

Sponsor: Kitchen/Elliott

**ORDINANCE NO. 33-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A SUPPLEMENTAL EASEMENT TO THE OHIO POWER COMPANY, A DIVISION OF AEP, ACROSS PROPERTY OWNED BY THE CITY OF JACKSON FOR PAYMENT TO THE CITY OF \$3,228.00, PURSUANT TO R.C. SECTION 723.121 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson is the owner of certain real property upon which the Ohio Power Company is need of an easement in furtherance of the City's electric utility projects; and

WHEREAS, the Ohio Power Company has agreed to pay to the City of Jackson the total sum of \$3,228.00 for the easement as attached hereto as Exhibit A; and

WHEREAS, the City finds that the grant of the requested easement will not interfere with the City's use of the property for a municipal purpose and the interest so conveyed is not needed by the City for a municipal purpose and this conveyance is authorized pursuant to R.C. section 723.121 and without competitive bidding as Ohio Power Company has a unique need for the easement for its power distribution and there are no other interested persons and for the further reason that this constitutes a valid exercise of powers granted to the City of Jackson pursuant to the home rule provision of the Ohio Constitution, Article XVIII, Section 3; and

WHEREAS, this matter constitutes an emergency necessary for the preservation of the health, safety and welfare of the City as the grant of the easement at the earliest possible date will permit the planned electric utility system upgrade to proceed; and

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE INTEREST TO BE CONVEYED BY EASEMENT IS NOT NEEDED FOR A MUNICIPAL PURPOSE AND THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND DELIVER THE SUPPLEMENTAL EASEMENT ATTACHED HERETO IN EXCHANGE FOR THE AGREED UPON PAYMENT AND DECLARING AN EMERGENCY

This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, Ohio and for the further reason set forth above. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

OPEN MEETING. It is hereby found and determined that all formal actions of this council concerning and relating to this Ordinance were adopted in an open meeting, and that these deliberations of this council and its committees resulted in such formal action, or in meeting open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 3<sup>rd</sup> day of September, 2019.

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Clerk of the Legislative Authority

Approved this 3 day of September 2019.

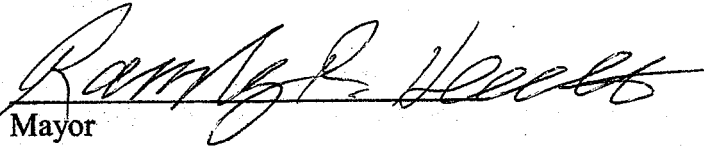
  
\_\_\_\_\_  
Mayor

EXHIBIT A

**Line Name: Ross-Heppner**  
**Easement No.: 126**  
**Line No.: TLN380:OH155**

**Line Name: Berlin-Ross**  
**Easement No.: 684**  
**Line No.: TLN130:0C914**

**SUPPLEMENTAL EASEMENT AND RIGHT OF WAY**

**The City of Jackson, Ohio, a municipal corporation of the State of Ohio**, whose address is Memorial Building, Jackson, Ohio 45640, ("Grantor"), whether one or more persons, owns an interest in a tract of real property that is more particularly described in that certain document recorded in Deed Record, Volume 500, Page 718, recorded on 3/10/1988 of the real property records of Ross County, Ohio, situated in State of Ohio, County of Ross, being Parcel Number 180501088000, and such tract is subject to easements and rights-of-way granted in favor of **Ohio Power Company** including but not limited to the following:

Grantee is the owner of a right of way and easement under the terms of the following agreement between Virga A. Johnston and Washington S. Johnston, her husband and The Columbus Railway, Power & Light Company, dated 9/10/1929, and recorded as File No. 684 of the official deed records of Ross County, Ohio (the "Original Easement").

**Ohio Power Company**, an Ohio corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, ("AEP") is the current owner and holder of the rights, title, and interest, or a portion thereof, granted in or arising under the Original Easement.

For and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, conveys and warrants this Supplemental Easement and Right of Way ("Easement") to AEP for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to supplement the Original Easement to locate, fix, and define the easement area as follows:

The location, width, and boundaries of the easement area are hereby revised, modified, and clarified to be as described and depicted on Exhibit "A", attached hereto and made a part hereof ("Easement Area").

in full force and effect, and the Original Easement shall keep its priority in title as of the date of its recording. Those provisions and rights are expressly ratified, reaffirmed by and incorporated within this Supplemental Easement and Right of Way. The Original Easement along with this Supplemental Easement and Right of Way shall for all purposes function as a single instrument, however, to the extent any terms or provisions of the Original Easement conflict with, limit or are inconsistent with any term or provision of the Supplemental Easement and Right of Way, the terms and provisions of this Supplemental Easement and Right of Way shall control. Nothing herein will in any manner vary, change, modify, or restrict the rights and privileges that AEP may have acquired through any instrument other than the Original Easement or by any other means.

The terms and conditions as supplemented by this instrument, are the complete agreement, expressed or implied between the parties hereto and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, licensees, and legal representatives.

This instrument may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which taken together will constitute one and the same instrument. The signature pages from each counterpart may be removed and attached to one document for purposes of recording this Supplemental Easement and Right of Way in the real property records of Ross County, State of Ohio.

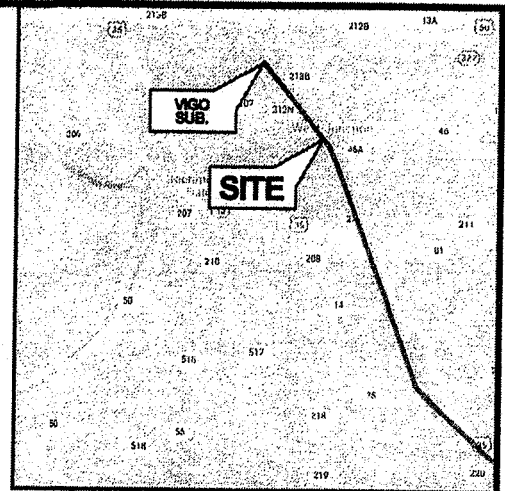
Grantor acknowledges that AEP has explained the transmission project to Grantor, and Grantor's consent for such project is hereby granted.

This Supplemental Easement and Right of Way is executed effective as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Any remaining space on this page intentionally left blank. See next page(s) for signature(s).**

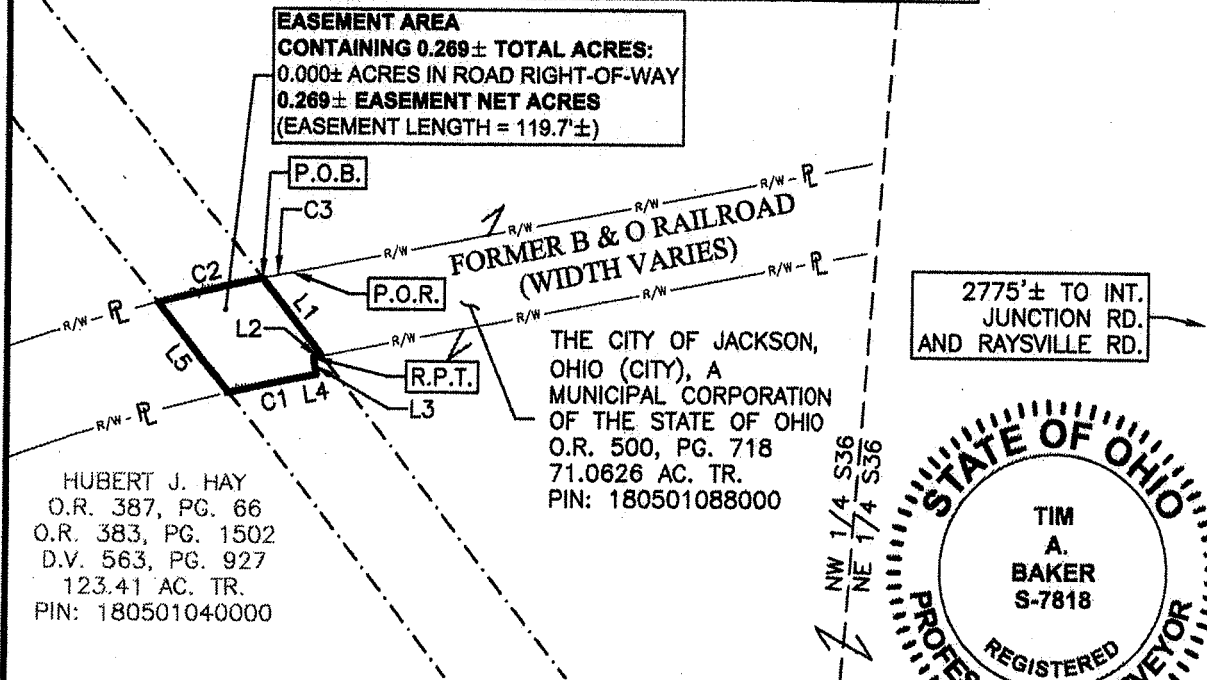
# EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S38°33'51"E	101.48'
L2	S79°14'53"W	9.38'
L3	S10°45'07"E	17.50'
L4	S79°14'53"W	6.10'
L5	N38°33'51"W	118.19'



VICINITY MAP (NTS)

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	2°33'07"	1961.29'	87.35'	S77°58'20"W	87.35'
C2	3°03'58"	2068.79'	110.71'	N76°49'56"E	110.70'
C3	0°52'57"	2068.79'	31.87'	S78°48'24"W	31.87'



HUBERT J. HAY  
O.R. 387, PG. 66  
O.R. 383, PG. 1502  
D.V. 563, PG. 927  
123.41 AC. TR.  
PIN: 180501040000



**NOTES:**

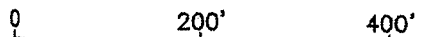
THIS DRAWING WAS PREPARED FOR THE LIMITED USE OF OHIO POWER COMPANY FOR EASEMENT PURPOSES ONLY AND IS NOT INTENDED TO REPRESENT A COMPLETE SURVEY OF THE PROPERTY. ROAD RIGHT OF WAY WIDTHS PER COUNTY ENGINEER OR ODOT UNLESS OTHERWISE NOTED.

LAND OWNERSHIP INFORMATION IS PROVIDED BY CONTRACT LAND STAFF, LLC. NO ADDITIONAL VERIFICATION HAS BEEN PERFORMED BY SAM, LLC.

*Tim Baker*  
TIM A. BAKER  
PROFESSIONAL SURVEYOR No. 7818

4-18-19  
DATE

BEARINGS SHOWN HEREON ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83)



# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  
**CITY OF JACKSON, OHIO**

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

Other (see instructions) ▶ **MUNICIPALITY**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

*(Applies to accounts maintained outside the U.S.)*

5 Address (number, street, and apt. or suite no.) See instructions.  
**145 BROADWAY STREET**

6 City, state, and ZIP code  
**JACKSON OHIO 45640**

7 List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-				
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or

Employer identification number

3	1	-	6	4	0	0	2	2	9
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**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here** Signature of U.S. person ▶ *William R Sheward Jr.* Date ▶ *7-25-19*

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*