a net take of 0.043 acres, more or less, which is located in Licking County Auditor's Permanent Parcel Number 063-144630-00.000, according to a survey made by John Henderson & Associates, Inc., during February 2013.

Grantor claims title by instrument as recorded in Instrument Number 201104250007710, Licking County Recorder's Office, Licking County, Ohio.

The bearings in the above description are based on State Plane Coordinates System, Ohio South Zone.

All iron pins set are 5/8" in diameter rebar by 30" in length with red identification caps marked "JLOH, PS 8283".

Subject to all valid and existing easements, restrictions, and conditions of record.

This description is based on a survey made under the direction and supervision of Jeremy L. Van Ostran, Registered Surveyor Number 8283.

January 13, 2015
PA1320contingentWD



Jeremy L. Van Ostran
Jeremy L. Van Ostran, P.S.
Reg. Surveyor # 8283

EXHIBIT A

RX 286 T

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Ver. Date 01/28/14

PID 95233

**PARCEL 67-T
LIC-CR41-7.47
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REGRADING & DRIVE CONNECTION
FOR 18 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Licking, City of Pataskala, being part of Section 13, Township-1, Range-15, United States Military Lands and being a part of Lot 2 of that subdivision entitled, "Bates-Emswiler Subdivision", as recorded in Plat Book 5, Page 218, said lot containing 1.373 acres, by calculation, (Parcel No. 063-144630-00.000), as conveyed to David E. Walden and Crystal G. Walden, by deed as recorded in Instrument Number 201104250007710, all references being to those of record in the Recorder's Office, Licking County, Ohio and being more particularly bounded and described as follows:

Being a parcel of land lying on the right of the centerline survey of LIC-CR41-7.47 made by Jobsen Harlesson & Associates, Inc., as recorded in Instrument Number _____ and being located within the described points in the boundary thereof;

Commencing at the point in the centerline of Mink Street marking the southwest corner of said Walden, 1.373 acre tract, said point being centerline station 88+16.30;

Thence leaving said centerline, along the southerly line of Lot 2, passing the existing easterly right-of-way line at 30.00 feet, South 87 degrees, 27 minutes, 45 seconds East, 49.88 feet to an iron set in the proposed easterly right-of-way line, said iron pin set being 49.00 feet right of centerline station 88+16.78;

Thence leaving the southerly line of Lot 2, along said proposed easterly right-of-way line, North 3 degrees, 05 minutes, 54 seconds East, 21.28 feet to a point, said point being 49.00 feet right of centerline station 88+38.00;

Thence leaving said proposed easterly right-of-way line, across said Walden, 1.373 acre tract, the following two (2), courses and distances:

South 86 degrees, 54 minutes, 06 seconds East, 13.00 feet to a point, said point being 62.00 feet right of station 88+38.00; and...

EXHIBIT A

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South 3 degrees, 05 minutes, 54 Seconds West, 21.09 feet to a point in the southerly line of Lot 2, said point being 62.00 feet right of centerline station 88+16.91;

Thence along the southerly line of said lot, North 87 degrees, 27 minutes, 45 seconds West, 13.89 feet to the Point of Beginning and containing 0.806 acres, more or less, which is located in Licking County Auditor's Permanent Parcel Number 063-144630-00.000, according to a survey made by Jones Henderson & Associates, Inc., during February 2013.

Grantor claims title by instrument as recorded in Instrument Number 201104250007710, Licking County Recorder's Office, Licking County, Ohio.

The bearings in the above description are based on State Plane Coordinates System, Ohio South Zone.

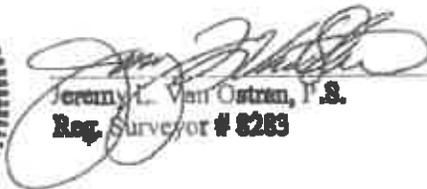
All iron pins set are 5/8" in diameter rebar by 30" in length with red identification caps marked "J&H, PS 8283".

Subject to all valid and existing easements, restrictions, and conditions of record.

This description is based on a survey made under the direction and supervision of Jeremy L. Van Ostran, Registered Surveyor Number 8283.

January 13, 2015
PAL3020wv1ng357T




Jeremy L. Van Ostran, P.S.
Reg. Surveyor # 8283