

**ORDINANCE NO. 90-16**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH GEORGE BARAN TO USE OR OCCUPY PART THE NORTH BROADWAY PUBLIC RIGHT-OF-WAY LOCATED IN FRONT OF THE PROPERTY AT 536 N. BROADWAY 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 George Baran to use or occupy a part of the N. Broadway public right-of-way located in front of the Baran property at 536 N. Broadway Street (Permanent Parcel #028-19B-14-034) with a 282 square foot portion of a 752 square foot garden area encompassed by a 3 foot tall fence.
- 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:** June 27, 2016

**SIGNED:** Dennie Simpson  
Chairman Pro-Tem

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** June 28, 2016

**SIGNED:** Dennis T. Hanwell  
Mayor



8 1 3 4 1 8 0

Tx:8103075

*OP-90-16*

**2016OR015150**

**COLLEEN M. SWEDYK  
MEDINA COUNTY RECORDER  
MEDINA, OH**

**RECORDED ON  
07/13/2016 3:21 PM**

**REC FEE: 68.00**

**PAGES: 8**

**DOC TYPE: EASE**

**MEDINA COUNTY RECORDER**

**COLLEEN M. SWEDYK**

**(DO NOT REMOVE THIS COVER SHEET.  
THIS IS THE FIRST PAGE OF THIS DOCUMENT)**

## REVOCABLE USE PERMIT

Ord. 90-16  
Exh. A

Permission is hereby granted to **George Baran** (“**Permittee**”) to use or occupy a part of the North Broadway public right-of-way located in front of the **Permittee’s** property at 536 N. Broadway Street (Permanent Parcel #028-19B-14-034) with a 282 square foot portion of a 752 square foot garden area encompassed by a 3 foot tall fence. The area of encroachment and fence plans are shown on the attached exhibits and legal description.

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, for any reason and at any time, may order 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 **Goerge Baran**. 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 hold 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 the public right-of-way of North Broadway Street 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 site plan of the intended encroachments is attached to and incorporated into this permit.

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

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

Law Director  
City of Medina  
132 North Elmwood  
P.O. Box 703  
Medina, OH 44258

Dated at Medina, Ohio, this 28 day of June, 2016,

**CITY OF MEDINA**

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 28th day of June, 2016, at Medina, Ohio.

*Sandra Davis*  
NOTARY PUBLIC  
*Expires 11-20-16*  
SANDRA DAVIS



Accepted this ~~7th~~<sup>11th</sup> day of July, 2016.

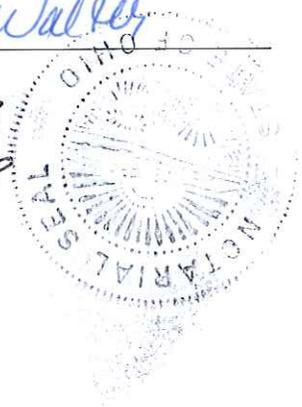
By: George Baran  
GEORGE BARAN, Property Owner

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 George Baran, 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 11th day of July, 2016, at Medina, Ohio.

Kimberly A. Walter  
NOTARY PUBLIC  
KIMBERLY A. WALTER  
Expires Aug. 3, 2018.



Prepared by:  
Gregory Huber, Law Director  
City of Medina

Description of Land Area for a Revocable Use Permit  
For the Purpose of Installing a Fence within the Public Right of Way  
Adjacent to 536 N. Broadway Street, Medina, OH

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Situated in the City of Medina, County of Medina and the State of Ohio, beginning at a point of intersection of the East right of way line of North Broadway Street and the northwest corner of Medina County Auditor's Permanent Parcel Number 028-19A-14-034 (Medina City Lot #793, known as 536 North Broadway Street) and being considered the true point of beginning,

1. thence South 90 degrees, 00 minutes, 00 seconds West a distance of 15.00 feet to a point,
2. thence South 00 degrees, 00 minutes, 00 seconds West a distance of 35.00 feet to a point,
3. thence North 90 degrees, 00 minutes, 00 seconds East a distance of 15.00 feet to a point,
4. thence North 00 degrees, 00 minutes, 00 seconds East a distance of 35.00 feet to a point and being the true point of beginning.

The above area is contained within the City of Medina right of way abutting the property at Medina County Auditor's Permanent Parcel Number 028-19A-14-034 (Medina City Lot #793, known as 536 North Broadway Street) and contains 0.01205 acres more or less.

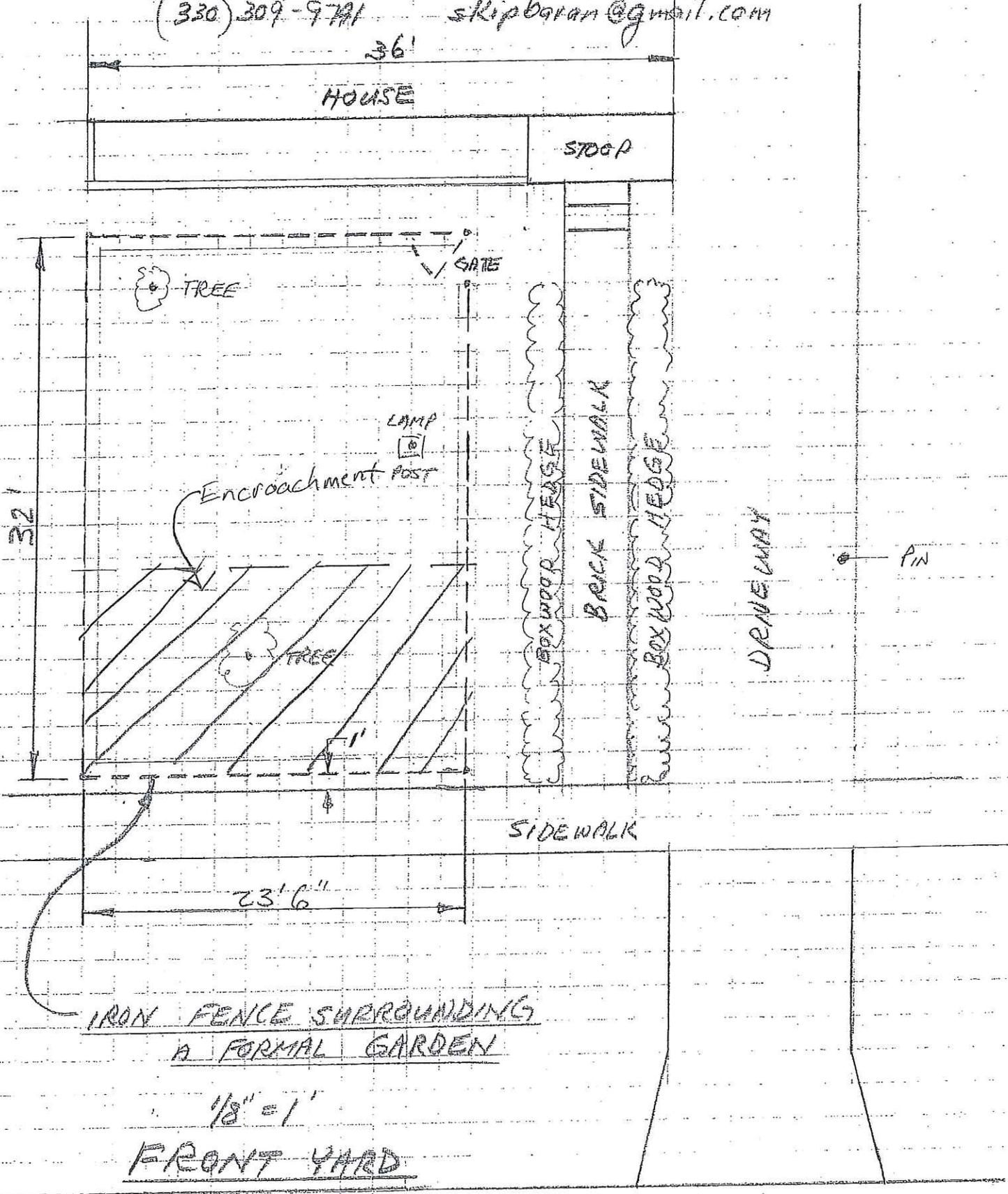
Bearings are based on an assumed meridian and are used herein to indicate angles only.

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GEORGE "SKIP" BARAN 536 N. BROADWAY ST

(330) 309-9791

skipbaran@gmail.com



IRON FENCE SURROUNDING  
A FORMAL GARDEN

1/8" = 1'  
FRONT YARD

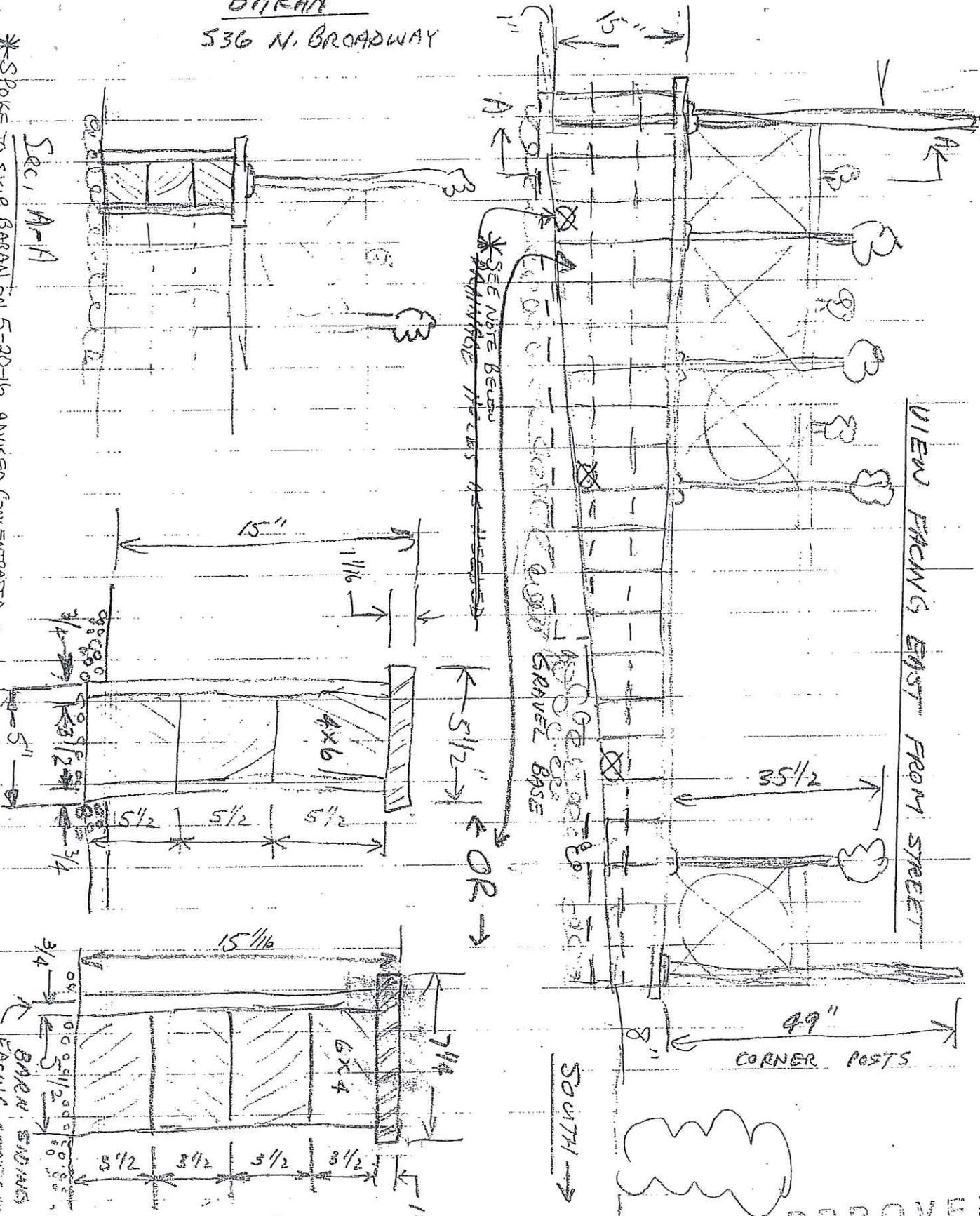
N. BROADWAY ST

N →

DIKMAN  
536 N. BROADWAY

\*SPOKE TO SKIP BARAN ON 5-20-16, ADVISED CONCENTRATED LOADS FROM PILE DISCHARGE WOULD NOT BE ACCEPTABLE THIS CLOSE TO THE STRUCTURE.  
IF DRAINAGE BECOMES AN ISSUE AFTER FENCE IS STRUCTURED, HE WILL CONTACT THE STAFF AT THE STRAW.

Sec. A-A



APPROVED

\*SEE ROW NOTE

CITY OF MEDINA  
ENGINEERING DEPARTMENT  
By Cell 5-20-16  
For CITY ENGINEER EAST

APPROVED

FOR ZONING CODE COMPLIANCE ONLY  
CITY OF MEDINA, OHIO  
PLANNING OFFICIAL  
DATE 5/20/16

Chris Pat  
See notes Pyl

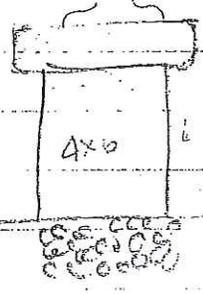
536 N. BROADWAY

RENDERING 2 OF 2

FENCE

Color

CAP (5/4)

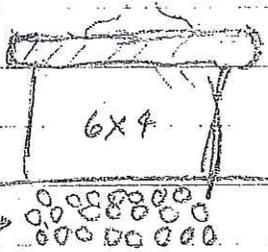


OR

design to face

FENCE

Gate



CRUSHED LIMESTONE CORE



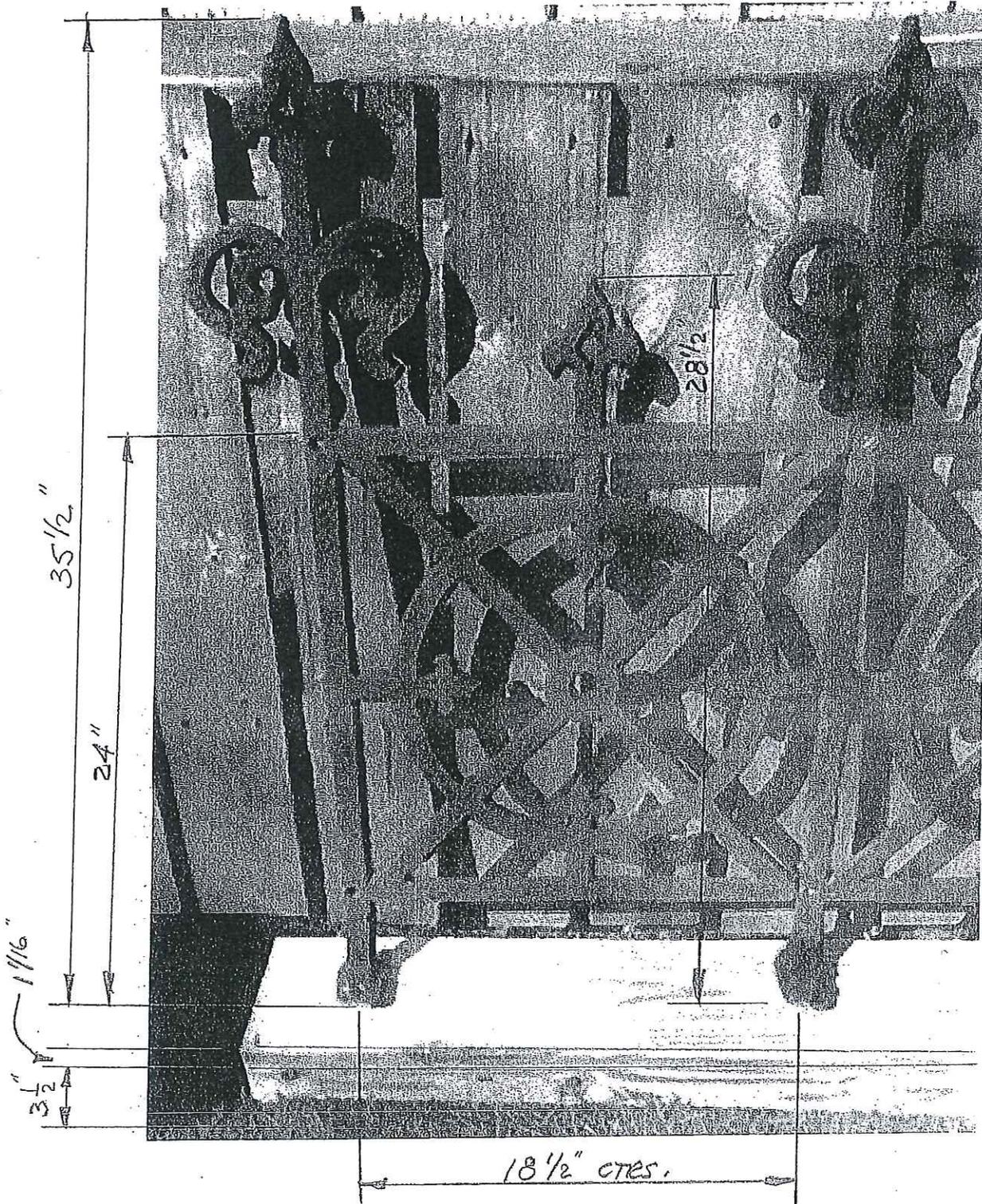
sand trim on base?

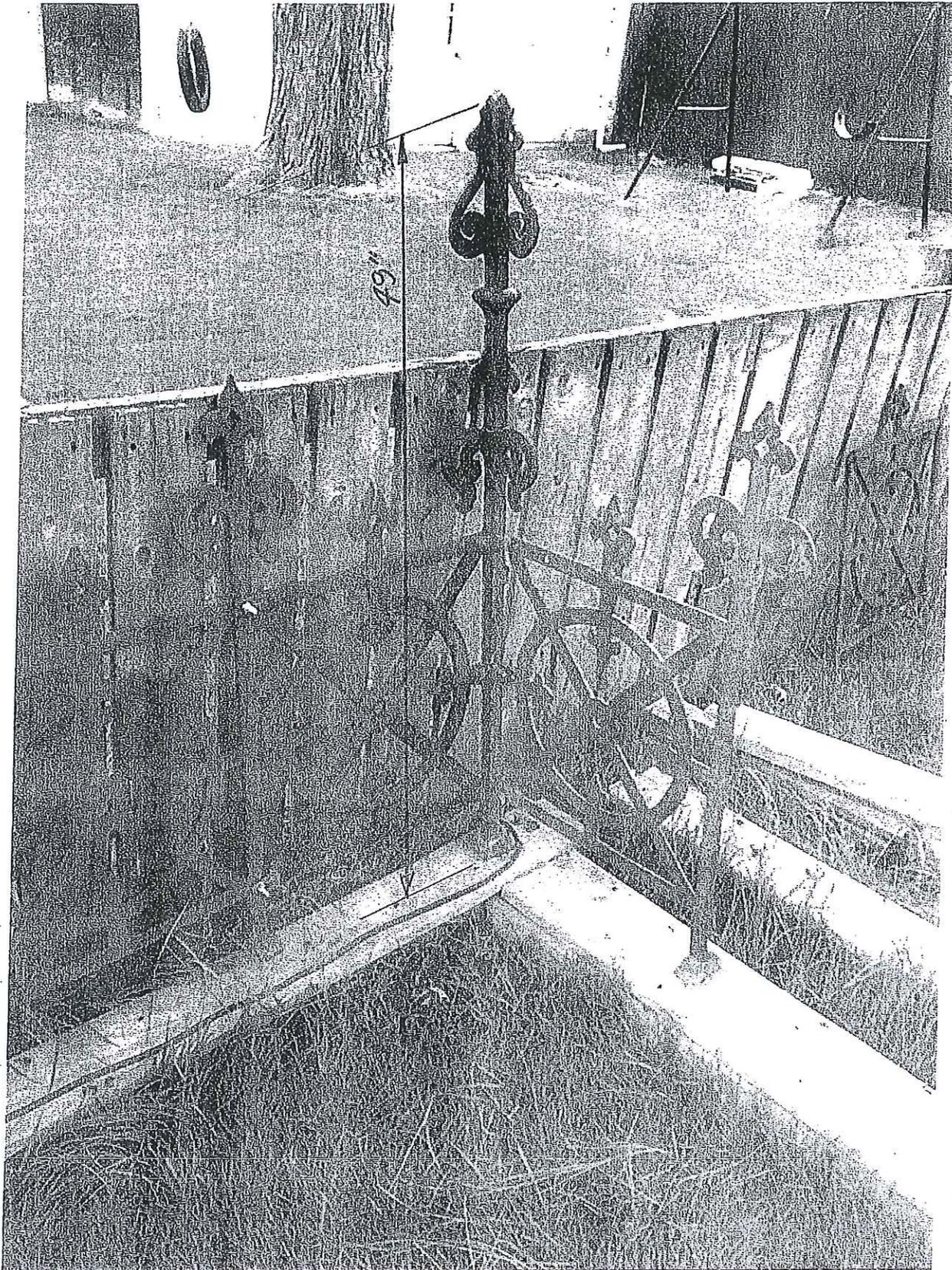
DETAIL

536 N. BROADWAY

177. CITY TOWN FENCE SECTION

1 OF 2

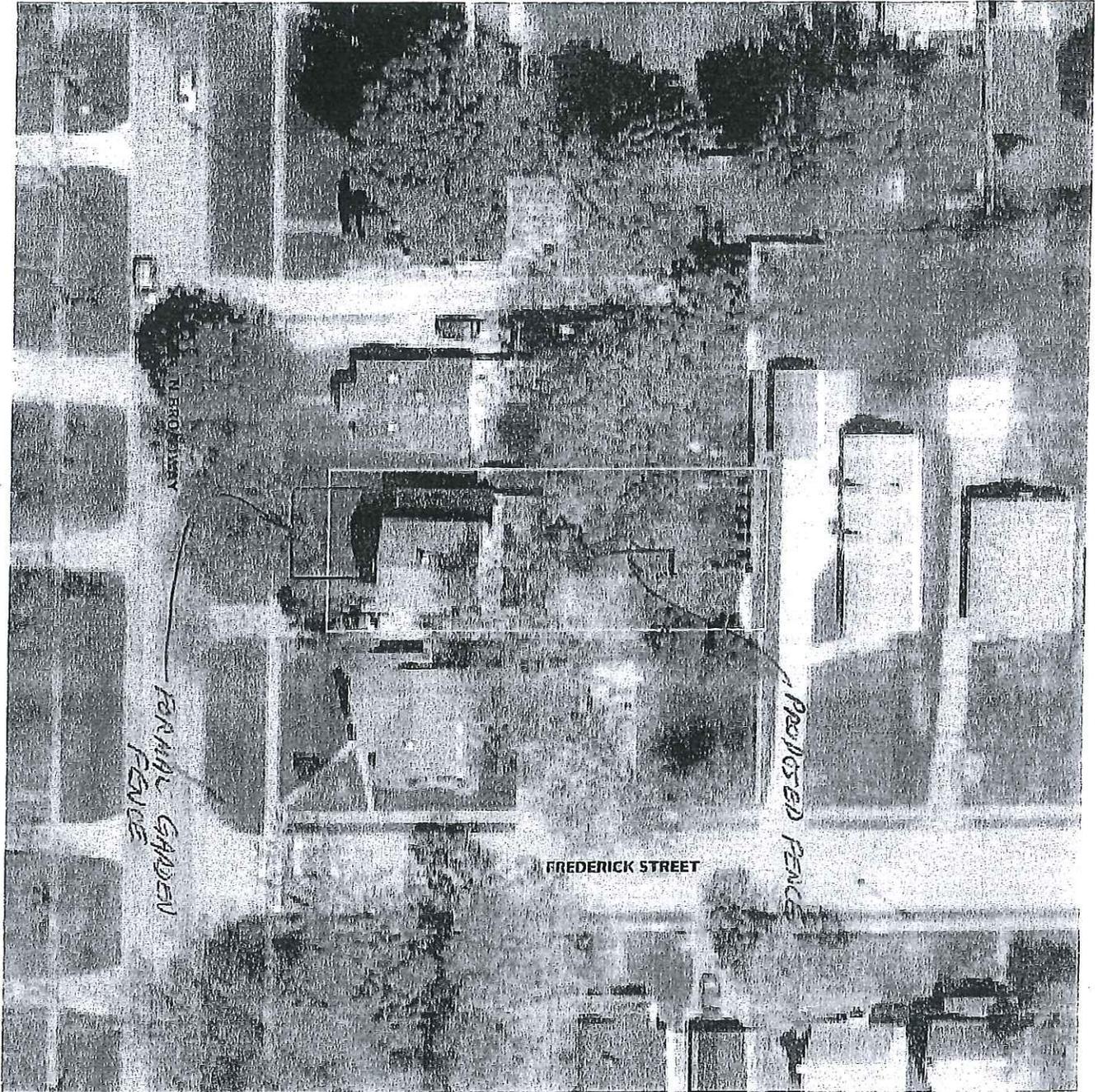




536 N. BROADWAY

BARON

# Parcel Airphoto and '06 Contours Flip Map 2011



0 39 78 ft

Place the Mouse Over the Map And Click to Flip Map Views  
 Disclaimers: [Orthos](#) [Contours](#)

**APPROVED**

FOR ZONING CODE COMPLIANCE ONLY

CITY OF MEDINA, OHIO

PLANNING OFFICIAL

DATE

*Just Bet*

*see notes Pg 1*