ORDINANCE NO. 31-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT EASEMENT AGREEMENTS FOR THE WEST SMITH ROAD RECONSTRUCTION PROJECT (PARCELS 1-S, T, T1), 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, City Job #818.

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 Agreements for the West Smith Road Reconstruction Project (VEXOR Enterprises, Parcel # 1-S, T, T1).

SEC. 2: That a copy of the Easement Agreements are 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 owners; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: February 22, 2016

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: February 23, 2016

SIGNED: Dennis Hanwell
Mayor

Ord. 31-16
Exh. A

ODOT LPA RE 804
Rev. 09/2012

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LPA

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Vexor Enterprises, Ltd., an Ohio Limited Liability Company, the Grantor(s) herein, in consideration of the sum of $1,396.00, 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 forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 1 S

MED-West Smith Road

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

Medina County Current Tax Parcel No. 029-19A-23-001
Prior Instrument Reference: Limited Warranty Deed Instrument No. 1999OR021579, Medina County Recorder's Office.

And the said Grantor(s), for itself and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that it is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

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

In the event that the Grantee decides not to use the property conveyed herein for the above-stated purpose, the Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property

for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF Vexor Enterprises, Ltd., an Ohio Limited Liability Company has caused its name to be subscribed by F. Phillip Stapf and Joseph E. Waters, its duly authorized Members. and its duly authorized agent on the 1st day of February, 2016.

VEXOR ENTERPRISES, LTD., AN OHIO LIMITED LIABILITY COMPANY

F. PHILLIP STAPF, MEMBER

JOSEPH E. WATERS, MEMBER

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED, that on the 1st day of February, 2016, before me the subscriber, a Notary Public in and for said state and county, personally came the above named F. Phillip Stapf and Joseph E. Waters, who acknowledged being the Members and duly authorized agents of Vexor Enterprises, Ltd., an Ohio Limited Liability Company, 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

JOSEPH E ALMADY
Notary Public
In and for the State of Ohio
My Commission Expires
August 22, 2018

NOTARY PUBLIC

This document was prepared by: O.R. Colan Associates for the City of Medina.

EXHIBIT A

Ver. Date 10/19/12

PARCEL 1-S
WEST SMITH ROAD

PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER
IN THE NAME AND FOR THE USE OF THE
CITY OF MEDINA, MEDINA COUNTY, OHIO

A perpetual easement for the construction and maintenance of a sewer in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Medina, City of Medina, and known as part of Medina City Lot 2645 and being a 5.2760 acre parcel conveyed on June 22, 1999 to **Vexor Enterprises, LTD** by Document No. 1999OR021579 of the Medina County Recorders 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 a Monument found on the centerline Right of Way of West Smith Road, at Station 20+00.00, point being the intersection with the centerline Right of Way of Lake Road, at Station 10+00.00; thence North 89 degrees 04 minutes 36 seconds East along the centerline Right of Way of West Smith Road a distance of 132.75 feet; thence North 00 degrees 55 minutes 24 seconds West a distance of 30.00 feet to the intersection of the existing northerly right of way line of West Smith Road and being the TRUE POINT OF BEGINNING.

1. thence North 00 degrees 55 minutes 24 seconds West a distance of 36.00 feet to a point;
2. thence North 07 degrees 18 minutes 41 seconds West a distance of 59.37 feet to a point;
3. thence North 89 degrees 04 minutes 36 seconds East a distance of 25.16 feet to a point;
4. thence South 07 degrees 18 minutes 41 seconds East a distance of 57.96 feet to a point;
5. thence South 00 degrees 55 minutes 24 seconds East a distance of 37.40 feet to a point and the existing northerly right of way line of West Smith Road;
6. thence South 89 degrees 04 minutes 36 seconds West along said right of way line a distance of 25.00 feet to a point and the TRUE POINT OF BEGINNING.

The above described area is contained within Medina County Auditor's Permanent Parcel Number 029-19A-23-001 and contains a gross take of 0.0547 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 October 19, 2012.

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 Surveyor Number 7809.

STATE OF OHIO
KENNETH
FERTAL
S-8262
REGISTERED
PROFESSIONAL SURVEYOR

12/17/2012
Date

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

Ord. 31-16

ODOT LPA RE 807
Rev. 09/2012

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TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Vexor Enterprises, Ltd., an Ohio Limited Liability Company, the Grantor(s) herein, in consideration of the sum of $130.00, 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): 1 T, T-1

MED-West Smith Road

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

Medina County Current Tax Parcel No. 029-19A-23-001
Prior Instrument Reference: Limited Warranty Deed Instrument No. 1999OR021579, 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 Vexor Enterprises, Ltd., an Ohio Limited Liability Company has caused its name to be subscribed by F. Phillip Stapf and Joseph E. Waters, its duly authorized Members, and its duly authorized agent on the 1st day of February, 2016.

VEXOR ENTERPRISES, LTD., AN OHIO LIMITED LIABILITY COMPANY

F. PHILLIP STAPF, MEMBER

JOSEPH E. WATERS, MEMBER

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED, that on the 1st day of February, 2016, before me the subscriber, a Notary Public in and for said state and county, personally came the above named F. Phillip Stapf and Joseph E. Waters, who acknowledged being the Members and duly authorized agents of Vexor Enterprises, Ltd., an Ohio Limited Liability Company, 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

JOSEPH E ALMADY
Notary Public
In and for the State of Ohio
My Commission Expires
August 22, 2018

NOTARY PUBLIC

This document was prepared by: O.R. Colan Associates for the City of Medina.

EXHIBIT A

Ver. Date 10/19/12

PARCEL 1-T
WEST SMITH ROAD

TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO RECONSTRUCT THE EXISTING DRIVE AND 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 Medina City Lot 2645 and being a 5.2760 acre parcel conveyed on June 22, 1999 to Vexor Enterprises, LTD. by Document No. 1999OR021579 of the Medina County Recorders 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 a Monument found on the centerline Right of Way of West Smith Road, at Station 20+00.00, point being the intersection with the centerline survey of Lake Road, at Station 10+00.00; thence North 89 degrees 04 minutes 36 seconds East along the centerline Right of Way of West Smith Road a distance of 420.86 feet; thence North 00 degrees 55 minutes 24 seconds West a distance of 30.00 feet to the intersection of the existing northerly right of way line of West Smith Road and being the TRUE POINT OF BEGINNING.

1. thence North 00 degrees 55 minutes 24 seconds West a distance of 9.00 feet to a point;
2. thence North 89 degrees 04 minutes 36 seconds East a distance of 60.00 feet to a point;
3. thence South 00 degrees 55 minutes 24 seconds East a distance of 9.00 feet to a point and the existing northerly right of way line of West Smith Road;
4. thence South 89 degrees 04 minutes 36 seconds West along said right of way line a distance of 60.00 feet to a point and the TRUE POINT OF BEGINNING.

The above described area is contained within Medina County Auditor's Permanent Parcel Number 029-19A-23-001 and contains a gross take of 0.0124 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 October 19, 2012.

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 Surveyor Number 7809.

STATE OF OHIO
KENNETH
FERTAL
S-8262
PROFESSIONAL REGISTERED SURVEYOR

12/17/2012
Date

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

EXHIBIT A

Ver. Date 10/19/12

PARCEL 1-T1
WEST SMITH ROAD

TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO RECONSTRUCT THE EXISTING DRIVE AND 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 Medina City Lot 2645 and being a 5.2760 acre parcel conveyed on June 22, 1999 to Vexor Enterprises, LTD. by Document No. 1999OR021579 of the Medina County Recorders 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 a Monument found on the centerline Right of Way of West Smith Road, at Station 20+00.00, point being the intersection with the centerline Right of Way of Lake Road, at Station 10+00.00; thence North 89 degrees 04 minutes 36 seconds East along the centerline Right of Way of West Smith Road a distance of 632.84 feet; thence North 00 degrees 55 minutes 24 seconds West a distance of 30.00 feet to the intersection of the existing northerly right of way line of West Smith Road and being the **TRUE POINT OF BEGINNING.**

1. thence North 35 degrees 54 minutes 03 seconds East a distance of 11.24 feet to a point;
2. thence North 89 degrees 04 minutes 36 seconds East a distance of 22.07 feet to a point;
3. thence South 00 degrees 51 minutes 30 seconds East a distance of 9.00 feet to a point and the existing northerly right of way line of West Smith Road;
4. thence South 89 degrees 04 minutes 36 seconds West along said right of way line a distance of 28.80 feet to a point and the **TRUE POINT OF BEGINNING.**

The above described area is contained within Medina County Auditor's Permanent Parcel Number 029-19A-23-001 and contains a gross take of 0.0053 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 October 19, 2012.

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 Surveyor Number 7809.

STATE OF OHIO
KENNETH
FERTAL
S-8262
REGISTERED
PROFESSIONAL SURVEYOR

12/12/2012
Date

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

Board Resolution
Of
Vexor Enterprise LLC.

We, the undersigned, being all the Directors of Vexor Enterprise LLC, Organized and existing under the Laws of Ohio, and having its principal place of business at 955 W Smith Road, MEDINA, Ohio 44256(the "Corporation"), hereby certify that the following is true and correct copy of a resolution duly adopted at a meeting of the Directors of the Corporation duly held and convened on January 29th, 2016, at which a quorum of the Board of Directors was present and voting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

Therefore, it is Resolved:

That Joe Waters and Phil Stapf are authorized to sign on behalf of Vexor Enterprise LLC. for all business transactions.

Directors:

Joseph Waters
Director and Shareholder

1/29/2016
Date

Phil Stapf
Director and Shareholder

1-29-16
Date