

**ORDINANCE NO. 64-14**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT NECESSARY FOR THE DAMON DRIVE STORM SEWER OUTLET PROJECT.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

- SEC. 1:** That the Mayor is hereby authorized to accept one (1) easement necessary for the Damon Drive Storm Sewer Outlet, City Job #952B.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 865 Damon Drive, Permanent Parcel Nos. 028-19B-16-042 and 028-19B-16-043, and part of City Lots 2384 and 1852.
- SEC. 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.
- SEC. 4:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** April 28, 2014

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** April 29, 2014

**SIGNED:** Dennis Hanwell  
Mayor

**Effective date – May 28, 2014**

ORD. 64-14  
Ex. A  
1

**Storm Sewer and Drainage Easement**

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of (FOUR HUNDRED FIVE and 32/100) Dollars (\$405.32) and other good and valuable consideration recited herein given to NANCY P. GIRTON hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a drainage and storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing STORM SEWER AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina, State of Ohio and known as being part of Medina City Lot 2384 and Medina City Lot 1852 and being now or formerly owned by the Nancy P. Girtan and is further bounded and described as follows:

Beginning at the southwest corner of said Medina City Lot 2384, said point also being on the northerly right of way of Damon Drive, having a right of way width of 60.00 feet, and being the Principal Place of Beginning of a storm sewer and drainage easement herein described;

Thence, continuing North 02° 17' 00" West along the west property line of said Medina City Lot 2384 a distance of 130.55 feet to the northwest corner of said City Lot;

Thence North 13° 46' 12" East a distance of 72.11 feet to a point;

Thence South 76° 13' 48" East a distance of 20.00 feet to a point;

Thence South 13° 46' 12" West a distance of 87.37 feet to a point;

Thence South 02° 17' 00" East a distance of 110.36 feet to a point on the right of way of said Damon Drive;

Thence, South 87° 43' 00" West along the north right of way line of said Damon Drive a distance of 15.00 feet to the Principal Place of Beginning of the storm sewer and drainage easement hereon described.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 865 Damon Drive; Permanent Parcel Nos. 028-19B-16-042 & 028-19B-16-043, part of Medina City Lots 2384 & 1852 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including brush, vegetation and existing storm sewer; to install the proposed storm sewer and appurtenances; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 865 Damon Drive; Permanent Parcel Nos. 028-19B-16-042 & 028-19B-16-043, part of Medina City Lots 2384 & 1852 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this March 24<sup>th</sup> day of March, 2014.

Grantor: Nancy P. Girton

Signature: Nancy P. Girton

Print Name: NANCY P. GIRTON

State of Ohio )  
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Nancy P. Girton, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 24<sup>th</sup> day of March, 2014.

Notary Signature: Erica S. Graffain

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal:

ERICA S. GRAFFEIN  
Notary Public, State of Ohio  
My Commission Expires 1/24/2016

This instrument was prepared by:  
Gregory Huber, Law Director  
City of Medina, Ohio  
132 N. Elmwood Avenue  
Medina, OH 44256

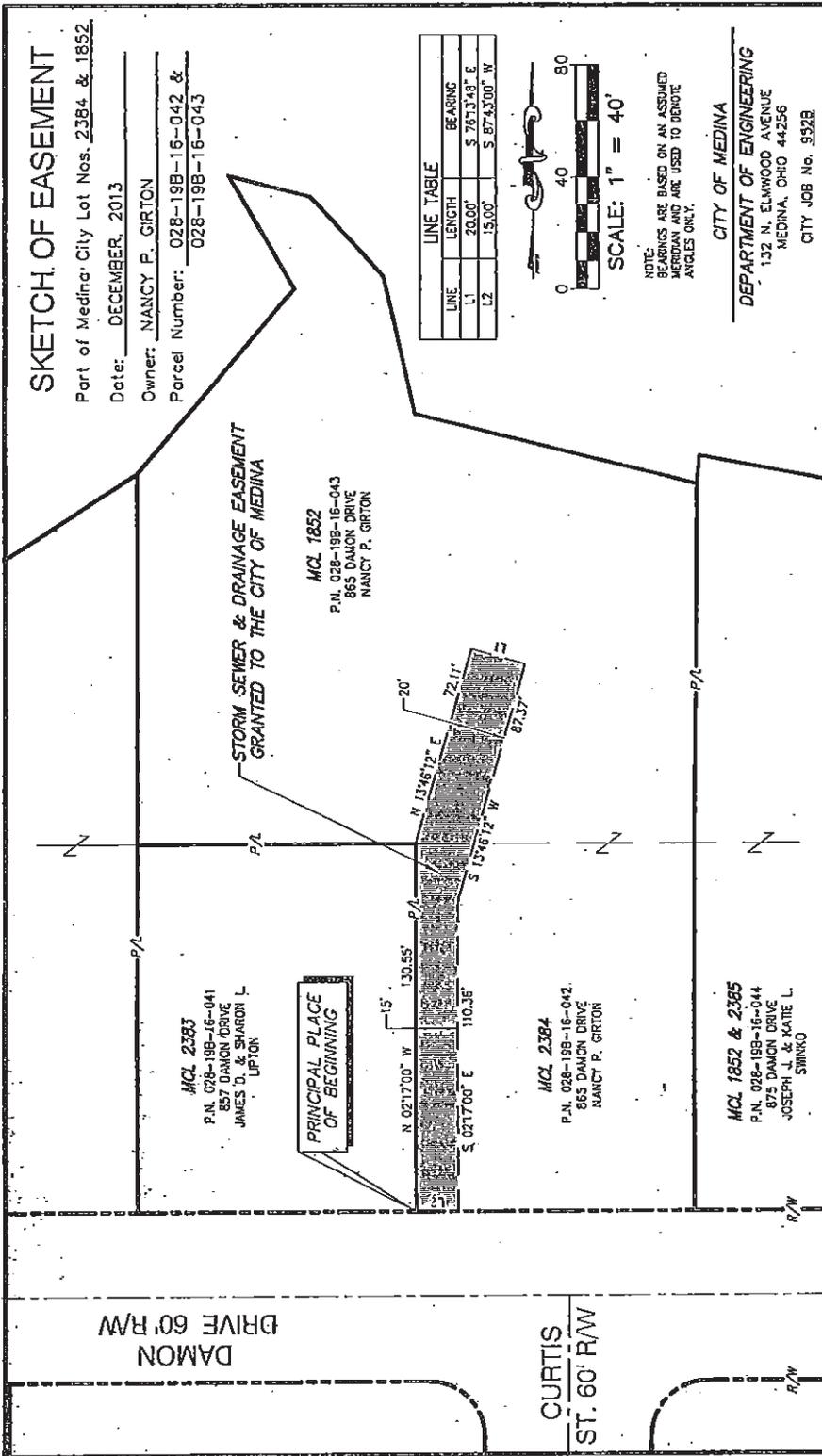
# SKETCH OF EASEMENT

Part of Medina City Lot Nos. 2384 & 1852

Date: DECEMBER, 2013

Owner: NANCY P. GERTON

Parcel Number: 028-19B-16-042 &  
028-19B-16-043



LINE	LENGTH	BEARING
L1	20.00'	S 76°13'48\" E
L2	15.00'	S 87°43'00\" W



NOTE:  
BEARINGS ARE BASED ON AN ASSUMED  
MAGNETIC NORTH AND ARE USED TO DETERMINE  
ANGLES ONLY.

**CITY OF MEDINA**  
**DEPARTMENT OF ENGINEERING**  
132 N. ELMWOOD AVENUE  
MEDINA, OHIO 44256  
CITY JOB No. 9528

**STORM SEWER & DRAINAGE EASEMENT  
GRANTED TO THE CITY OF MEDINA**

**MCL 1852**  
P.N. 028-19B-16-043  
865 DAMON DRIVE  
NANCY P. GERTON

**MCL 2383**  
P.N. 028-19B-16-041  
857 DAMON DRIVE  
JAMES D. & SHARON L.  
LIFTON

**PRINCIPAL PLACE  
OF BEGINNING**

**MCL 2384**  
P.N. 028-19B-16-042  
865 DAMON DRIVE  
NANCY P. GERTON

**MCL 1852 & 2385**  
P.N. 028-19B-16-044  
875 DAMON DRIVE  
JOSEPH J. & KATE L.  
SWINKO

DAMON  
DRIVE 60' R/W

CURTIS  
ST. 60' R/W