

RECORD OF ORDINANCES

February 17 2020

Ordinance No. 0-09-20

Passed _____

Introduced by Chris Fahl, Chair
Planning & Development Committee

12/27
1/21
2nd
2/13

AN ORDINANCE AMENDING ORDINANCE 52-19; GRANTING AN ENHANCED ACCESS EASEMENT TO ALLOW UTILITIES TO PROPERTY CONTIGUOUS TO HOPE DRIVE.

WHEREAS, ~~Hocking Athens Perry Community Action (HAPCAP) would like to purchase and develop privately owned land (6.738 acres) contiguous to Hope Drive to provide a facility that would serve as a Head Start Early Childhood Education Center~~ **THERE IS A PRIVATELY OWNED TRACT OF LAND (6.738 ACRES) AT THE END OF HOPE DRIVE;** and

WHEREAS, this privately owned tract of land is surrounded by land purchased by the City of Athens with Ohio Public Works Commission grant funds, known as the Strouds Ridge Preserve Project Phase II, CRAAH, Parcel ID E04-02801001-04 (map attached, Exhibit A), a property protected by the OPWC Clean Ohio Deed Restrictions; and

WHEREAS, access to Parcel ID E04-02801001-00 (6.738 acres) has been granted through a private easement across City property, and an enhanced easement is required to include utilities **IN ORDER FOR THE PROPERTY TO BE USABLE;** and

WHEREAS, the Ohio Public Works Commission has reviewed **AND APPROVED** the City's request for said utility easement and agrees to the enhanced easement ~~as requested by HAPCAP~~ **(AS PER DECEMBER 30, 2019, EMAIL letter attached, Exhibit B);**

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

SECTION I: Section I of Ordinance 52-19 is hereby amended to read as follows:

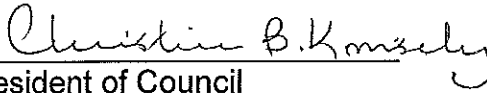
Section I: ~~Upon transfer of this land to HAPCAP,~~ Athens City Council, pursuant to the approval of the Ohio Public Works Commission, as attached, will grant an enhanced access easement to ~~Hocking Athens Perry Community Action (HAPCAP),~~ allow utilities to privately owned land, Parcel ID E04-02801001-00, for a ~~Head Start Early Childhood Education Center~~ **FUTURE USES COMPLIANT WITH ATHENS CITY CODE, TITLE 23, CHAPTER 23.02, ZONES AND ZONING MAP, SECTION 23.02.01, DESIGNATION OF ZONES,** contiguous to Hope Drive, a copy of which is attached hereto and incorporated herein by reference (easement area, attached, Exhibit C.)

RECORD OF ORDINANCES

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Passed _____

SECTION II: That this Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.



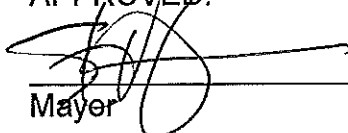
President of Council

ATTEST:



Clerk of Council

APPROVED:



Mayor

EXHIBIT "A"

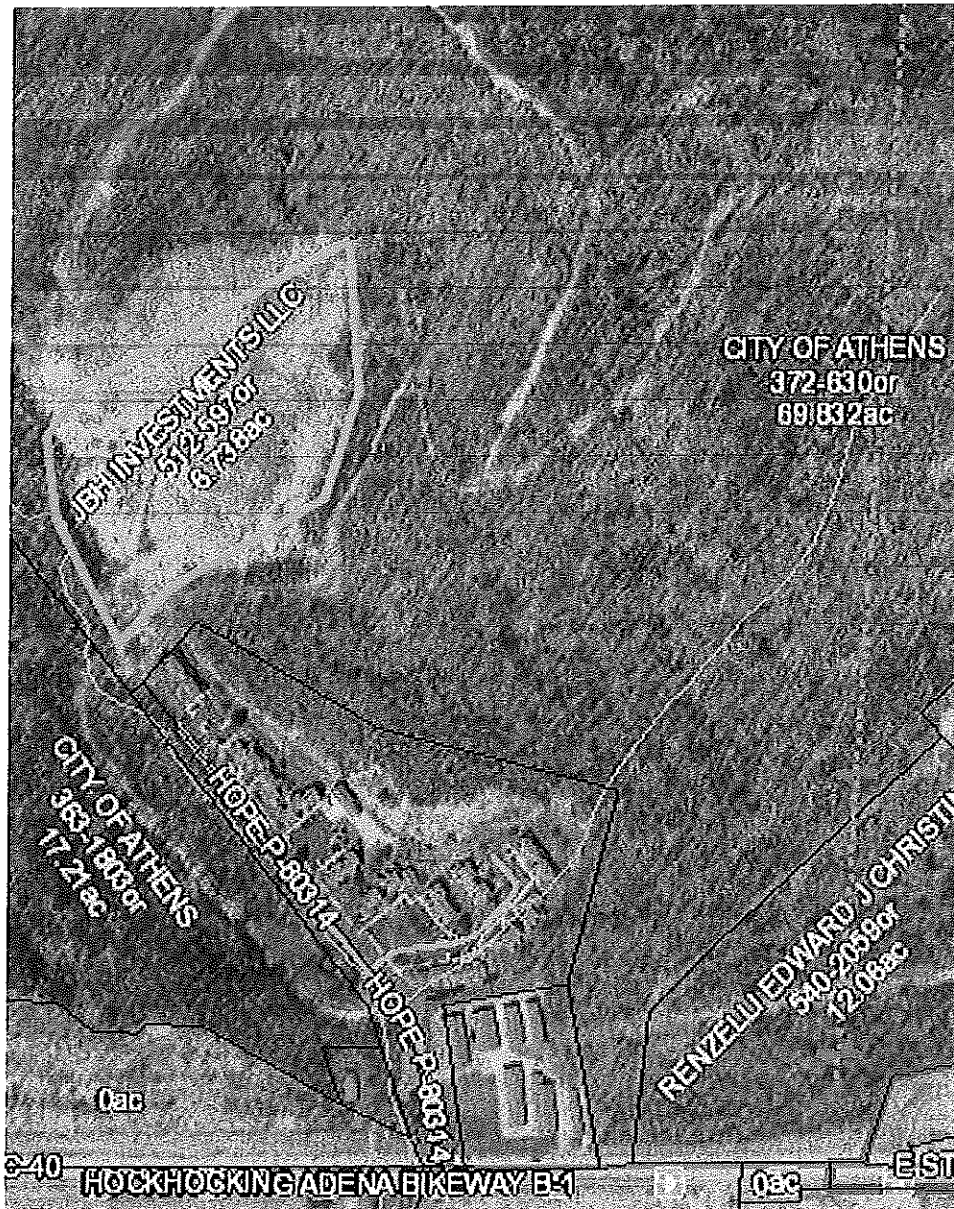


EXHIBIT "B"

Andy Stone

From: Linda.Bailiff@pwc.ohio.gov
Sent: Monday, December 30, 2019 7:21 AM
To: Andy Stone
Cc: donna.kirkbride@pwc.ohio.gov
Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good morning,

Thank you for the update. I'm sorry to hear about the Headstart Facility but, yes, approval for the utility easement remains in order to make the property viable. As before, please provide us with a copy of the recorded utility easement once it becomes available.



Linda S. Bailiff, Director
Ohio Public Works Commission
65 East State Street, Suite 312
Columbus, OH 43215
P: 614.644.1823 | C: 614.230.9274
Linda.Bailiff@pwc.ohio.gov
Website: pwc.ohio.gov

From: Andy Stone <astone@ci.athens.oh.us>
Sent: Thursday, December 26, 2019 11:19 AM
To: Bailiff, Linda <Linda.Bailiff@pwc.ohio.gov>
Cc: Kirkbride, Donna <donna.kirkbride@pwc.ohio.gov>
Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Director Bailiff,

As you may recall, the City of Athens was pursuing a modification to the public access easement across a parcel of city land that was purchased with Clean Ohio funds. Another parcel is surrounded completely by the city land, and the only reason it is not landlocked is because of the existing access easement. We stopped work on this endeavor after the communication from Kelly Hatas at HAPCAP (below) indicated that HAPCAP was no longer pursuing the Headstart facility in this area.

Through our research into this situation, it became clear that the surrounded parcel is functionally useless without utility access above and beyond the ingress/egress easement that already exists. The city would like to continue to pursue the enhanced public easement as noted in your February 19th letter to allow for utilities for some future use. However, before proceeding I wanted to confirm that would be allowed even though the Headstart facility is not moving forward.

Thank you for your consideration in this matter.

Sincerely,

Andrew B. Stone, P.E.
City Service-Safety Director

8 E. Washington St., Athens, OH 45701
740-592-3340

From: Kelly Hatas [<mailto:kelly.hatas@hapcap.org>]
Sent: Friday, November 1, 2019 11:24 AM
To: donna.kirkbride@pwc.ohio.gov; Steve Patterson <spatterson@ci.athens.oh.us>
Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Debbie Walker <dwalker@ci.athens.oh.us>
Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good morning Donna,

Apologies for the lack of communication on this. We (HAPCAP) didn't want to incur the cost of a site evaluation if we were uncertain about our ability to access the land. Upon your approval, we procured a site evaluation and the results were such that we chose to not proceed with the project. Because of this, the enhanced easement was no longer needed. Please feel free to let me know if you have additional questions. I sincerely appreciate your work in getting this approved.

Have a great weekend,
Kelly

Kelly Hatas, MPA
EXECUTIVE DIRECTOR
HOCKING ATHENS PERRY COMMUNITY ACTION
(740) 767-4500 ext. 2116
kelly.hatas@hapcap.org

From: donna.kirkbride@pwc.ohio.gov <donna.kirkbride@pwc.ohio.gov>
Sent: Friday, November 1, 2019 7:31 AM
To: Steve Patterson <spatterson@ci.athens.oh.us>
Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>; Debbie Walker <dwalker@ci.athens.oh.us>
Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good Morning Mayor,

Just a reminder that we have not received a copy of the recorded easement. Please forward. It can be sent via email.

Thanks,

Donna

From: Steve Patterson <spatterson@ci.athens.oh.us>
Sent: Tuesday, February 19, 2019 3:48 PM
To: Bailiff, Linda <Linda.Bailiff@pwc.ohio.gov>
Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>; Kirkbride, Donna <donna.kirkbride@pwc.ohio.gov>; Debbie Walker <dwalker@ci.athens.oh.us>
Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good Afternoon Director Linda Bailiff,

This is outstanding news! I will get the process rolling with Athens City Council for the Enhanced Easement. Thank you.

Sincerely,

Mayor Steve Patterson

From: Linda.Bailiff@pwc.ohio.gov [mailto:Linda.Bailiff@pwc.ohio.gov]

Sent: Tuesday, February 19, 2019 8:11 AM

To: Steve Patterson <spatterson@ci.athens.oh.us>

Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>;
donna.kirkbride@pwc.ohio.gov

Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good morning Mayor Patterson,

Our office was closed yesterday but the requested letter is attached. Please let us know if you require the original.



Linda S. Bailiff, Director
Ohio Public Works Commission
65 East State Street, Suite 312
Columbus, OH 43215
P: 614.644.1823 | C: 614.230.9274
Linda.Bailiff@pwc.ohio.gov
www.pwc.state.oh.us

From: Steve Patterson <spatterson@ci.athens.oh.us>

Sent: Monday, February 18, 2019 3:35 PM

To: Bailiff, Linda <Linda.Bailiff@pwc.ohio.gov>

Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>;
Kirkbride, Donna <donna.kirkbride@pwc.ohio.gov>

Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Dear Director Bailiff,

Do you have any updates on the Enhanced Easement for the City of Athens property?

Thanks,

Mayor Patterson

From: Linda.Bailiff@pwc.ohio.gov [mailto:Linda.Bailiff@pwc.ohio.gov]

Sent: Tuesday, February 12, 2019 7:27 AM

To: Steve Patterson <spatterson@ci.athens.oh.us>

Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>;
donna.kirkbride@pwc.ohio.gov

Subject: RE: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Good morning Mayor Patterson,

We are trying to determine which project this property applies to. The following are the project IDs for the City of Athens:

- CRGAH – 11 Acres
- CRBAG – 105 Acres
- CRAAH – 88 Acres
- CRAAA – 66 Acres

Do you know which one applies?



Linda S. Bailiff, Director
Ohio Public Works Commission
65 East State Street, Suite 312
Columbus, OH 43215
P: 614.644.1823 | C: 614.230.9274
Linda.Bailiff@pwc.ohio.gov
www.pwc.state.oh.us

From: Steve Patterson <spatterson@ci.athens.oh.us>
Sent: Friday, February 08, 2019 11:13 AM
To: Bailiff, Linda <Linda.Bailiff@pwc.ohio.gov>
Cc: Andy Stone <astone@ci.athens.oh.us>; Ron Lucas <rlucas@ci.athens.oh.us>; Kelly Hatas <kelly.hatas@hapcap.org>
Subject: Enhanced Easement for Head Start Early Education Center in Athens, Ohio

Dear Director Linda Bailiff,

Thank you for speaking with me this morning about the potential Head Start site here in Athens. Attached is my OPWC request for an Enhanced Easement for the project site. If you have any questions please feel free to contact me.

Thank you,

Mayor Steve Patterson

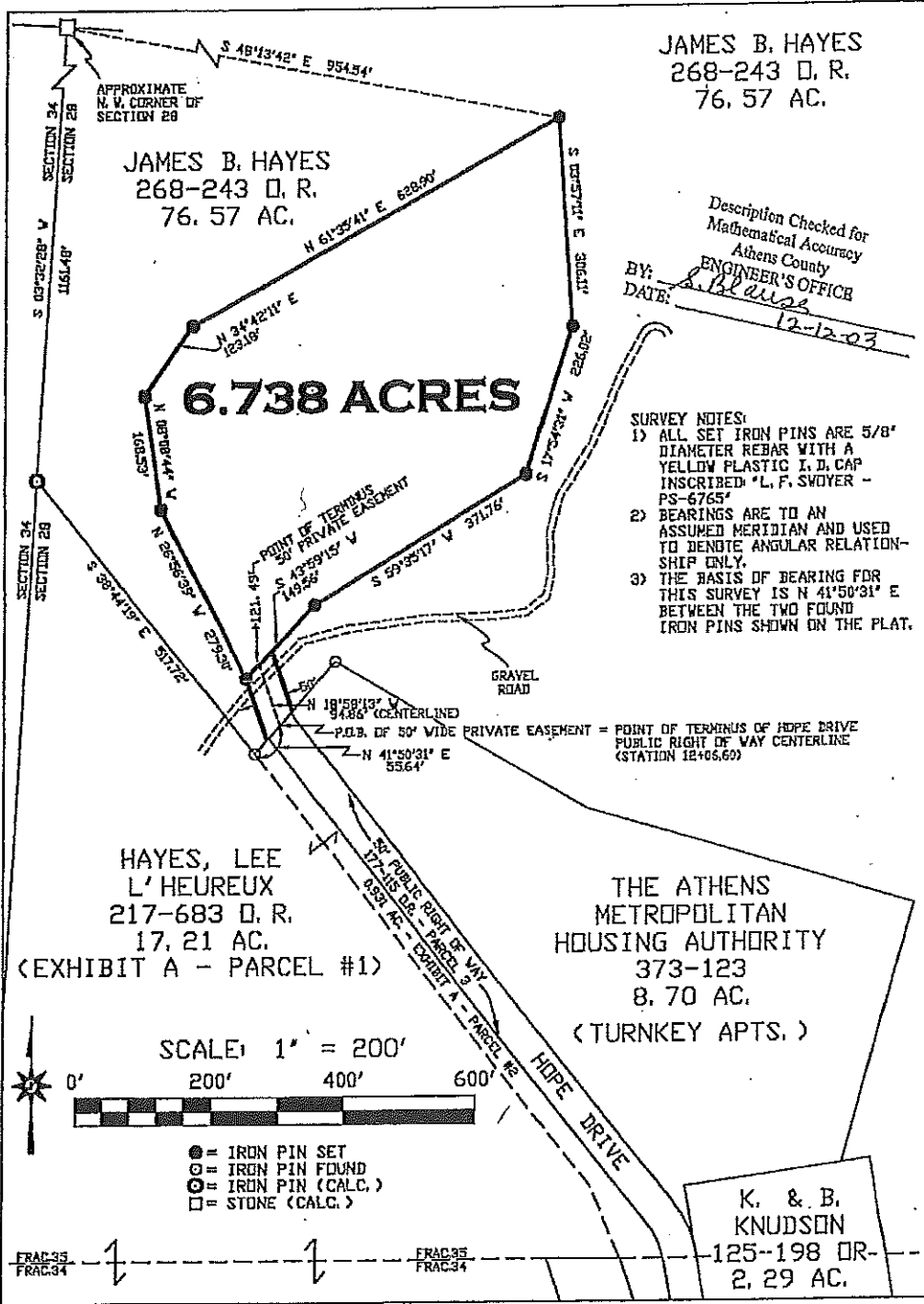
EXHIBIT "C"



SOUTHEASTERN LAND SURVEYS

LEONARD F. SWOYER
REGISTERED PROFESSIONAL LAND SURVEYOR

3428 PLEASANT HILL ROAD
ATHENS, OHIO 45701
740/893-8701



JAMES B. HAYES
268-243 D. R.
76.57 AC.

Description Checked for
Mathematical Accuracy
Athens County
ENGINEER'S OFFICE
BY: L. Blaus
DATE: 12-12-03

- SURVEY NOTES:
- 1) ALL SET IRON PINS ARE 5/8" DIAMETER REBAR WITH A YELLOW PLASTIC I. D. CAP INSCRIBED "L. F. SWOYER - PS-6765"
 - 2) BEARINGS ARE TO AN ASSUMED MERIDIAN AND USED TO DEDUCE ANGULAR RELATIONSHIP ONLY.
 - 3) THE BASIS OF BEARING FOR THIS SURVEY IS N 41°50'31" E BETWEEN THE TWO FOUND IRON PINS SHOWN ON THE PLAT.

Plat of 6.738 ACRES & A 50' WIDE EASEMENT Scale: 1" = 200'

Surveyed for: THE CITY OF ATHENS Date: 11/21/03

Subdivision FRACTION 35

Township CANAAN Section 28 Town 5 Range 13

Corporation ATHENS CITY County ATHENS Ohio

Job No. 08068403

Leonard F. Swoyer Jr. Reg. P.L.S. No. 6765

