ORDINANCE NO. 182-14

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AN EASEMENT AGREEMENT FOR THE WEST SMITH ROAD RECONSTRUCTION PROJECT (PARCEL #14), AND DECLARING AN EMERGENCY.

WHEREAS: Ordinance No. 111-14, passed June 23, 2014 authorized the Fair Market Value Estimates for the West Smith Road Reconstruction Project.

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

SEC. 1: That the Mayor is hereby authorized to accept the Easement Agreement for the West Smith Road Reconstruction Project (Parcel #14).

SEC. 2: That a copy of the Easement Agreement is marked Exhibit A, attached hereto, and incorporated herein.

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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to finalize and submit payment to the property owner; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: November 10, 2014 **SIGNED:** James A. Shields
President of Council Pro-Tem

ATTEST: Kathy Patton
Clerk of Council

APPROVED: November 12, 2014

SIGNED: John M. Coyne, III
Acting Mayor

ORD. 182-14
Exh. A

O. R. Colan
ASSOCIATES

REAL ESTATE SOLUTIONS FOR INFRASTRUCTURE

October 17, 2014

Patrick Patton, P.E.
City Engineer
City of Medina
132 N. Elmwood Avenue
Medina, Ohio 44256

Re: **MED-West Smith Road**
PID No.: 81334
Parcel No. 14-TV (A. I. Root)

Dear Mr. Patton:

Enclosed so that the City may start the process for payment in regard to the above referenced parcel is the following:

- Signed Temporary Easement (Copy)
- Corporate Resolution (Copy)
- W-9 (original)

Please review the enclosed documentation and process a check in the amount of **$300.00** payable to **"The A. I. Root Company"**. Once the check has been processed, please forward it to our office in order for us to complete the closing on the parcel.

If you have any questions or need additional information, please do not hesitate to contact me at 440.827.6116 ext. 204.

Respectfully,

Matthew Starling
Project Manager

Enclosures

22710 FAIRVIEW CENTER DRIVE • FAIRVIEW PARK, OH 44126 • 440-827-6116 • (FAX) 440-827-6122

ODOT LPA RE 807
Rev. 09/2012

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LPA

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: The A. I. Root Company, an Ohio Corporation, the Grantor(s) herein, in consideration of the sum of $300.00, to be paid by the City of Medina, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 14 TV

MED-West Smith Road (PID 81334)

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Medina County Current Tax Parcel No. 028-19A-20-091
Prior Instrument Reference: Warranty Deed Volume 162, Page 449, Medina County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is 18 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The A. I. Root Company, an Ohio Corporation has caused its name to be subscribed by BRAD I. ROOT, its duly authorized PRESIDENT, and it duly authorized agent on the 27TH day of AUGUST, 2014.

THE A. I. ROOT COMPANY, AN OHIO CORPORATION

By: BRAD I. ROOT
PRESIDENT

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED, that on the 27 day of August, 2014, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Brad Root, who acknowledged being the President and duly authorized agent of The A. I. Root Company, an Ohio Corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARIAL SEAL STATE OF OHIO

TERESA L. HAVILAND

My Commission Expires
Dec. 26, 2017
(Recorded In Medina County)

NOTARY PUBLIC
My Commission expires: 12/26/2017

This document was prepared by: the City of Medina

EXHIBIT A

RX 287 TV

Rev. 06/09

Ver. Date 12/17/2012

PID 81334

JEA

PARCEL 14-TV
WEST SMITH ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO RECONSTRUCT THE EXISTING GRADING FOR 18 MONTHS FROM DATE OF ENTRY BY THE CITY OF MEDINA, MEDINA COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Medina, City of Medina, and known as being part of Out Lot No. 15 and being a 5.3867 acre parcel conveyed on February 08, 1946 to **The A.I. Root Company** by Deed Volume 162 Page 449 of the Medina County Records and being a parcel of land lying on the left side of the centerline of right of way of West Smith Road, width 60.00 feet, and bounded and described as follows:

BEGINNING from the intersection of the centerline of right of way of West Smith Road, at Station 64+97.29, and the centerline of right of way of State Road, at Station 00+00.00; thence North 89 degrees 00 minutes 43 seconds East along the centerline of right of way of West Smith Road a distance of 202.28 feet; thence North 00 degrees 48 minutes 13 seconds West a distance of 30.00 feet to the intersection of the existing northerly right of way line and of West Smith Road and westerly property line and being the **TRUE POINT OF BEGINNING.**

1. thence North 00 degrees 14 minutes 44 seconds West along said grantor's line a distance of 5.00 feet to a point;
2. thence North 89 degrees 00 minutes 43 seconds East a distance of 298.~~24~~ 23 feet to a point;
3. thence South 00 degrees 07 minutes 26 seconds East a distance of 5.00 feet to a point and the existing northerly right of way line of West Smith Road;
4. thence South 89 minutes 00 minutes 43 seconds West along said right of way line a distance of 298.23 feet to a point and the **TRUE POINT OF BEGINNING.**

The above described area is contained within Medina County Auditor's Permanent Parcel Number 028-19A-20-091 and contains a gross take of 0.0342 acres more or less.

All Bearings are relative to Grid North based on the Ohio State Plane Coordinate System, North Zone on NAD 83, (CORS96).

This description was prepared by Kenneth Fertal, Professional Surveyor Number 8262 of HNTB Ohio, Inc., on December 17, 2012.

EXHIBIT A

RX 287 TV

Rev. 06/09

This description is based on a survey made in 2011 by Campbell and Associates, Inc. under the direction and supervision of James P. Yurkschatt, Professional Land Surveyor Number 7809.

STATE OF OHIO
KENNETH FERTAL S-8262
REGISTERED PROFESSIONAL SURVEYOR

12/17/2012

Kenneth Fertal
Professional Surveyor #8262
HNTB Ohio, Inc.
1100 Superior Avenue, Suite 1310
Cleveland, OH 44114

Date

THE BEST CANDLE IN AMERICA
SINCE 1869

RESOLUTION OF
The A. I. Root Company, an Ohio Corporation

WHEREAS, the City of Medina desires an exclusive and temporary construction easement for 18 months for highway purposes on land owned by this Corporation, and more particularly described as follows:

PARCEL 14-TV
MED-West Smith Road (PID 81334)
SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

WHEREAS, the City of Medina has offered the sum of $300.00 for the exclusive and temporary construction easement for 18 months of Parcel 14-TV whereby ownership remains with The A. I. Root Company.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of The A. I. Root Company, an Ohio Corporation that Brad I. Root shall be, and hereby is, the duly authorized, empowered and acting agent of The A. I. Root Company, an Ohio Corporation for the for the purpose of executing and delivering to the City of Medina all necessary instruments to effect a good and sufficient conveyance of said exclusive and temporary construction easement for 18 months from The A. I. Root Company, an Ohio Corporation in the City of Medina, for the hereinabove mentioned consideration.

Brad I. Root, President

I, Stuart W. Root, Secretary of The A.I. Root Company, an Ohio Corporation, hereby certify that on September, 17th, 2014, there was held a meeting of the Board of Directors of said corporation, at which a quorum was present; that this is a true and correct copy of a resolution adopted at said meeting, and that this resolution is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto subscribed my signature on September 17th, 2014.

Stuart W. Root, Secretary

The A.I. Root Company • 623 West Liberty Street • P.O. Box 706 • Medina OH 44258-0706 • (330) 725-6677 x.3244 • Fax (800) 685-2094
www.RootCandles.com BRoot@RootCandles.com

EXHIBIT A

RX 287 TV

Rev. 06/09

Ver. Date 12/17/2012

PID 81334

JEA

PARCEL 14-TV
WEST SMITH ROAD
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STATE OF OHIO
KENNETH FERTAL
S-8262
REGISTERED
PROFESSIONAL SURVEYOR

12/17/2012

Kenneth Fertal
Professional Surveyor #8262
HNTB Ohio, Inc.
1100 Superior Avenue, Suite 1310
Cleveland, OH 44114

Date