

ORDINANCE 2013-08

TO APPROVE THE PURCHASE OF EASEMENTS FOR THE WASTEWATER RECLAMATION FACILITY PROJECT AND TO DECLARE AN EMERGENCY

WHEREAS, the Council of the Village of Centerburg, Ohio has determined that it is in the best interest of the Village to upgrade its existing wastewater facilities ("WRF Project"); and

WHEREAS, the Village has prepared plans, authorized the negotiation and execution of purchase agreements for sanitary sewer easements and temporary construction easements, and created other plans associated with the WRF Project construction; and

WHEREAS, it is now necessary to complete the purchase of the easements in preparation for the WRF Project construction;

NOW, THEREFORE, be it ordained by the Council of the Village of Centerburg, Ohio as follows:

Section 1: That Council authorizes the Clerk-Treasure to expend up to an additional \$80,000 from Sewer Fund No. 5201 for closing on the purchase of easements pursuant to the negotiated easement purchase contract with:

- Centerburg Board of Education
- Pat & Taffy White
- Michael White and Belinda Seckerson, Trustees, of The Chalmer White, Jr Keystone Inheritance Trust and The Helen L. White Keystone Inheritance Trust
- Reynoldsburg Health Realty
- Gene and Debra Jackson
- Whistlestop Properties, Inc.
- Madeline White

Section 2: That Council declares this to be an emergency measure, immediately necessary for the preservation of the public health, safety, and welfare, such emergency rising out of the need to ensure that the Village can timely complete the WRF Project construction.

WHEREFORE, this Ordinance is declared an emergency and shall take effect and be in force immediately from and after its passage and approval by the Mayor.

DATE PASSED June 3, 2013

SIGNATURE ON FILE
PRESIDENT OF COUNCIL

ATTEST SIGNATURE ON FILE
CLERK OF COUNCIL

SIGNATURE ON FILE
MAYOR

DATE APPROVED 6/3/13

APPROVED AS TO FORM:

SIGNATURE ON FILE
LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on July 30, 2013 and August 6, 2013 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

SIGNATURE ON FILE
CLERK-TREASURER

DeputyClerk

From: "Kyle Stroh" <kstroh@MetzBailey.com>
To: <clerk@centerburgoh.org>; <DeputyClerk@safe-t.net>
Cc: "Diana Stockmaster" <dismaster@hotmail.com>; <administrator@centerburgoh.org>; "Kyle Stroh" <kstroh@MetzBailey.com>
Sent: Wednesday, May 29, 2013 9:29 PM
Attach: Summary of Easement Values.xlsx
Subject: Sanitary Sewer Easement Status

I have signed easements from the following Grantors. I request that checks be issued payable to said Grantors and forwarded to me for delivery with a letter documenting same:

- Reynoldsburg Health Realty (\$1961.00)
- Pat White & Taffy White (\$3,272.00)
- Michael White or Belinda Seckerson, Trustees of the Chalmer White, Jr. Keystone Inheritance Trust and the Helen L. White Keystone Inheritance Trust (\$10,288.00)

I have signed contracts obligating the following Grantors to deliver to me signed easements. I request that checks be issued "payable to the following" Grantors which I shall hold in trust until I obtain the signed easements.

- Centerburg Board of Education (\$292.00)
 - [I emailed Mr. Hebethal a finalized Easement for signature]
- Gene & Debra Jackson (Columbus Road – Best Hardware) (\$22,931.00)
- Gene & Debra Jackson (Houck Street) (\$10,944.00)
 - [I am meeting Mr. Jackson Monday evening at 6pm in Village Council Chambers to obtain signed Easements and exchange payment]
- Madeline White (\$7,081.00)
 - [I am working through Attorney Norris to obtain the signed Easement].

Three remaining issues (for which I am NOT yet requesting a check) include:

- Whistlestop Properties: I had to prepare a new easement contract because the easement legal description had changed. Also, there is an issue regarding 2013 crop damage. I have presented the documents to Mr. Griffith. The total amount offered for the additional crop damage (based on 80% of the payment for 2012 crop damage and later years reduced yield) and the initial easement is \$19,485.
- Madeline White: We need to resolve crop damage for 2013. I have made an offer through attorney Jim Norris for a payment of \$2,120 (which is 80% of the payment for 2012 crop damage and later years reduced yield). For the White's, this is separate from their obligation to provide the Easement, so this will be a separate payment once I confirm acceptance with Attorney Norris.
- Bruce Fielding: We already purchased the Fielding easement, but need to resolve crop damage for 2013. I intend to make an offer for a payment of \$3,219 (which is 80% of the payment for 2012 crop damage and later years reduced yield).

Let me know if you have any questions.

Best regards,

Kyle J. Stroh*

7/4/2013

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