ORDINANCE NO. 146-14

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH GOWE LEASING LIMITED TO USE OR OCCUPY PART OF CITY OWNED LOT WITH AN ADA RAMP FOR 122 PUBLIC SQUARE.

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

SEC. 1: That the Mayor is hereby authorized to execute a Revocable Use Permit with Gowe Leasing Limited to use or occupy a part of the City-owned lot (Permanent Parcel #028-19B-20-127) with an ADA ramp for 122 Public Square (Permanent Parcel #028-19B-20-055).

SEC. 2: That a copy of the Revocable Use Permit is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That the Clerk of Council is hereby directed to file the Revocable Use Permit with the Medina County Recorder.

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: September 8, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 9, 2014

SIGNED: Dennis Hanwell
Mayor

REVOCABLE USE PERMIT

ORD. 146-14
Exh. A

Permission is hereby granted to **Gowe Leasing Limited** ("**Permittee**") to use or occupy a part of the City-owned lot (Permanent Parcel #028-19B-20-127) with an ADA ramp for 122 Public Square (Permanent Parcel #028-19B-20-055). The area of encroachment is shown on the attached sheets, photograph and legal description attached hereto and incorporated herein as "Exhibits A, B, C, and D."

The granting of this permit shall not be construed as an abridgement or waiver of any rights which the **City of Medina** has in exercising its jurisdictional powers and this permit shall be binding upon the **City of Medina** and the **Permittee**, his/her/its heirs, successors and assigns.

The City of Medina, for any reason and at any time, may order removal of the encroachments that are the subject of this use permit. If for any reason the **City of Medina** or its duly authorized representative deems it necessary to order the removal, reconstruction, relocation or repair of the encroachments, it shall be promptly undertaken at the sole expense of **Gowe Leasing Limited**. Failure on the part of the **Permittee** to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the **City of Medina** deems necessary, and the City may remove the encroachment at the **Permittee's** sole expense. The **Permittee** agrees to indemnify and hold the **City of Medina** harmless from any claims by any person for personal injury or damages allegedly arising from the existence or maintenance of the encroachment.

No alterations may be made to the encroachments except that the **Permittee** may perform such routine maintenance as is required to keep the encroachment in good condition. If the encroachments are removed or destroyed, no new facilities shall be permitted to encroach on the public alley without the express, written consent of the **City of Medina**. The encroachments for which this permit is issued shall be subject to all permits required by the **City of Medina**. A site plan of the intended encroachments is attached to and incorporated into this permit.

Any requests relative to these encroachments shall be made in writing to the following:

Any requests relative to these encroachments shall be in writing to the following:

Law Director
City of Medina
132 North Elmwood
P.O. Box 703
Medina, OH 44258

Dated at Medina, Ohio, this 9th day of September, 2014,

CITY OF MEDINA

By: Dennis Hanwell
DENNIS HANWELL, Mayor

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary of Public in and for said county and state, personally appeared the above-named, City of Medina, by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 9th day of Sept, 2014, at Medina, Ohio.

Kimberly A. Walter
NOTARY PUBLIC
KIMBERLY A. WALTER
Notary Public - State of Ohio
My Commission Expires Aug. 3, 2018

Accepted this 12th day of September, 2014.

By: _____
JIM GOWE, GOWE LEASING LIMITED, Property Owner

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary of Public in and for said county and state, personally appeared the above-named, City of Medina, by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 12 day of Sept., 2014, at Medina, Ohio.

Tameka L. Morris
Resident Medina County
Notary Public, State of Ohio
My Commission Expires: 08/28/2015

_____
NOTARY PUBLIC

A

ROLLING & HOCEVAR
A Geo Innovation Group Affiliate

Engineering and Surveying
257 S. Court St. • Suite 6
Medina, Ohio 44256
Phone: 330-723-1828 • 800-723-1870
Fax: 330-723-6637
E-mail: info@rh-inc.com

Legal Description for a 7' X 12' Revocable Use Area
Project No. 31,559
July 8, 2014

Situated in the City of Medina, County of Medina and State of Ohio, also known as being part of Medina City Lot No. 9147 and being part of Medina City Lot No. 9147 as shown by the plat recorded in Plat Document No. 2014PL0000__ of Medina County Recorder's Records further bounded and described as follows:

Commencing at the Northeast corner of lands conveyed to Gowe Leasing Limited by deed dated August 07, 2012 as recorded in Doc. No. 2012OR019108, also being a corner of said MCL 9147 and the TRUE PLACE OF BEGINNING of the Revocable Use Area herein described;

Thence along the Northern line of said lands of Gowe Leasing Limited, bearing South 89°41'42" West, a distance of 12.00 feet to a point thereon;

Thence parallel to an Eastern line of said MCL 9147, bearing North 00°09'30" West, a distance of 7.00 feet to a point;

Thence parallel to the Northern line of aforesaid lands of Gowe Leasing Limited, bearing North 89°41'42" East, a distance of 12.00 feet to a point on an Eastern line of said MCL 9147;

Thence along an Eastern line of said MCL 9147, bearing South 00°09'30" East, a distance of 7.00 feet to a corner of said MCL 9147, also being the Northeast corner of said lands of Gowe Leasing Limited and the TRUE PLACE OF BEGINNING, intending to be a 7' X 12' Revocable Use Area, containing 0.0019 acres (84 square feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

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

This legal description was prepared based on a survey under the supervision of Douglas S. Jewel, P.S. No. S-8007 by Rolling & Hocevar, Inc. in July 2014.

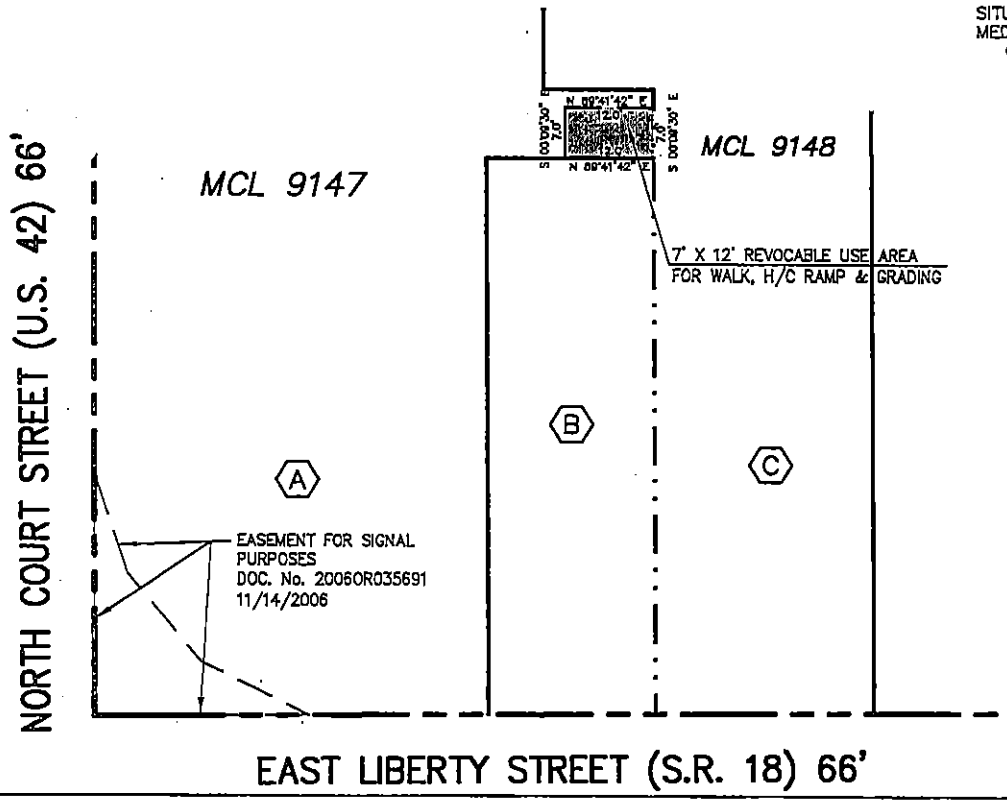
B

NOTE: BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.

SKETCH OF SURVEY

REVOCABLE USE AREA FOR WALK, H/C RAMP AND GRADING

SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA AND STATE OF OHIO, BEING A REPLAT OF PART OF MEDINA CITY LOT NO. 9147



0 20 40

SCALE: 1" = 20'

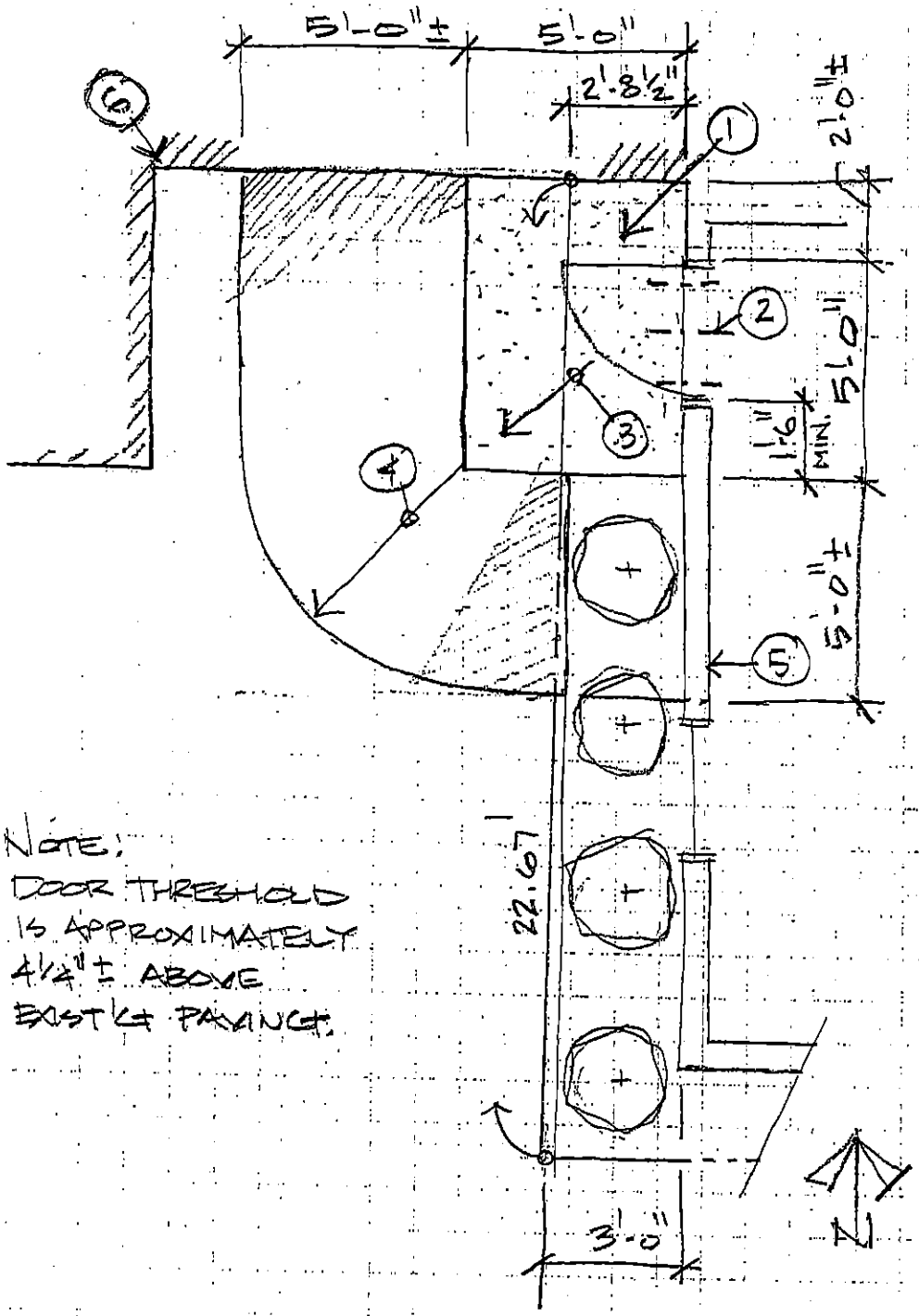
A
M.C.L. 9147
Doc. No. 2014PL0000__

B
Part of M.C.L. 85
Gowe Leasing Limited
Doc. No. 20120R019108
08/07/2012

C
M.C.L. 9148
Doc. No. 2014PL0000__

ROLLING & HOCKMAN, INC.
A Sun Surveyed Company Affiliate
CIVIL ENGINEERING & SURVEYING
257 SOUTH COURT STREET
SUITE 6
MEDINA, OHIO 44256
PHONE: (330)723-1828
FAX: (330)723-6837

PROJECT No. 31,524



1. NEW REINF. CONC. PAD ON 2" RIGID INSULATION & COMPACTED POROUS FILL ALIGN W/ LIP OF ACCESSIBLE DOOR THRESHOLD (1/2" HT MAX).
2. PROVIDE (3) #4 × 16" LONG DOWEL TIES INTO BLD'G SLAB.
3. PITCH CONC. PAD TO DRAIN 1:48 (1/4" PER FT) MAX AWAY FROM BLD'G
4. NEW ASPHALT PAVING SLOPE 1:12 MAX. COORDINATE W/ EXIST'G ASPHALT PAVING
5. 122 PUBLIC SQUARE BUILDING - (SECOND SOLE)
6. NEIGHBORING BLD'G

NOTE:
DOOR THRESHOLD IS APPROXIMATELY 4¼"± ABOVE EXIST'G PAVING.

ACCESSIBLE PAD DETAIL

SCALE: 1/4"

122 PUBLIC SQ
MEDINA OHIO

ARCHITECTURAL DESIGN STUDIOS INCORPORATED

Architecture
Preservation
Graphics
Planning
Interior Design

620 East Smith Rd
Medina, Ohio 44256
ph. 330-723-6975
fax 330-723-7129

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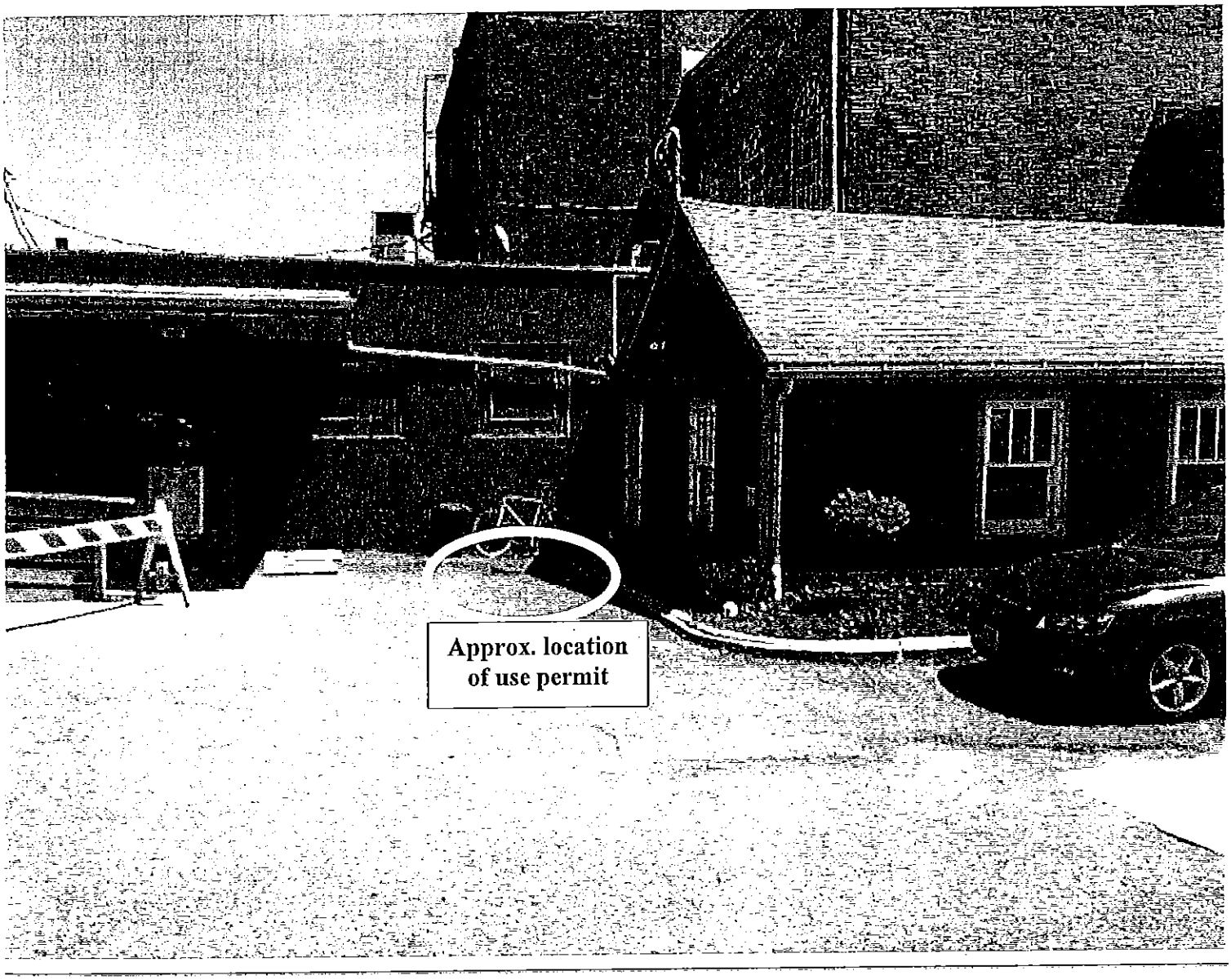
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