

ORDINANCE NO. 159-14

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT NECESSARY FOR THE WADSWORTH ROAD WATER MAIN 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 Wadsworth Road Water Main Project, City Job #955.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on Permanent Parcel No. 028-19D-05-294, part of Medina City Lot 1681.
- 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 22, 2014 **SIGNED:** James A. Shields
President of Council Pro-Tem

ATTEST: Kathy Patton **APPROVED:** September 22, 2014
Clerk of Council

SIGNED: John M. Coyne, III
Acting Mayor

Water Main Easement

Ord. 159-14
Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (TWO HUNDRED NINETY and 46/100) Dollars (\$290.46) and other good and valuable consideration recited herein given to ROBERT LLEWELLYN CURNOE and DONNA K. CURNOE 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 water main easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing WATER MAIN 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 1681 being now or formerly owned by the Robert Llewellyn Curnoe and Donna K. Curnoe and is further bounded and described as follows:

Beginning at the northwest corner of said Medina City Lot 1681, said point also being on the easterly Right of Way of Wadsworth Road (S.R. 57), having a Right of Way width of 60.00 feet, and being the Principal Place of Beginning of a water main easement herein described;

Thence North 55° 01' 12" East, along the north property line of said Medina City Lot 1681, a distance of 10.00 feet to a point;

Thence South 34° 58' 48" East a distance of 142.36 feet to a point on the east Right of Way of said Wadsworth Road (S.R. 57);

Thence, continuing along the east Right of Way line of said Wadsworth Road (S.R. 57), along the arc of a curve to the right, said curve has a radius of 30.00 feet, a delta of 48° 11' 23", a chord length of 24.49 feet, a chord bearing of North 59° 04' 29" West, and an arc length of 25.23 feet to a point, said point also being the PRINCIPAL PLACE OF BEGINNING of the water main easement herein described;

Thence North 34° 58' 48" West, along the east Right of Way line of said Wadsworth Road (S.R. 57), a distance of 120.00 feet to the Principal Place of Beginning of the water main 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 WATER MAIN 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 Permanent Parcel No. 028-19D-05-294, part of Medina City Lot 1681 with the necessary equipment to remove any obstructions as necessary to allow for the proposed water main installation including brush, vegetation, and landscaping; to remove and replace the concrete driveway as necessary for the installation of the proposed water main; to install the proposed water main 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 Permanent Parcel No. 028-19D-05-294, part of Medina City Lot 1681 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 26 day of August, 2014.

Grantor:
Robert Llewellyn Curnoe

Signature: Robert Curnoe
Print Name: Robert Curnoe

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Robert Llewellyn Curnoe, 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 26th day of August, 2014.

Notary Signature: Seraphin S. Picoli
Print Name: Seraphin S. Picoli
My Commission Expires: October 26, 2014
Notary Seal:

IN WITNESS WHEREOF, the undersigned has executed this instrument this 26 day of August, 2014.

Grantor:
Donna K. Curnoe

Signature: Donna K. Curnoe
Print Name: Donna K. Curnoe

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Donna K. Curnoe, 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 26th day of August, 2014.

Notary Signature: Seraphin S. Picoli
Print Name: Seraphin S. Picoli
My Commission Expires: October 26, 2014
Notary Seal:

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 Medino City Lot Nos. 1681
 Date: April, 2014
 Owner: ROBERT L. & DONNA K. CURNOE
 Parcel Number: 028-19D-05-294

C-1
 R= 30.00'
 L= 25.23'
 T= 13.42'
 DELTA= 48°11'23"

LINE TABLE	
LINE	BEARING
L1	N 55°01'12" E

MCL 1681
 P.N. 028-19D-05-294
 890 WADSWORTH RD.
 ROBERT L. & DONNA K. CURNOE

10' WIDE WATER MAIN
 EASEMENT GRANTED TO
 THE CITY OF MEDINA

MCL 1711
 P.N. 028-19D-05-295
 880 WADSWORTH RD.
 RONALD & KATHY
 PEACOCK

SHAKER DRIVE
 60' R/W



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

CITY OF MEDINA
 DEPARTMENT OF ENGINEERING
 132 N. ELMWOOD AVENUE
 MEDINA, OHIO 44256
 CITY JOB No. 955

WADSWORTH ROAD
 (S.R. 57) 60' R/W

P/L

C

R/W

PRINCIPAL PLACE
 OF BEGINNING

S 34°58'48" E

S 34°58'48" E

N 34°58'48" W

142.36'

120.00'

L3

L5

R/W

P/L