

ORDINANCE NO. 23-020

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE PROPERTY FOR USE AS RIGHT OF WAY, AND TO DECLARE AN EMERGENCY

WHEREAS, Michael A. Flegle owns a 0.82-acre parcel of land at 111 E. Columbus St.; and,

WHEREAS, in order to accommodate the installation of the 2023 Waterline Improvements, Mr. Flegle has agreed to transfer an approximately 0.1-acre parcel of land to the City of Canal Winchester; and,

WHEREAS, based on the recommendations of the Director of Public Service and Superintendent of the Division of Water, the Council of the City of Canal Winchester hereby finds and determines that it is in the best interest of the City of Canal Winchester to acquire the parcel for right of way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That Council does hereby authorize the Mayor to enter into a purchase agreement, for an amount not to exceed two thousand dollars (\$2,000.00), for the approximately 0.1-acre parcel of land similarly described in Exhibit A and depicted in Exhibit B as right of way for public use, and to take such further action and execute such further documents as are necessary to effectuate the transfer of such property to the City.

Section 2. That Council hereby authorizes and directs the Law Director to prepare and record an appropriate General Warranty Deed from Michael A. Flegle, evidencing the transfer of the parcel and the right-of-way dedicated and accepted as authorized herein.

Section 3. That this ordinance is declared to be an emergency measure, necessary for the preservation of the public health, safety, and welfare, such emergency arising from the need to acquire said property for its inclusion in the 2023 Waterline Improvements construction, and so this ordinance shall take effect and be in force from and after its passage.

DATE PASSED 5-1-23

[Signature]  
PRESIDENT OF COUNCIL

ATTEST [Signature]  
CLERK OF COUNCIL

[Signature]  
MAYOR

DATE APPROVED 5-2-23

APPROVED AS TO FORM:  
[Signature]  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

[Signature]  
Clerk of Council

March 05, 2019

**DESCRIPTION OF A RIGHT-OF-WAY TAKE  
THROUGH A PORTION OF 111 COLUMBUS STREET AT LITHOPOLIS-WINCHESTER  
ROAD, CITY OF CANAL WINCHESTER, FRANKLIN, CO., OHIO**

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, in Section 30, Township 15 North, Range 20 West, Congress Lands and being a portion of a tract of land conveyed to Michael A. Flegle, by deed of record in Instrument No. 200608040153818, all records referenced to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a MAG nail set in the centerline of Lithopolis-Winchester Road (FRA-C.R. 225/FAI C.R. 6) ~ variable width, in the east line of Section 30, Township 15 North, Range 20 West, in the west line of Section 29, Township 15 North, Range 20 West, in an east line of the Franklin County Line, in a west line of the Fairfield County Line, and at the northeast corner of said tract conveyed to Michael A. Flegle, said nail being S 04° 47' 35" W a distance of 46.68 feet from Franklin County Monument No. CW1031 found in the county line and on the centerline of Lithopolis-Winchester Road, extended northerly;

thence S 04° 47' 35" W along the centerline of Lithopolis-Winchester Road, along the east line of said Section 30, along said west line of Section 29, along the east line of Franklin County, along the west line of Fairfield County, and along the east line of said tract conveyed to Michael A. Flegle a distance of 181.73 feet to a MAG nail set at the southeast corner of said tract conveyed to Michael A. Flegle and at the east corner of a 0.384 acre tract of land conveyed, as Tract Two, to Terrance M. & Patricia L. Duffy, by deed of record in Instrument No. 200610050199790;

thence N 06° 25' 47" W along a portion of the southerly line of said tract conveyed to Michael A. Flegle and along a portion of the northerly line of said 0.384 acre tract a distance of 33.04 feet to a 5/8" iron pin set in the westerly right-of-way line of Lithopolis-Winchester Road;

thence N 04° 47' 35" E crossing a portion of said tract conveyed to Michael A. Flegle, along the westerly right-of-way line of Lithopolis-Winchester Road, and parallel with and thirty (30) feet westerly by perpendicular measurement from the centerline of Lithopolis-Winchester Road a distance of 150.73 feet to a 5/8" iron pin set;

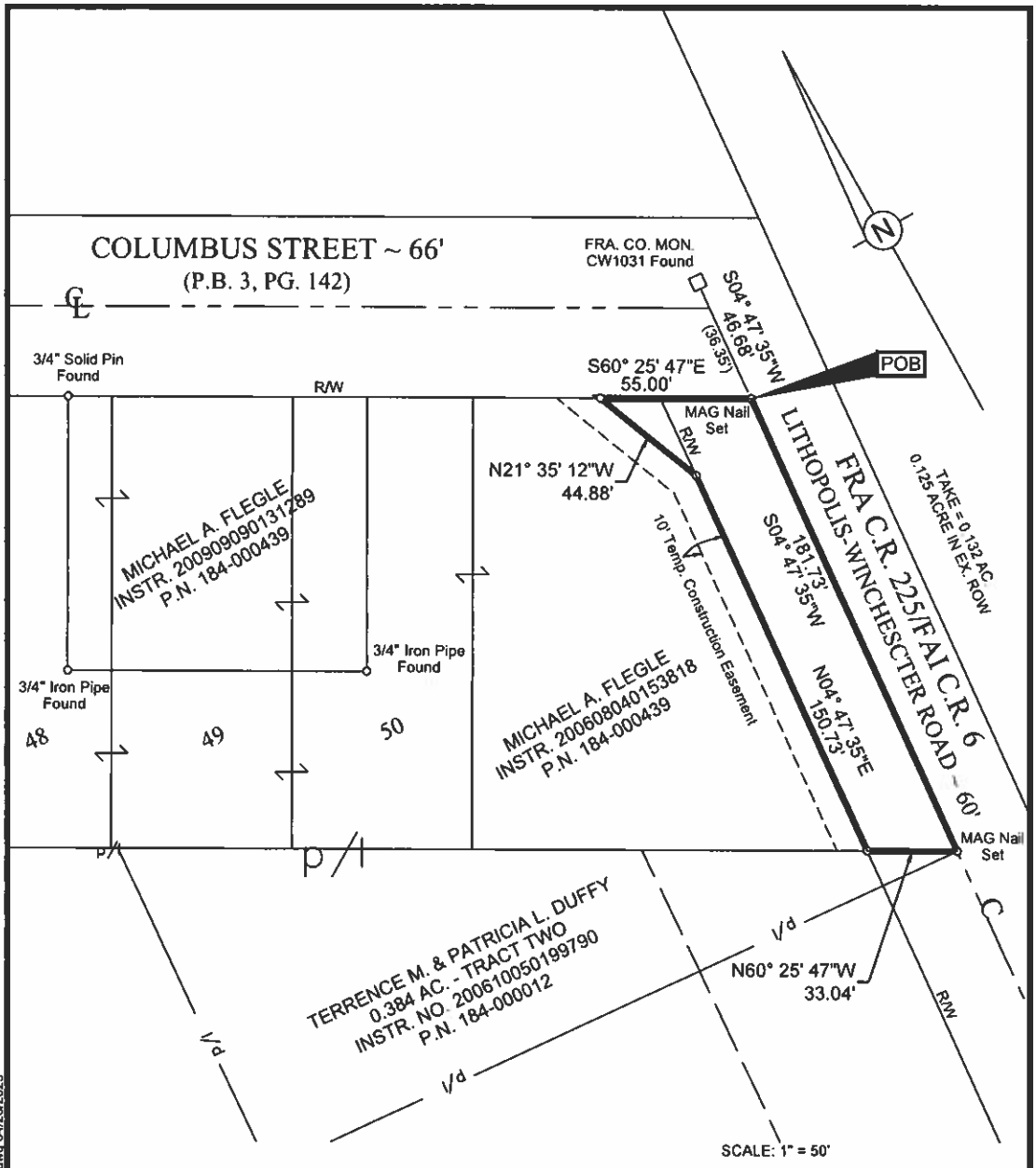
thence N 21° 35' 12" W crossing a portion of said tract conveyed to Michael A. Flegle a distance of 44.88 feet to a 5/8" iron pipe set in the northerly line of said tract conveyed to Michael A. Flegle and in the southerly right-of-way line of Columbus Street (66 feet in width);

thence S 60° 25' 47" E along a portion of the northerly line of said tract conveyed to Michael A. Flegle and along the southerly line of Columbus Street a distance of 55.00 feet to the place of beginning;

containing 5,761 square feet (= 0.132 acre) of land more or less and being subject to all highways, easements and restrictions of record. Of said 0.132 acre, 5,452 square feet (= 0.125 acre) is within the current right-of-way line of Lithopolis-Winchester Road. Of said 0.132 acre, all is within Franklin County Parcel No. 184-000439;

Together with a temporary construction easement ten (10) feet in width, along, adjacent to, and ten (10) feet westerly and southwesterly from the westerly and southwesterly line of the above described right-of-way take.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of V3 Companies, Ltd., (formerly Bird + Bull, Inc.), Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey in April, 2018. Basis of bearings is the centerline of Lithopolis-Winchester Road (north from Winchester Road NW), being N 04° 47' 35" E, derived from VRS observations referencing monument, PID designation of AJ7184 and CORS\_ID of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian. All 5/8" iron pins set are 30" in length and have a plastic cap stamped "V3CO.COM".



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**BASIS OF BEARINGS:** Basis of bearings is the centerline of Lithopolis-Winchester Road (north from Winchester Road NW), being N 04° 47' 35" E, derived from VRS observations referencing monument, PID designation of AJ7184 and CORS\_ID of COLB, Ohio South Zone, NAD 83 (2011 Adj.), and all other bearings are based upon this meridian.



5/8" Iron Pin Set, 30" in length, w/Cap Stamped "V3CO.COM" Unless Otherwise Shown.

**EXHIBIT OF A RIGHT-OF-WAY TAKE,  
THROUGH A PORTION OF 1121 COLUMBUS STREET,  
AT LITHOPOLIS-WINCHESTER ROAD,  
CITY OF CANAL WINCHESTER, FRANKLIN CO., OHIO  
(SEC. 30, T. 15 N., R. 20 W., CONGRESS LANDS)**



SCALE: 1" = 50'  
V3 Companies, Ltd  
550 Polaris Parkway, Ste. 250  
Westerville, Ohio 43082  
Ph (614) 761-1661

APRIL 28, 2023

By \_\_\_\_\_  
Kevin L. Baxter - Ohio Surveyor No. 7697