

ORDINANCE NO. 207-14

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH FOUNDRY HOLDINGS, LLC FOR USE OF THE PARKING LOT LOCATED AT 563 BRONSON STREET.

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 Foundry Holdings, LLC for use of the parking lot located at 563 Bronson Street, Permanent Parcel #028-19A-16-027, Medina City Lot #'s 552, 553, 554, 1949 and 1952.
- 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: December 8, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: December 9, 2014

SIGNED: Dennis Hanwell
Mayor

REVOCABLE USE PERMIT

ORD. 207-14
Exh. A

**CITY OF MEDINA
MEDINA COUNTY, OHIO**

**563 Bronson Street
Medina City Lot Numbers 552, 553, 554, 1949 & 1952
Permanent Parcel Number 028-19A-16-027**

Under the provisions of Section §§ 5515.01 of the Ohio Revised Code, permission is hereby granted to use or occupy a part of the Right-of-Way of Medina Street with a portion of the existing parking lot which is located at 563 Bronson Street (MCL #'s 552, 553, 554, 1949 & 1952; PPN 028-19A-16-027).

A legal description and a picture of the encroachment are shown on the attached sheets (Appendix A and B, respectively).

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, at any time for any reason, may order the 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 the owners thereof. 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 save 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 Medina Street right-of-way 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 photograph of the existing encroachments is attached to and incorporated into this permit.

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

**CITY OF MEDINA
Law Director
132 N. Elmwood Ave.
P.O. Box 703
Medina, Ohio 44258**

CITY OF MEDINA ACKNOWLEDGEMENT

Dated at Medina, Ohio, this 9th day of December, 2014.

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 December 2014
2014, at Medina, Ohio

Kimberly A. Walter
NOTARY PUBLIC

Notary Public in and for the State of Ohio

My commission expires: KIMBERLY A. WALTER
Notary Public - State of Ohio
My Commission Expires Aug. 3, 2012

PROPERTY OWNER ACKNOWLEDGEMENT

Accepted this 18th day of NOVEMBER, 2014

By: _____

Name (please print): Greg Cordray

Title (please print): Managing Member

FOUNDRY HOLDINGS, LLC

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, FOUNDRY HOLDINGS LLC, by GREG CORDRAY, its MANAGING MEMBER, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said entity and her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 18th day of NOVEMBER 2014, at Medina, Ohio

[Signature]

NOTARY PUBLIC



STEPHANIE THOMA
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
September 22, 2016
Recorded in
Medina County

Notary Public in and for the State of Ohio
My commission expires: 9/22/2016

APPENDIX A

LEGAL DESCRIPTION OF REVOCABLE USE AREA

Situated in the City of Medina, County of Medina and State of Ohio, also known as being part of Medina City Lot Numbers 552, 553, 554, 1949 & 1952 further bounded and described as follows:

Commencing at the Southeast corner of lands conveyed to Foundry Holdings LLC on July 14, 2014 as recorded in document 2014 OR013604 also being the Southeast corner of PPN 028-19A-16-027;

Thence along the Southerly line of said lands of Foundry Holdings LLC bearing S 89°38'07"W a distance of 91.04' to a point, said point being a corner of Foundry Holdings LLC lands and also being the TRUE PLACE OF BEGINNING of the revocable use area herein described;

Thence along the Western line of said lands of Foundry Holdings LLC, which is also a right of way boundary for Medina Street, along a curve with a radius of 2009.33' and a chord bearing N24°42'45"W an arc distance of 153.83' to a point;

Thence along a line, which is also a right of way boundary for Medina Street, bearing S89°38'09"W a distance of 55.53' to a point;

Thence along the Eastern line of lands owned by the Baltimore and Ohio Railroad, which is also a right of way boundary for Medina Street, along a curve with a radius of 2009.33' and a chord bearing S 24°42'45" E an arc distance of 153.83' to a point;

Thence along a line bearing N 89°38'09"E a distance of 55.53' to a point, said point being a corner of Foundry Holdings LLC lands and also being the TRUE PLACE OF BEGINNING of the revocable use area herein described, intending to be 0.196 acres of land, more or less, but subject to all legal highways and all covenants and agreements of record.

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

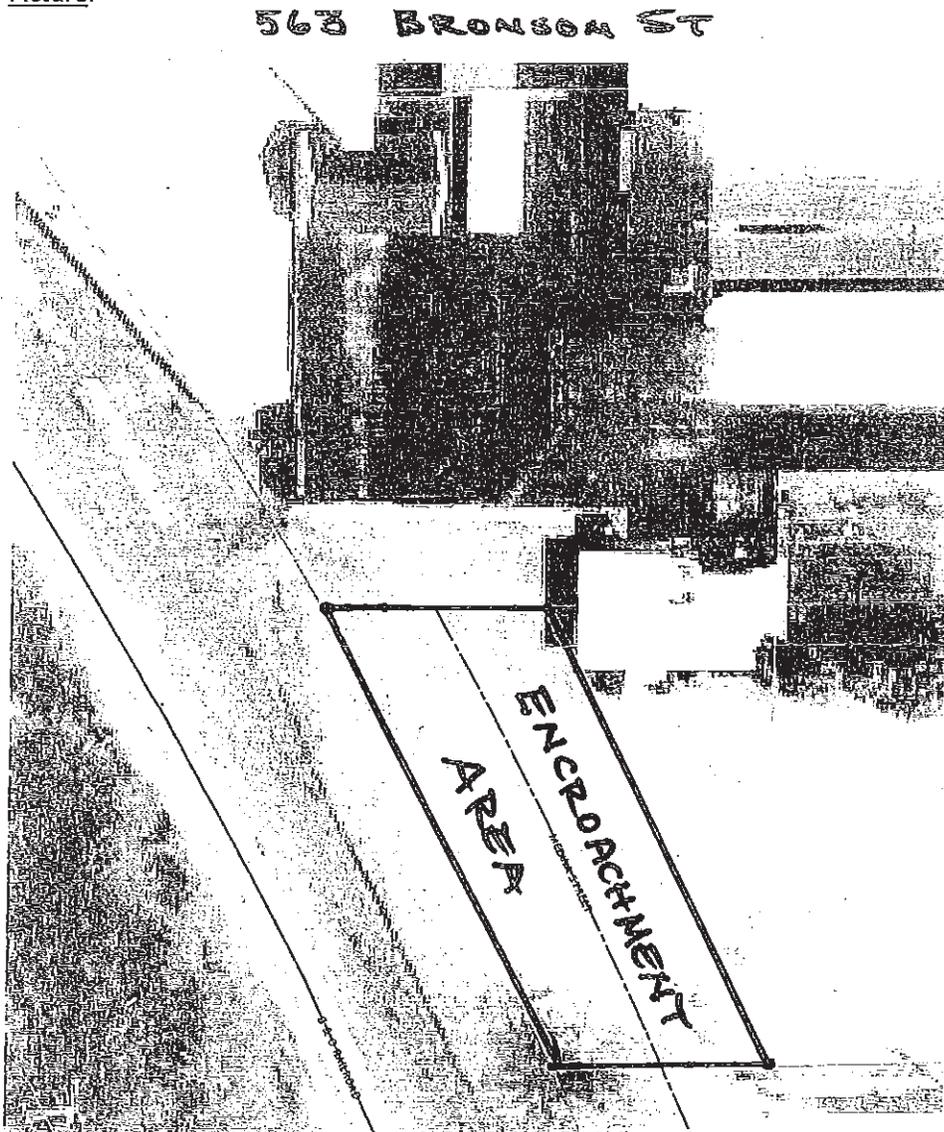
APPENDIX B

PICTURE OF ENCROACHMENT AREA

Encroachment: A Portion of the Parking Lot

Location: 563 Medina Street, Medina, Ohio
MCL #'s 552, 553, 554, 1949 & 1952
PPN 028-19A-16-027

Picture:



PPN 028-19A-16-027