

ORDINANCE NO. 174-14

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT
TWO (2) EASEMENTS NECESSARY FOR THE LAKE ROAD
RECONSTRUCTION, PHASE 2 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 Lake Road Reconstruction, Phase 2 Project, City Job #940.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 5200 Lake Road, Permanent Parcel No. 053-31C-02-009, Dual Jurisdiction Lot #9080.
- SEC. 3:** That the Easement marked Exhibit B, attached hereto and incorporated herein, is on the property located at 5312 Lake Road, Permanent Parcel No. 021-20B-06-005.
- 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to make payment to the property owners as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: October 27, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 28, 2014

SIGNED: Dennis Hanwell
Mayor

Storm Sewer and Drainage Easement

Ord. 174-14
Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE HUNDRED FORTY NINE and 32/100) Dollars (\$149.32) and other good and valuable consideration recited herein given to MEDINA COUNTY PARK DISTRICT 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 Township of Lafayette and the City of Medina, County of Medina, State of Ohio and known as being part of Dual Jurisdiction Lot 9080 conveyed to Medina County Park District in Document No. 2008OR018073 of Medina County Recorder's Records dated 8/13/08 further bounded and described as follows:

Beginning at the southeast corner of said Dual Jurisdiction Lot 9080 as recorded in Plat Document No. 2008PL000049 of Medina County Recorder's Plat Records, said point being in the centerline of C.H. 19 Lake Road (55 feet wide);

Thence N 89° 58' 15" W, 25.00 feet along the south line of said Dual Jurisdiction Lot 9080 to a point in the west right-of-way of said C.H. 19;

Thence N 0° 02' 00" E, 104.09 feet along the west right-of-way of said C.H. 19 to the principal place of beginning of the easement described herein;

Thence N 66° 35' 09" W, 20.76 feet to a point;

Thence N 23° 24' 51" E, 20.00 feet to a point;

Thence S 66° 35' 09" E, 12.11 feet to a point in the west right-of-way of said C.H. 19;

Thence S 0° 02' 00" W; 21.79 feet along the west right-of-way of said C.H. 19 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 5200 Lake Road, Permanent Parcel No. 053-31C-02-009, part of Medina City Lot 9080 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including trees, brush and vegetation; to install the proposed storm sewer; 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 5200 Lake Road, Permanent Parcel No. 053-31C-02-009, part of Medina City Lot 9080 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 22 day of September, 20 14.

Grantor:
Medina County Park District

Signature: Thomas K. James

Print Name: Thomas K. James

Title: Director

State of Ohio)
County of Medina) SS:

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

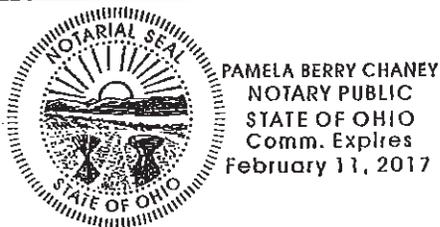
In testimony whereof, I have set my hand and official seal at Medina, Ohio, this 22 day of September, 20 14.

Notary Signature: Pamela Berry Chaney

Print Name: Pamela Berry Chaney

My Commission Expires: _____

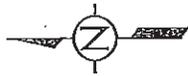
Notary Seal:



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

EASEMENT SKETCH

CITY: MEDINA D.J.L. NO. 9080
TOWNSHIP: LAFAYETTE SMALL LOT:
SUBDIVISION: S/L NO.:
PROP OWNER: MEDINA COUNTY PARK DISTRICT
COUNTY OF MEDINA & STATE OF OHIO
DATE: AUGUST, 2014 SCALE: 1" = 20'



C.H. 19 LAKE ROAD 55'

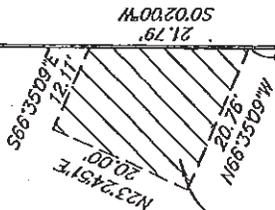
S.E. COR. D.J.L. 9080

25.00'
N89°58'15"W

104.09'
N0°2'00"E

D.J.L. 9080

MEDINA COUNTY
PARK DISTRICT
DOC. NO. 200808018073
8/13/08



PROPOSED STORM SEWER ESMT.

CUNNINGHAM & ASSOC., INC.
CIVIL ENGINEERING & SURVEYING
203 W. LIBERTY ST. MEDINA, OH. 44256
TELEPHONE (330) 725-5980
PROJECT NO. 13-206

Storm Sewer and Drainage Easement

Ord. 174-14
Exh. B

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE HUNDRED SIXTY NINE and 64/100) Dollars (\$169.64) and other good and valuable consideration recited herein given to WESLEY R. WHITE and RITA E. GREATHOUSE 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 Township of Lafayette, County of Medina, State of Ohio and known as being part of the land conveyed to Wesley R. White and Rita E. Greathouse in Document No. 2012OR000970 of Medina County Recorder's Records dated 01/17/12 located in Lafayette Township Large Lot 1, Small Lot 39 further bounded and described as follows:

Beginning at the northeast Corner of said Small Lot 39 being in the centerline of C.H. 19 Lake Road (55 feet wide);

Thence S 0° 32' 00" E, 315.00 feet along the centerline of said C.H. 19 to the southeast corner of said land conveyed to Wesley R. White and Rita E. Greathouse;

Thence N 89° 54' 00" W, 25.00 feet along the south line of said land conveyed to Wesley R. White and Rita E. Greathouse to a point in the west right-of-way of said C.H. 19 being the principal place of beginning of the easement described herein;

Thence N 89° 54' 00" W, 3.04 feet along the south line of said land conveyed to Wesley R. White and Rita E. Greathouse to a point;

Thence N 79° 30' 29" W, 21.38 feet to a point;

Thence N 10° 29' 31" E, 20.00 feet to a point;

Thence S 79° 30' 29" E, 20.58 feet to a point in the west right-of-way of said C.H. 19;

Thence S 0° 32' 00" E, 19.82 feet along the west right-of-way of said C.H. 19 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 5312 Lake Road, Permanent Parcel No. 021-20B-06-005 with the necessary equipment to remove any obstructions as necessary to allow for the proposed storm sewer installation including trees, brush and vegetation; to install the proposed storm sewer; 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 5312 Lake Road, Permanent Parcel No. 021-20B-06-005 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 2nd day of SEPTEMBER, 2014.

Grantor:
Wesley R. White
Signature: [Signature]
Print Name: Wesley R. White

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Wesley R. White, 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 2nd day of SEPTEMBER, 2014.

Notary Signature: [Signature]
Print Name: Shirley S. Puel
My Commission Expires: OCTOBER 26, 2014
Notary Seal:

IN WITNESS WHEREOF, the undersigned has executed this instrument this 2nd day of SEPTEMBER, 2014.

Grantor:
Rita E. Greathouse
Signature: [Signature]
Print Name: Rita E Greathouse

State of Ohio)
County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, Rita E. Greathouse, 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 2nd day of SEPTEMBER, 2014.

Notary Signature: [Signature]
Print Name: Shirley S. Puel
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

Copies made & sent.

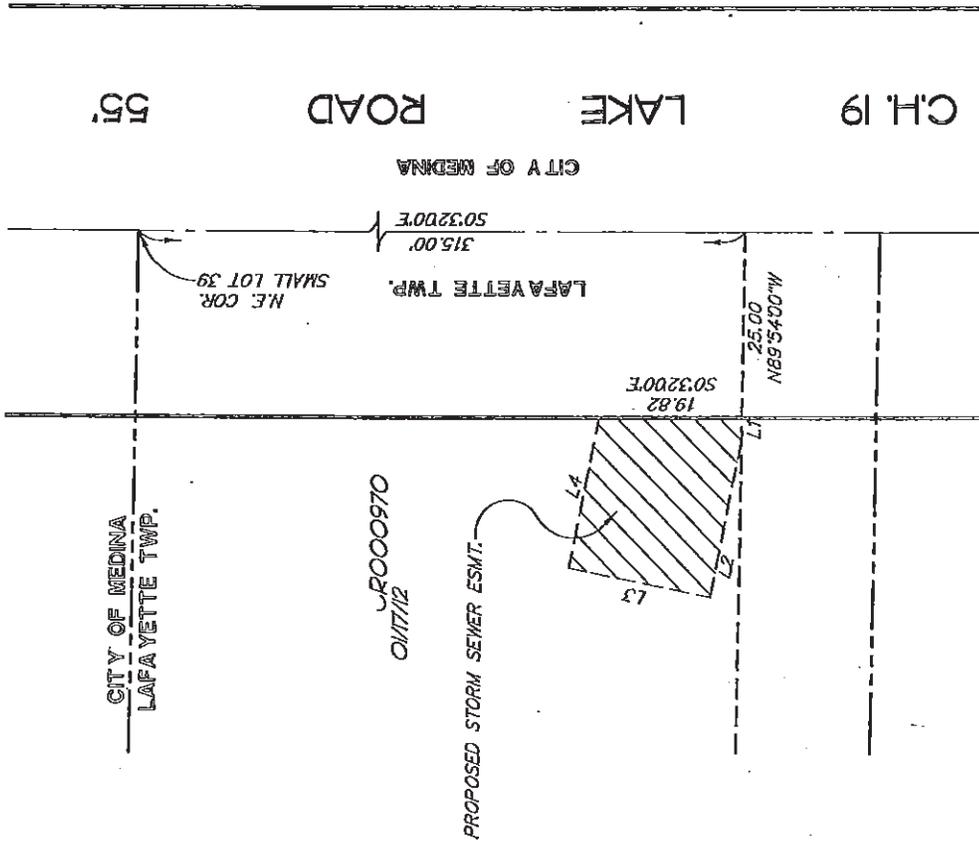
EASEMENT SKETCH

TOWNSHIP: LAFAYETTE LOT NO: 1
 TR. OR SEC. _____ SMALL LOT: 39
 SUBDIVISION: _____ S/L NO: _____
 PROP OWNER: WESLEY R. WHITE & RITA E. GREATHOUSE
COUNTY OF MEDINA & STATE OF OHIO
 DATE: AUGUST, 2014 SCALE: 1" = 20'



L1 N89°54'00"W 3.04'
 L2 N79°30'29"W 21.38'
 L3 N10°29'31"E 20.00'
 L4 S79°30'29"E 20.58'

CUNNINGHAM & ASSOC., INC.
CIVIL ENGINEERING & SURVEYING
 203 W. LIBERTY ST. MEDINA, OH. 44220
 TELEPHONE (330) 725-5980
 PROJECT NO. B-206



C.H. 19 ROAD LAKE ROAD

CITY OF MEDINA

50.3200'E

315.00'

N.E. COR.
SMALL LOT 39

LAFAYETTE TWP.

50.3200'E

N89°54'00"W

25.00'

L1

L4

L3

CITY OF MEDINA
LAFAYETTE TWP.

017/12
0000970

PROPOSED STORM SEWER ESMT.