

ORDINANCE NO. 82-15

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT NECESSARY FOR THE RYAN ROAD SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.

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 Ryan Road Sidewalk Project, City Job #962.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 1125 Featherstone Drive, part of Medina City Lot 7564, Permanent Parcel No. 028-19C-13-075.
- 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 pay 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: June 22, 2015

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 23, 2015

SIGNED: Dennis Hanwell
Mayor

ORD. 8a-15



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Tx:8075000

2015OR013379

COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
06/29/2015 12:11 PM

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PAGES: 5
DOC TYPE: EASE

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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Water Main Easement

ORD. 82-15
Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (ONE and 00/100) Dollar (\$1.00) and other good and valuable consideration recited herein given to EDWARD M. HOEGLER SR. and TAMMY P. HOEGLER 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 the 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, and State of Ohio, and known as being part of Medina City Lot 7564 as conveyed to Edward M. Sr. & Tammy P. Hoegler on July 28, 2005 in Document No. 2005OR024942 of the Medina County Recorder's Records, being further bounded and described as follows:

Commencing at the southwest corner of said Medina City Lot 7564, said corner also being on the southerly right of way line of a 100 feet wide B & O Railroad right of way, which is the **TRUE PLACE OF BEGINNING** for the following described easement;

thence, North 26°12'47" East, along the southerly right of way line of said B & O Railroad right of way, also being a westerly line of said Medina City Lot 7564, a distance of 10.28 feet to a point;

thence, South 00°27'03" East, parallel with the easterly line of C.H. 40, Ryan Road (60 feet), a distance of 9.20 feet to a point on the southerly line of said Medina City Lot 7564;

thence, South 89°42'52" West, along the southerly line of Medina City Lot 7564, a distance of 4.61 feet to the **PLACE OF BEGINNING**, containing 0.0005 acres (21.2234 square feet) of land, more or less, as determined from a survey made under the direction of Joseph A. Burgoon, Registered Surveyor No. 8325, August 2013, for and on behalf of Lewis Land Professionals, Inc.

The **BASIS OF BEARING** for this description is Assumed and used to denote 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.

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:

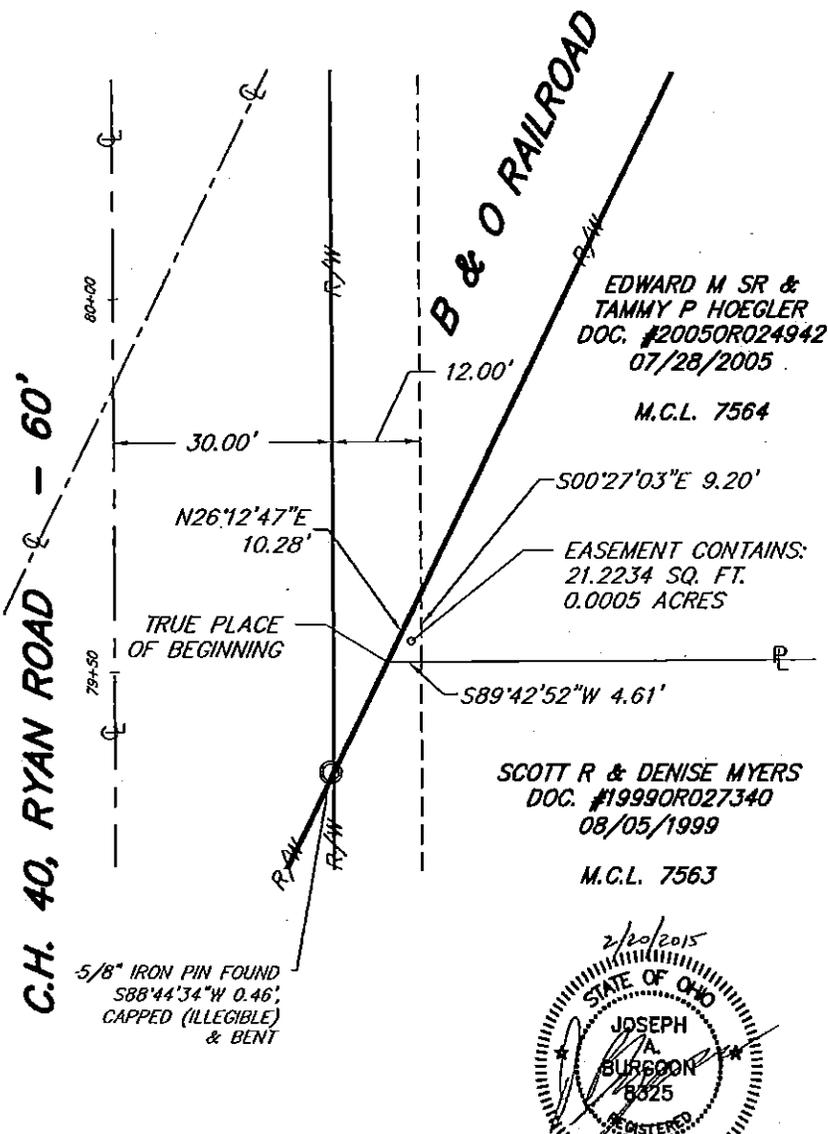
1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with 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 1125 Featherstone Drive, Permanent Parcel No. 028-19C-13-075, part of Medina City Lot 7564 with the necessary equipment to to install the proposed water main and appurtenances; to remove an existing tree within easement area; to complete grading as necessary adjacent to the proposed water main; 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 1125 Featherstone Drive, Permanent Parcel No. 028-19C-13-075, part of Medina City Lot 7564 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.

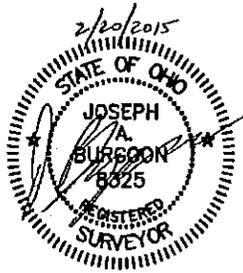
WATER MAIN EASEMENT EXHIBIT

Situated in the City of Medina, County of Medina, and State of Ohio, and known as being part of Medina City Lot 7564.

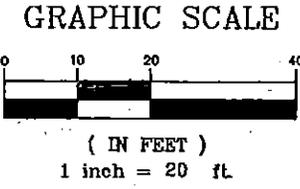


EDWARD M SR & TAMMY P HOEGLER
 DOC. #2005OR024942
 07/28/2005
 M.C.L. 7564

SCOTT R & DENISE MYERS
 DOC. #1999OR027340
 08/05/1999
 M.C.L. 7563



5/8" IRON PIN FOUND
 S88°44'34"W 0.46'
 CAPPED (ILLEGIBLE) & BENT



Lewis Land Professionals, Inc.

Civil Engineering & Surveying
 8691 Wadsworth Rd. Suite 100 Wadsworth, Ohio 44281
 Phone: (330) 335-8232 Fax: (330) 335-0242
 www.landprosinc.com

The BASIS OF BEARING for this survey is ASSUMED and used to denote angles only.

Date of Easement: February 2015

PROJ. No. 15-037 DRAWING NAME 15-037 ESM1.dwg