

ORDINANCE NO. 122-14

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT TWO (2) EASEMENTS NECESSARY FOR THE FOREST MEADOWS DRAINAGE IMPROVEMENTS PROJECT.

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

- SEC. 1:** That the Mayor is hereby authorized to accept two (2) Easements necessary for the Forest Meadows Drainage Improvements Project, City Job #938.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 844 Wildwood Court, Permanent Parcel No. 028-19B-11-056, part of Medina City Lot 4093.
- SEC. 3:** That the Easement marked Exhibit B, attached hereto and incorporated herein, is on the property located at 852 Wildwood Court, Permanent Parcel No. 028-19B-07-010, part of Medina City Lot 4092.
- SEC. 4:** 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. 5:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: July 14, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: July 15, 2014

SIGNED: Dennis Hanwell
Mayor

Effective date – August 14, 2014

Ord. 122-14
EX A

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ONE HUNDRED NINETY FOUR and 44/100 Dollars (\$194.44) and other good and valuable consideration recited herein given to CHRISTOPHER R. WEIGHT and KRISTIN J. WEIGHT 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 City Lot 4093 conveyed to Christopher R. and Kristin J. Weight in Document No. 2005OR009856 of Medina County Recorder's Records dated 3/31/05 further bounded and described as follows:

Beginning at the northeast corner of said City Lot 4093 as recorded in Forest Meadows Subdivision Phase X in Plat Volume 18, Page 223 of Medina County Recorder's Plat Records, said point being in the south right-of-way of Wildwood Court (60 feet wide) and the principal place of beginning of the easement described herein;

Thence S 18° 01' 09" E, 97.22 feet along the east line of said City Lot 4093 to a point;

Thence S 71° 58' 51" W, 10.00 feet to a point;

Thence N 18° 01' 09" W, 97.22 feet to a point in the north line of said City Lot 4093 and the south right-of-way of said Wildwood Court;

Thence N 71° 58' 51" E, 10.00 feet along the north line of said City Lot 4093 and the south right-of-way of said Wildwood Court to the principal place of beginning.

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 844 Wildwood Court; Permanent Parcel Nos. 028-19B-11-056, part of Medina City Lot 4093 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including brush, vegetation, trees and existing storm sewer; to remove and replace existing sidewalk; 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 844 Wildwood Court; Permanent Parcel Nos. 028-19B-11-056, part of Medina City Lot 4093 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 has executed this instrument this 3 day of April, 2014.

Grantor:
Christopher R. Weight

Signature: [Handwritten Signature]
Print Name: Chris R. Weight

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Christopher R. Weight, who acknowledged that he/she 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 3 day of April, 2014.

Notary Signature: [Handwritten Signature]
Print Name: CYNTHIA J. SIEPKER
My Commission Expires: 7-10-16
Notary Seal:

CYNTHIA J. SIEPKER
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County
My commission expires July 10, 2016

IN WITNESS WHEREOF, the undersigned has executed this instrument this 3 day of April, 2014.

Grantor:
Kristin J. Weight

Signature: [Handwritten Signature]
Print Name: Kristin J. Weight

State of Ohio)
County of Medina) SS:

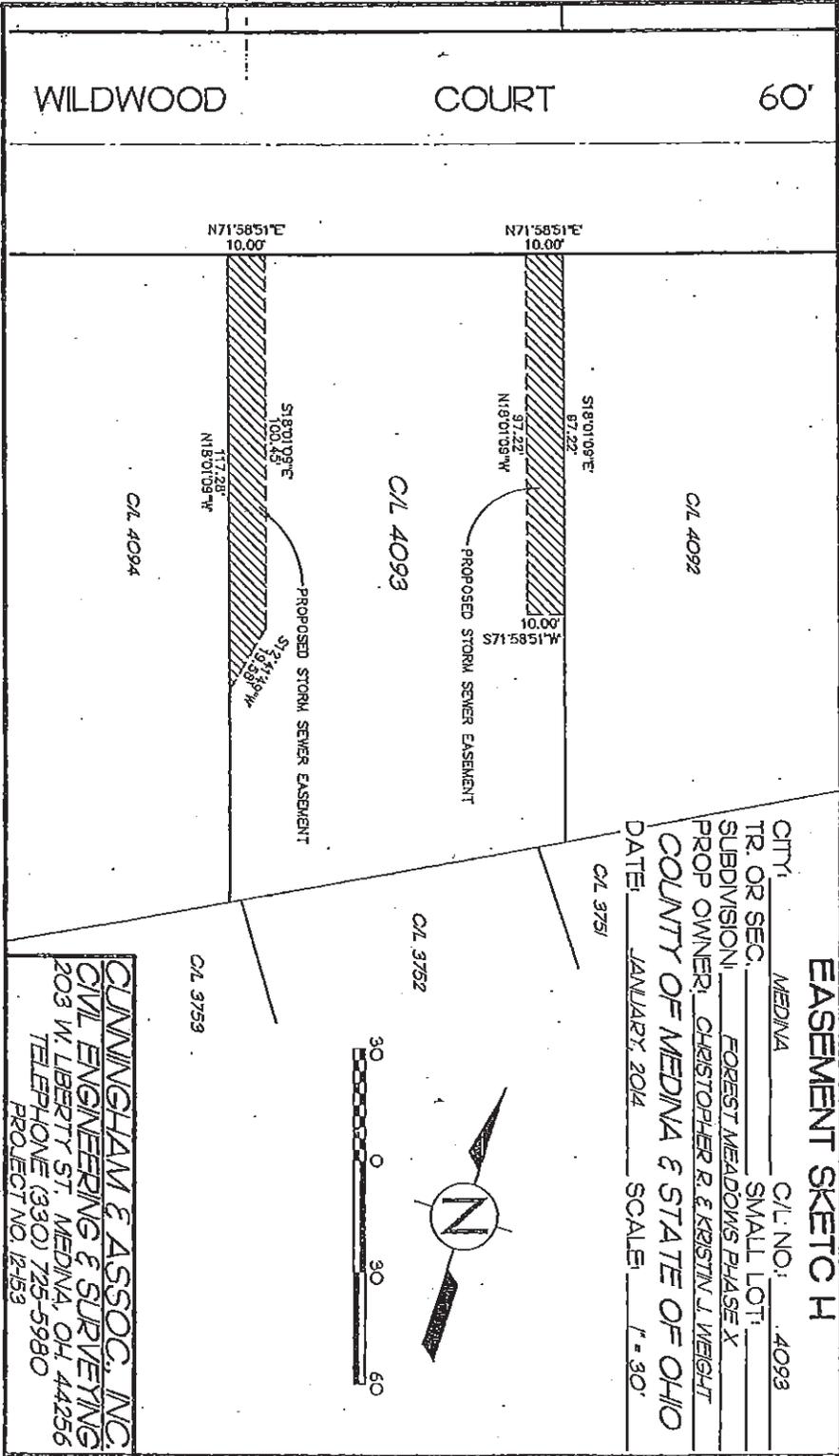
Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Kristin J. Weight, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 3 day of April, 2014.

Notary Signature: [Handwritten Signature]
Print Name: CYNTHIA J. SIEPKER
My Commission Expires: 07-10-16
Notary Seal:

CYNTHIA J. SIEPKER
NOTARY PUBLIC - STATE OF OHIO
Recorded in Medina County
My commission expires July 10, 2016

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



EASEMENT SKETCH H

CITY: MEDINA C/L NO.: 4093
 TR. OR SEC.: SMALL LOT
 SUBDIVISION: FOREST MEADOWS PHASE X
 PROP OWNER: CHRISTOPHER R. & KRISTIN J. WRIGHT
 COUNTY OF MEDINA & STATE OF OHIO
 DATE: JANUARY, 2014 SCALE: 1" = 30'



CUNNINGHAM & ASSOC., INC.
 CIVIL ENGINEERING & SURVEYING
 203 W. LIBERTY ST. MEDINA, OH 44256
 TELEPHONE (330) 725-5980
 PROJECT NO. 12-153

Ord. 122-14
Exh. B

Storm Sewer and Drainage Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE HUNDRED NINETY FOUR and 44/100) Dollars (\$194.44) and other good and valuable consideration recited herein given to DONNA L. LAVELLE 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 City Lot 4092 conveyed to Robert E. and Donna L. Lavelle in Deed Volume 518, Page 544 of Medina County Recorder's Records dated 2/28/79 further bounded and described as follows:

Beginning at the northwest corner of said City Lot 4092 as recorded in Forest Meadows Subdivision Phase X in Plat Volume 18, Page 223 of Medina County Recorder's Plat Records, said point being in the south right-of-way of Wildwood Court (60 feet wide) and the principal place of beginning of the easement described herein;

Thence N 71° 58' 51" E, 26.22 feet along the north line of said City Lot 4092 and the south right-of-way of said Wildwood Court to a point;

Thence S 31° 31' 18" W, 21.31 feet to a point;

Thence S 18° 01' 09" E, 83.38 feet to a point;

Thence S 71° 58' 51" W, 10.00 feet to a point in the west line of said City Lot 4092;

Thence N 18° 01' 09" W, 97.22 feet along the west line of said City Lot 4092 to the principal place of beginning;

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 852 Wildwood Court; Permanent Parcel Nos. 028-19B-07-010, part of Medina City Lot 4092 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including brush, vegetation, trees and existing storm sewer, to remove and replace existing sidewalk; 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 852 Wildwood Court; Permanent Parcel Nos. 028-19B-07-010, part of Medina City Lot 4092 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 has executed this instrument this 7th day of APRIL, 20 14.

Grantor:
Donna L. Lavelle

Signature: Donna L. Lavelle

Print Name: DONNA L. LAVELLE

State of Ohio)
County of Medina) SS:

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

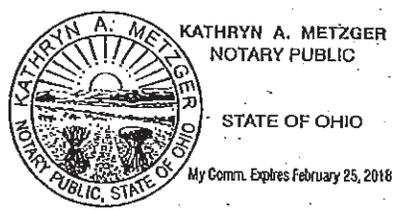
In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 7th day of April, 20 14.

Notary Signature: Kathryn A. Metzger

Print Name: Kathryn A. Metzger

My Commission Expires: February 25, 2018

Notary Seal:

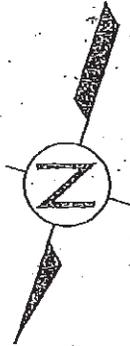
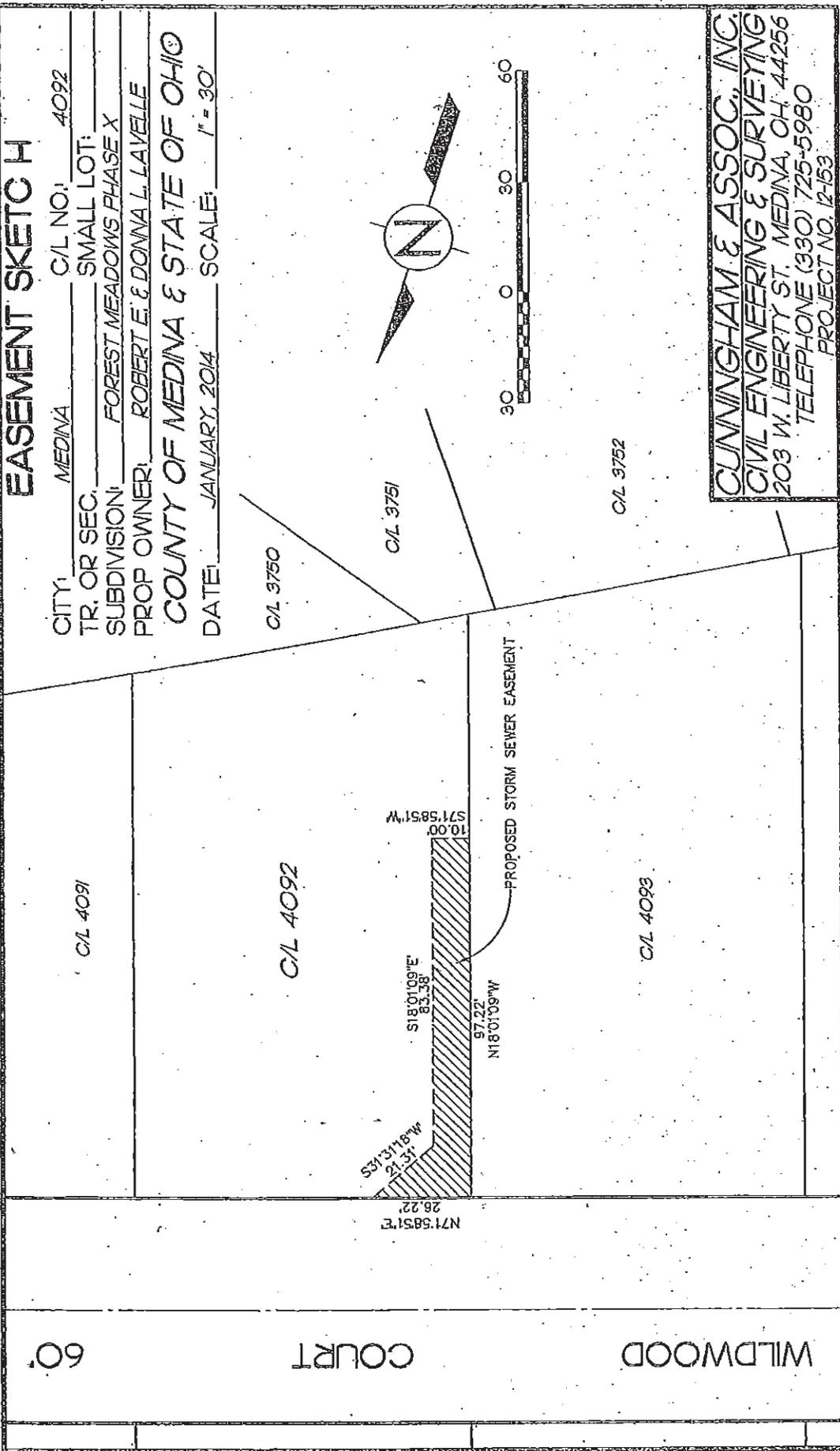


This instrument was prepared by:
Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256

EASEMENT SKETCH H

CITY: MEDINA C/L NO: 4092
TR. OR SEC. SMALL LOT:
SUBDIVISION: FOREST MEADOWS PHASE X
PROP OWNER: ROBERT E. & DONNA L. LAVELLE
COUNTY OF MEDINA & STATE OF OHIO
DATE: JANUARY, 2014 SCALE: 1" = 30'

CUNNINGHAM & ASSOC., INC.
CIVIL ENGINEERING & SURVEYING
203 W. LIBERTY ST. MEDINA, OH. 44256
TELEPHONE (330) 725-5980
PROJECT NO. 12-153



C/L 3750

C/L 3751

C/L 3752

C/L 4091

C/L 4092

C/L 4093

60'

COURT

WILDWOOD