



CITY OF PATASKALA

ORDINANCE 2017-4295

Passed October 16, 2017

AN ORDINANCE APPROPRIATING 0.112 ACRES IN FEE SIMPLE AS WELL AS A 0.006 ACRE TEMPORARY CONSTRUCTION EASEMENT IN AND ON 5361 MINK STREET (PARCEL NO. 063-144630-00.000), LOCATED IN THE CITY OF PATASKALA, LICKING COUNTY, OHIO, FOR RECONSTRUCTION OF MINK STREET AND DECLARING AN EMERGENCY

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, with Ordinance 2017-055, adopted on August 7, 2017, Council for the City of Pataskala recognized the necessity to appropriate the Property; and

WHEREAS, Council for the City of Pataskala now wants to direct such appropriation to proceed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO; A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section 1: A fee simple interest and temporary construction easement in and on the property located at 5361 Mink Street (Parcel No. 063-144630-00.000) owned by Crystal G. Walden and David E. Walden, located in the City of Pataskala, Licking County, Ohio, as more fully described in the description attached hereto as Exhibit A and incorporated herein by reference, is hereby appropriated for the public purpose of reconstructing 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.

Section 2: Council for the City of Pataskala hereby fixes the value of the interest appropriated at One Thousand Three Hundred Seventy-Five Dollars and No Cents (\$1,375.00) which sum shall be deposited with the Licking County Court of Common Pleas, for the use and benefit of the owners of the Property. Upon such deposit, the City of Pataskala shall take possession of, and be authorized to enter upon, the Property.

Section 3: Council for the City of Pataskala hereby: finds the appropriation necessary for the stated public purpose; states the City has been unable to agree with the owners of the Property as to appropriate compensation; and makes clear it intends to obtain immediate possession of the Property.

Section 4: The Law Director is hereby authorized and directed to file a complaint/petition for appropriation in the Licking County Court of Common Pleas and to have a jury impaneled to assess the compensation to be paid for the real estate described in Exhibit A.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 6: This Ordinance is deemed to be an emergency measure necessary for the preservation of the public peace, health, and safety of the residents of Pataskala and for the further reason that the City needs to commence appropriation proceeding as soon as possible to meet the ODOT project timeline. Wherefore, as allowed by City of Pataskala Charter Section 4.07(A)(6), provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

APPROVED AS TO FORM:


Brian M. Zets, Law Director

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY <i>[Signature]</i>	<i>[Signature]</i>
DATE 1-27-16	

EXHIBIT A

LPA RX 851 WD

[Signature]
Ver. Date 01/31/14

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Rev. 06/09

PD 95239

**PARCEL 67-WD
LIC-CR41-7.47
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-Bunswiler Subdivision", as recorded in Plat Book 5, Page 218, containing 1.373 acres, (calculated), Parcel No. 063-144630-00.000, as conveyed to David E. 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-CR41-7.47 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

RX 286 T

Ver. Date 01/28/14

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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 Pataaskala, 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-Benswiler Subdivision", as recorded in Plat Book 5, Page 218, said lot containing 1.373 acres, by calculation, (Parcel No. 063-144630-00.030), 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 Jobs Henderson & 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, 49.00 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, 21.22 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, 13.80 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 89+16.91;

Thence along the southerly line of said lot, North 87 degrees, 27 minutes, 45 seconds West, 13.00 feet to the Point of Beginning and containing 0.006 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.

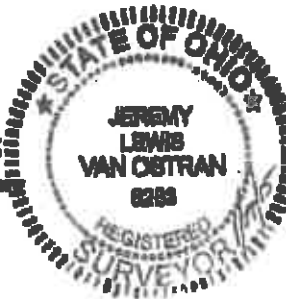
The bearings in the above description are based on State Plane Coordinates System, Ohio South Zone.

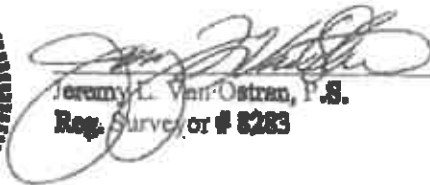
All iron pins set are 5/8" in diameter rebar by 30" in length with red identification caps marked "J&H, PS 8283".

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
PA13326707467




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