



Legislation Text

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**File #:** ORD-0108-2003, **Version:** 1

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TO DECLARE A PORTION OF OLD STYGLER ROAD AS EXCESS RIGHT OF WAY; AND TO AUTHORIZE THE MAYOR TO EXECUTE THOSE DOCUMENTS REQUIRED TO TRANSFER A PORTION OF SAID EXCESS RIGHT OF WAY KNOWN AS OLD STYGLER ROAD TO TIM DONUT, INC.; TO RECEIVE 0.033 ACRE OF RIGHT OF WAY FROM TIM DONUT INC.; AND TO DECLARE AN EMERGENCY

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WHEREAS, the City of Gahanna is the owner of excess right of way located south of Agler Road, north of U.S. Route 62, and west of Stygler Road; and

WHEREAS, Tim Donut, Inc. has requested the opportunity to exchange this 0.296 acre portion of this right of way to allow future development of the adjacent Tim Donut, Inc. site; and

WHEREAS, Tim Donut, Inc. is willing to exchange with the City 0.033 acres of right of way adjacent to relocated Stygler Road for future road widening; and

WHEREAS, construction season is upon us and the developer would like to move forward as quickly as possible, all for the preservation of the public peace, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized to execute quit claim deeds and other incidental instruments necessary to transfer the right of way described in EXHIBIT A attached hereto to Tim Donut Inc.

Section 2. That the above referenced real property shall be considered excess road right of way and the public right therein shall terminate upon the Mayor's execution and delivery of said quit claim deeds to the grantees thereof.

Section 3. That a deed from Tim Donut, Inc. will be given to the City for 0.033 acres adjacent to relocated Stygler Road and as shown on EXHIBIT B attached hereto for road right of way purposes.

Section 4. That a general utility easement in, on, over, across, under and through the above referenced property shall be and hereby is reserved unto the City of Gahanna.

Section 5. That this ordinance shall be declared emergency legislation and shall be in full force and effect immediately upon passage by this Council and on date of signature of approval by the Mayor.