

**ORDINANCE NO. 152-14**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT 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 one (1) Easement necessary for the Forest Meadows Drainage Improvement Project, City Job #938.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is located at 836 Wildwood Court, Permanent Parcel No. 028-19B-11-055, part of Medina City Lot 4094.
- 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:** 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

Storm Sewer and Drainage Easement

Ord. 152-14  
Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (FIVE HUNDRED FIFTY-TWO and 52/100) Dollars (\$552.52) and other good and valuable consideration recited herein given to BENJAMIN A. PFAHL and TRACY E. PFAHL 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 4094 conveyed to Benjamin A. and Tracy E. Pfahl in Document No. 2001OR046718 of Medina County Recorder's Records dated 12/21/01 further bounded and described as follows:

Beginning at the northeast corner of said City Lot 4094 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, 168.21 feet along the east line of said City Lot 4094 to a point;

Thence S 58° 56' 43" W, 108.05 feet to a point in the south line of said City Lot 4094;

Thence S 61° 53' 15" W, 5.02 feet along the south line of said City Lot 4094 to the southwest corner thereof;

Thence N 18° 01' 09" W, 20.26 feet along the west line of said City Lot 4094 to a point;

Thence N 58° 56' 43" E, 95.64 feet to a point;

Thence N 10° 40' 39" W, 55.01 feet to a point;

Thence N 18° 01' 09" W, 97.06 feet to a point in the north line of said City Lot 4094 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 4094 and the south right-of-way of said Wildwood Court to the principal place of beginning.;

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. In addition to the trees to be removed in order to allow for installation of the proposed storm sewer, Grantee will remove two (2) additional trees selected by the Grantor.
5. Grantee will secure and protect all permanent structures within the construction zone.
6. 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 836 Wildwood Court; Permanent Parcel Nos. 028-19B-11-055, part of Medina City Lot 4094 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 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 836 Wildwood Court; Permanent Parcel Nos. 028-19B-11-055, part of Medina City Lot 4094 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 18 day of July, 2014.

Grantor:

Benjamin A. Pfahl

Signature: [Handwritten Signature]  
Print Name: Benjamin A. Pfahl

State of Ohio )  
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, **Benjamin A. Pfahl**, 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 18<sup>th</sup> day of July, 2014.

Notary Signature: Kimberly A. Walter  
Print Name: Kimberly A. Walter  
My Commission Expires: KIMBERLY A. WALTER  
Notary Seal: Notary Public - State of Ohio  
My Commission Expires Aug. 3, 2018

IN WITNESS WHEREOF, the undersigned has executed this instrument this 18<sup>th</sup> day of July, 2014.

Grantor:

Tracy E. Pfahl

Signature: [Handwritten Signature]  
Print Name: Tracy E Pfahl

State of Ohio )  
County of Medina) SS:

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

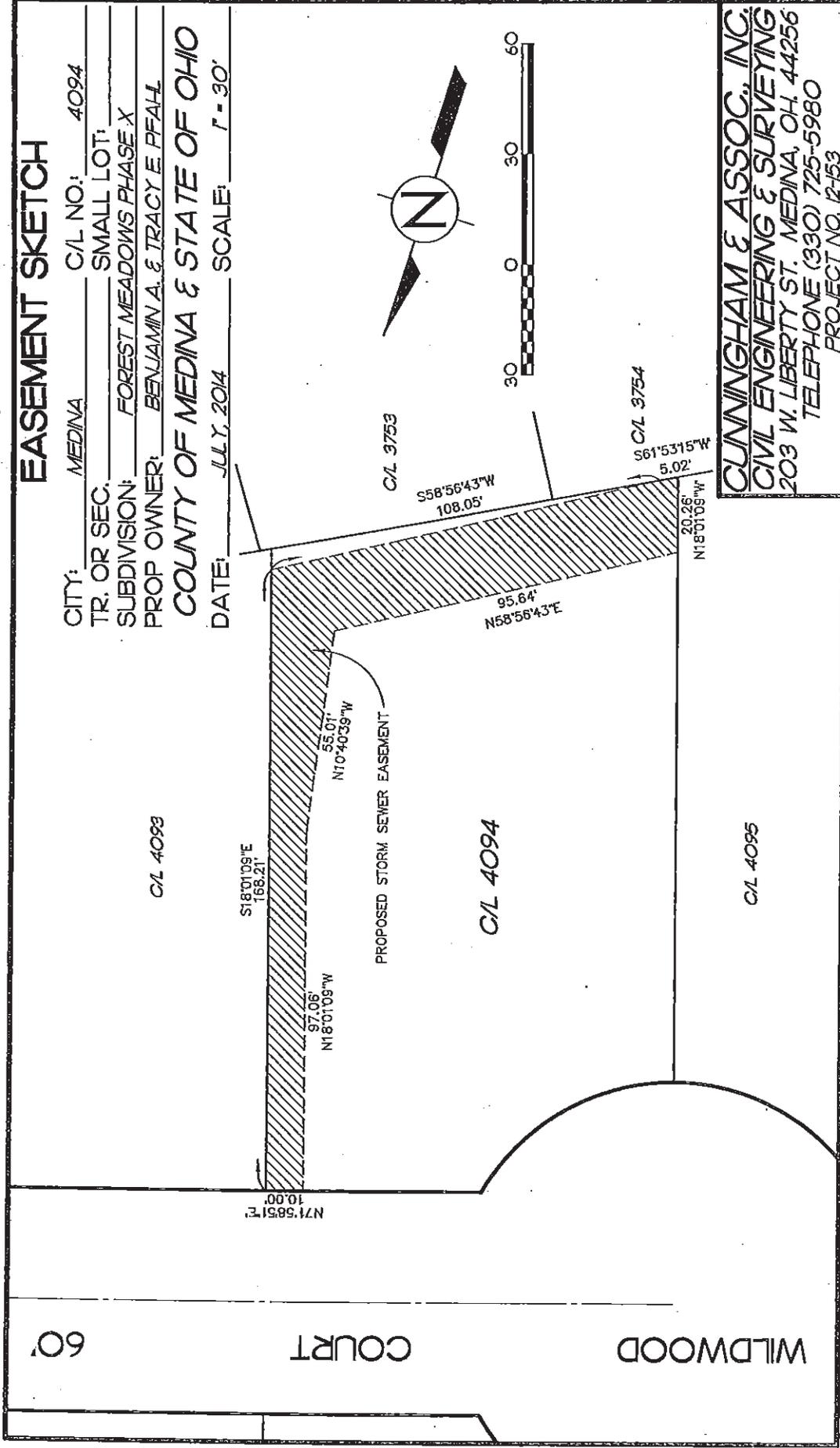
In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 18<sup>th</sup> day of July, 2014.

Notary Signature: Kimberly A. Walter  
Print Name: Kimberly A. Walter  
My Commission Expires: KIMBERLY A. WALTER  
Notary Seal: Notary Public - State of Ohio  
My Commission Expires Aug. 3, 2018

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

# EASEMENT SKETCH

CITY: MEDINA C/L NO: 4094  
 TR. OR SEC. SMALL LOT  
 SUBDIVISION: FOREST MEADOWS PHASE X  
 PROP OWNER: BENJAMIN A. & TRACY E. PFAHL  
**COUNTY OF MEDINA & STATE OF OHIO**  
 DATE: JULY, 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