

ORDINANCE NO. 48-99

AN ORDINANCE TO RELEASE A CERTAIN FIFTEEN (15') FOOT WIDE UTILITY EASEMENT AS SHOWN ON THE PLAT OF NAPOLEON INDUSTRIAL PARK - PLAT 1, RECORDED ON SLIDE NO. 191, PLAT RECORDS, HENRY COUNTY RECORDERS OFFICE, SAID EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWN 5 NORTH, RANGE 7 EAST, LIBERTY TOWNSHIP, CITY OF NAPOLEON, HENRY COUNTY, OHIO

WHEREAS, a certain fifteen (15') foot wide utility easement is shown on the Plat of Napoleon Industrial Park - Plat 1, recorded on Slide No. 191, Plat Records, Henry County Recorder's Office, Napoleon, Ohio; and,

WHEREAS, it is the intention of the City Council to vacate, terminate, extinguish, and release this easement as no longer being required for a public purpose since a new easement for utility purpose is or has been acquired by the City of Napoleon, Ohio from R & R Properties, Inc.; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the fifteen (15') foot wide utility easement as shown on the Plat of Napoleon, Industrial Park - Plat 1, recorded on Slide No. 191, Plat Records, Henry County Recorder's Office, Napoleon, Ohio. (Reference being made to a survey by Samuel C. Ward, Ohio Registered Surveyor No. 7356, dated April 30, 1990) is hereby vacated, terminated, extinguished, and released.

Section 2. That, the City Finance Director shall cause a certified copy of this Ordinance to be recorded in the Henry County Recorder's Office, evidencing the vacation, termination, and extinguishment of the easement identified in Section 1 of this Ordinance; moreover, the City Manager is authorized to take any other action that may be required to accomplish the intent of this Ordinance, including the execution of any further documents that may be required.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

800 Independence

Passed:

July 19, 1999

Michael J. DeWit  
Michael J. DeWit, Council President

Approved:

7/20/99

Donald M. Stange  
Donald M. Stange, Mayor

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 48-99 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 23 day of July, 19 99; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath  
Gregory J. Heath, Clerk/Finance Director

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HENRY COUNTY OHIO  
ARLENE A WALLACE  
On 02-02-2000 At 02:16 pm.  
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CITY OF NAPOLEON  
PICK UP 599-1235