

## **ORDINANCE 12-2019**

### **AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A STORM SEWER EASEMENT TO ANTHONY D. AND KAREN DUONG OVER A PORTION OF VILLAGE PROPERTY WITHIN THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY**

**WHEREAS**, Anthony D. and Karen Duong have requested a private storm sewer easement from the Village of Minerva Park over a certain portion of Village real property located within the Village adjacent to the Duong's residential property; and

**WHEREAS**, Council hereby finds and determines that the execution of the foregoing easement is in the best interest of the Village of Minerva Park; and

**WHEREAS**, Council also finds and determines that an emergency exists requiring immediate passage of this ordinance, such emergency consisting of the Duong's need to commence construction as soon as possible;

### **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:**

**Section 1.** The Mayor is hereby authorized to grant a permanent private storm sewer easement to Anthony D. and Karen Duong, which easement will be in a form substantially similar to easement attached hereto as Exhibit A and incorporated herein by reference, on, over and through the strip of land delineated on the survey plat accompanying the draft easement.

**Section 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Village of Minerva Park, Franklin County, Ohio.

**Section 3.** This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the Duongs' necessity to commence construction as soon as possible; wherefore this ordinance shall take effect and be in force from and after its passage.

First Reading:            June 10, 2019  
Second Reading:        Waived  
Third Reading:         Waived  
Passed:                    June 10, 2019

#### **ATTESTS**

/S/ Kim Pulley  
Kim Pulley, Fiscal Officer

/S/ Lynn Eisentrout  
Lynn Eisentrout, Mayor

#### **APPROVED AS TO FORM**

/S/ Eugene Hollins  
Eugene Hollins, Solicitor

**DEED OF EASEMENT**  
(Private Storm Sewer)

The Village of Minerva Park, an Ohio municipal corporation ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to Grantor paid by Anthony D. and Karen Duong, a married couple ("Grantee"), the receipt of which is hereby acknowledged, does hereby grant and release to Grantee, its successors and assigns forever, a perpetual, non-exclusive easement (the "Easement") in, through, over, under and across a portion of a certain parcel of real property owned by Grantor to be used solely for the purpose of constructing, using and maintaining a certain private storm sewer system for the benefit of a certain parcel of real property owned by Grantee, its successors and assigns, on, over and across a strip of land as shown on the survey plat attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter referred to as "Easement Area").

The Easement is granted solely for the construction, operation, maintenance, removal, replacement, use and enjoyment of a private storm water drainage system, and appurtenances thereto (the "Storm Water Draining System"), to be constructed and maintained by Grantee, or its successors and assigns, within the Easement Area. This easement includes the right of reasonable ingress and egress over and across the Grantor's Real Property to and from the Easement Area for the purpose of exercising the rights granted herein,

Except as herein granted, Grantor shall continue to have the full use and enjoyment of the Easement Area so long as such does not impair or interfere with the use of the Easement.

Grantee shall reasonably maintain the Storm Water Draining System located on Grantor's property.

The Easement shall be binding upon, and all rights and benefits hereunder shall inure to the benefit of the successors and assigns of Grantor and Grantee. Reference to Grantor or Grantee herein shall include the agents, employees, successors and assigns of Grantor and Grantee respectively.

Grantor and Grantee execute and deliver this Deed of Easement this \_\_\_\_ day of \_\_\_\_\_, 2019.

**GRANTOR:**

The Village of Minerva Park

By: \_\_\_\_\_  
Lynn Eisentrout, Mayor

STATE OF OHIO :  
 : SS  
COUNTY OF FRANKLIN :

Before me, a Notary Public, in and for said county and state, personally appeared Lynn Eisentrout, Mayor of the Village of Minerva Park, who acknowledged that she signed the foregoing instrument and that the same is her and its free act and deed undertaken for the uses and purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Columbus, Ohio this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

Modified Exhibit  
Prepared by Tony  
Duong  
June 11, 2019  
Added content  
shown in blue

