



Introduced: 8/21/2017  
Revised:  
Adopted:  
Effective:

## CITY OF PATASKALA

### ORDINANCE 2017-4296

**AN ORDINANCE APPROPRIATING A 0.021 ACRE TEMPORARY CONSTRUCTION EASEMENT ON 6164 MINK STREET (PARCEL NO. 063-142410-00.000), 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 a temporary construction easement for the purpose of work site access and to complete grading and drive connection from 6164 Mink Street, currently owned by Brenda J. Myers and Nathan P. Myers (Parcel No. 063-142410-00.000), 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 2017-054, 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 temporary construction easement on the property located at 6164 Mink Street (Parcel No. 063-142410-00.000) owned by Brenda J. Myers and Nathan P. Myers, 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 Three Hundred Eighty Dollars and No Cents (\$380.00) 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:

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Kathy M. Hoskinson, Clerk

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director

**EXHIBIT A**

RX 286 T  
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Ver. Date 01/28/14

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FID 95233

**PARCEL 20-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 a part of Lot 30 of that subdivision entitled, "Summit Station East Subdivision", as recorded in Plat Book 5, Page 112, as conveyed to Brenda J. Myers and Nathan P. Myers by deed of record as recorded in Instrument Number 201109300018432, (Parcel No. 063-142410-00.000), 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 left 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 where the southerly line of Lot 30 intersects the existing westerly right-of-way line of Mink Street, said point being 30.00 feet left of centerline station 45+21.18;

Thence leaving said westerly right-of-way line, along the southerly line of Lot 30, North 86 degrees, 26 minutes, 16 seconds West, 12.00 feet to a point, said point being 42.00 feet left of centerline station 45+21.16;

Thence leaving the southerly line of Lot 30, North 3 degrees, 39 minutes, 31 seconds East, 74.98 feet to a point in the northerly line of Lot 30, said point being 42.00 feet left of centerline station 45+96.14;

Thence along the northerly line of Lot 30, South 86 degrees, 24 minutes, 39 seconds East, 12.00 feet to a point in the existing westerly right-of-way of Mink Street, said point being 30.00 feet left of centerline station 45+96.15;

Thence, along said westerly right-of-way line, South 3 degrees, 39 minutes, 31 seconds West, 74.97 feet to the Point of Beginning and containing 0.021 acres, more or less, which is located

**EXHIBIT A**

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in Licking County Auditor's Permanent Parcel Number 063-142410-00.000, according to a survey made by Jobes Henderson & Associates, Inc., during February 2013.

Grantor claims title by instrument as recorded in Instrument Number 201109300018432, 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 8, 2015  
PA13320/tow/legal/20T +1 new

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