

Drew Cannon  
Perry County Auditor  
Date: 1-10-17  
By: KJW

*Village of Crooksville, Ohio*

Instrument Book Page  
201700000129 OR 431 675

201700000129  
Filed for Record in  
PERRY COUNTY, OHIO  
JACKIE HOOVER, RECORDER  
01-10-2017 At 11:03 am.  
VACATION 80.00  
OR Book 431 Page 675 - 678

**ORDINANCE NO. 2579**

**ORDINANCE AMENDING ORDINANCE # 2562 VACATING A PORTION OF AN ALLEY SOUTH OF LOT 454 ON ELVA STREET IN WILLIAM J. BELL'S FIRST ADDITION TO THE VILLAGE OF CROOKSVILLE, PERRY COUNTY, OHIO**

**Whereas**, pursuant to Ordinance #2562 passed by the Village of Crooksville August 1, 2016, said Village did take action in accordance with Ohio Revised Code Section 723.04 to vacate a public way in the original plat for William J. Bell's First Addition to the Village of Crooksville, known as an Alley between Lot 454, identified by the Perry County Auditor's Office as Parcel Number 110009570000 and currently owned by Kenneth D. and Lou Ann Presgrave, and an approximate 0.33 acre parcel identified by the Perry County Auditor's Office as Parcel Number 110009550000 and currently owned by Kenneth D. and Lou Ann Presgrave;

**Whereas**, in taking action to vacate said public way, the Village of Crooksville did, in the course of its normal business, reserve to the Village all rights for public utilities purposes as set forth in said Ordinance #2562, and as provided by Ohio Revised Code Section 723.041;

**Whereas**, on or about February 20, 1928, a Permit to Lay Water Line was granted to the Village of Crooksville across the subject lands, a copy of which is attached hereto and incorporated herein by reference; and

**Whereas**, additional Rights of Way were granted the Village of Crooksville over Lots 453 and 454 by Instruments recorded December 18, 1986, in Perry County Official Records Book 22, Page 131, April 14, 1987, in Perry County Official Records Book 27, Page 22, and July 26, 1988, in Perry County Official Records Book 41, Page 272; and

**Whereas**, said Permit to Lay Water Line and said Rights of Way are grants in favor of the Village which are sufficient to protect and provide for the Village of Crooksville's public utilities purposes over and across the subject lands thereby negating the need for the Village's reservation of rights for public utilities purposes provided for in said Ordinance #2562, and as provided by Ohio Revised Code Section 723.041.

**NOW THEREFORE BE IT, AND IT IS HEREBY ORDAINED** by the Village of Crooksville, Perry County, State of Ohio, that:

**Section 1.** Section 2 of Ordinance # 2562, passed August 1, 2016, is hereby AMENDED ONLY to the following extent: to remove and cancel said Section 2 such that with regard to that certain tract of land 15' x 124.78' directly South of and immediately adjacent to Lot Number 454 of William J. Bell's First Addition to the Village of Crooksville, Ohio, that was VACATED by said Ordinance # 2562, the Village hereby releases and does NOT reserve and retain a permanent easement in such vacated portion of Alley, for the purpose of installing, maintaining, operating,

renewing, reconstructing, repairing, replacing, removing and accessing, by itself or by any licensees or a holder of a franchise from the Village, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now or hereafter located in the street or portion thereof vacated by this Ordinance. Provided however, this shall not be construed in any manner to affect the previously existing affirmative grants of easement and right of way by the current or any previous owners.

**Section 2.** This amending Ordinance shall affect only the section as noted, and shall not affect any other portion of Ordinance # 2562 as a whole.

**Section 3.** In accordance with Ohio Revised Code 723.04, a certified copy of this Ordinance and the Exhibit attached hereto and incorporated herein by reference shall be recorded in the office of the Perry County Recorder in the same manner as documents are originally recorded. Further, a cross reference to the record of the vacated portion of the plat as set forth in Perry County Official Records Book 427, Page 1557, shall be made by the Recorder.

**Section 4.** This Ordinance shall be passed as an emergency in order that the affected property owners may proceed timely with their agreement to sell the subject lands.

**1<sup>st</sup> Reading:** Waived on 2/3 Vote.

**2<sup>nd</sup> Reading:** Waived on 2/3 Vote.

**3<sup>rd</sup> Reading:** November 22, 2016.

**Passed:** November 21, 2016.



\_\_\_\_\_  
**Fred Redfern, Mayor**

ATTESTED:



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**Brittany Ross, Fiscal Officer**

**Posting Certification**

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 22<sup>nd</sup> day of November, 2016.



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**Brittany Ross, Fiscal Officer**

DESCRIPTION DOES NOT MEET  
STANDARDS,  
APPROVED FOR TRANSFER  
BY: *[Signature]* DATE 12-20-16  
PERRY COUNTY ENGINEER

WHEREAS, The Village of Crooksville has acquired a tract of land from Mary S. Conaway near the Iliff Church in Harrison Township Perry County, Ohio, for the purpose of providing a site for water wells, pumping station, filtration plant and other equipment necessary for the distribution of water for the Village of Crooksville, Ohio.

AND WHEREAS, it is necessary to lay and maintain pipe lines within the corporate limits of said village to supply water to the said village,

AND WHEREAS, it is necessary to cross the lands of the party hereinafter named.

THEREFORE, in consideration of \$5.00 in hand paid, the receipt of which is hereby acknowledged, I, Mrs. Minnie Presgrave, of Crooksville, Ohio, do hereby grant unto the Village of Crooksville, Ohio, its successors and assigns, the right to lay, maintain, operate, repair and remove water pipes and accessories for the purposes above mentioned, over through and under the following described lands;

Being a part of the southwestern quarter of Section 16, abutting on the west side of Elba Street, in the Village of Crooksville, Ohio, and on the east side and abutting the property of the Crooksville Pottery Company, and on the south side by the lands of H. E. Seal and The Pennsylvania Railroad Co. and on the north side by an alley.

Said pipes shall be laid in trenches six feet deep and thereafter the earth shall be placed over the pipes and laid to the satisfaction and approval of the said Mrs. Minnie Presgrave.

And thereafter the said Village of Crooksville, Ohio shall have the right to enter upon said premises for the purposes before mentioned, in which event the Village of Crooksville, Ohio, hereby binds itself to restore said property to the satisfaction of the owner thereof and to fully pay and indemnify the said Mrs. Minnie Presgrave for any damage to crops or fences caused by such entrance upon the property aforesaid.

The pipes so laid shall be in accordance with the drawing hereto attached.

IN WITNESS WHEREOF, the said Mrs. Minnie Presgrave has hereunto set her hand this 22<sup>nd</sup> day of February, 1928.

signed and acknowledged  
in the presence of;

*Mellie Mauler*.....  
*L. G. Jones*.....

*Minnie Presgrave*.....

state of Ohio, Perry County, SS:

Before me, a Notary Public in and for the said county, personally appeared the above named, Mrs. Minnie Presgrave, who acknowledged that she did sign the foregoing instrument and the is her free act and deed.

In witness whereof, I have hereunto subscribed my name this 20<sup>th</sup> day of February, 1928.

*[Signature]*

.....  
Notary Public, Perry County, Ohio.

