

ORDINANCE NO. 22-17

AN ORDINANCE DECLARING THE NECESSITY TO APPROPRIATE A FEE SIMPLE INTEREST ON PROPERTY AS SET FORTH IN EXHIBIT "A" FOR THE MUNICIPAL PURPOSE OF REPLACING A CULVERT ALONG NORTH HARMONY STREET OVER BRADWAY CREEK WITHIN THE CITY OF MEDINA, AND DECLARING AN EMERGENCY.

WHEREAS: It has been determined that it is necessary for the City of Medina to acquire a fee simple interest from a property owner whose property is listed by permanent parcel number on Exhibit "A," attached hereto and incorporated herein, for the purpose of replacing a culvert along North Harmony Street over Bradway Creek within the City of Medina so as to replace the aging culvert;

WHEREAS: The Ohio Department of Transportation, acting on behalf of the City of Medina, has been unable to satisfactorily negotiate the acquisition of a fee simple interest with the property owner listed on Exhibit "A";

WHEREAS: In order that the culvert replacement be completed within a reasonable time and for the avoidance of inconvenience to the residents of the City of Medina, it is necessary to obtain the fee simple interest in the most expeditious manner possible.

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

- SEC. 1:** That a fee simple interest in and to the property known as Permanent Parcel Number 028-19B-15-184, more fully described in Exhibit "B," attached hereto and incorporated herein, is hereby appropriated pursuant to the State of Ohio Constitution, laws of the State of Ohio, and the ordinances of the City of Medina, Ohio.
- SEC. 2:** The Medina City Council finds that the appropriation is necessary for the replacement of a culvert along North Harmony Street over Bradway Creek within the City of Medina so as to replace the aging culvert, and further finds that the City of Medina has been unable to agree with the aforementioned property owner as to the value of the fee simple interest.
- SEC. 3:** The Medina City Council hereby approves the appropriation of the fee simple interest pursuant to chapter 163 of the Ohio Revised Code; the City Law Director is hereby authorized to take all steps permitted pursuant to chapter 163 so that the City of Medina may obtain immediate possession of the property for the public purpose stated herein.

SEC. 4: The Law Director is hereby authorized and directed to file a petition for appropriation in a court of competent jurisdiction, and have a jury impaneled to assess the compensation to be paid for the fee simple interest taken upon the described real estate.

SEC. 5: The Medina City Council hereby authorizes and directs the Mayor and the City Law Director to establish the value for the fee simple interest to be taken on the individual property according to the appraisal of the parcel and to deposit said amount with the Medina County Court of Common Pleas for the use and benefit of the owner of the described properties and that upon that deposit, the City of Medina shall take possession of and enter upon the properties pursuant to law.

SEC. 6: That the funds necessary to cover this appropriation are available from the State of Ohio Department of Transportation, that the State of Ohio Department of Transportation is instructed and authorized to appropriate the amounts to be deposited with the Medina County Court of Common Pleas pursuant to this Ordinance and make disbursements of such funds as necessary.

SEC. 7: That it is found and determined that all formal actions of the Medina City Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of its committees resulting in formal actions have taken place in compliance with Medina City Ordinances and § 121.22 of the Ohio Revised Code.

SEC. 8: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare, and for the further reason that it is immediately necessary to acquire the fee simple interest to ensure the satisfactory completion of the culver replacement project within the City of Medina, and further provided that this legislation receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be enforced immediately upon its passage and approval by the Mayor.

PASSED: February 13, 2017

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: February 14, 2017

SIGNED: Dennis Hanwell
Mayor

Ord. 22-17
Exh. A



20130R007335
20130R007335

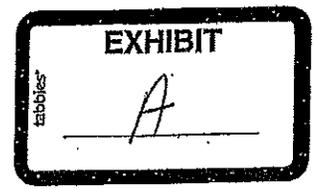
COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
03/21/2013 12:54:49PM

REC FEE: \$36.00
PAGES: 3
DOC TYPE: GC

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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



This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code. 3/21/2013
FEE \$
2.00 EXEMPT
Michael E. Kovack, CMAA, Medina County Auditor

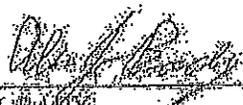
QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That ALAN J. BADY, divorced and not remarried, and CONSTANCE L. BADY aka CONSTANCE L. SHEPPERD-BADY aka CONSTANCE SHEPPERD-BADY, divorced and not remarried, the Grantor(s), who claim title by or through instrument recorded in Medina County Recorder's Office for the consideration of Ten or more Dollars (\$10.00) received to the full satisfaction of CONSTANCE L. SHEPPERD, the Grantee(s), whose tax mailing address will be 7464 Carsten Woods Lane, Medina, OH 44256, Given, Granted, Remised, Released and Forever Quit-Claimed, and do by these presents absolutely give, grant, remise, release and forever quit-claim unto the said Grantee(s); her heirs and assigns forever, all such right and title as they, the said Grantor(s), have or ought to have in and to the following described piece(s) or parcel(s) of land, situated in the County of Medina and State of Ohio:

See attached Exhibit "A"

To have and to hold the premises aforesaid, with the appurtenances thereunto belonging to the said Grantee(s), her heirs and assigns, so that neither the said Grantor(s), nor his/her heirs, nor any other persons claiming title through or under him/her, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

Executed by me this FEB day of FEB, in the year of our Lord two thousand thirteen.
22

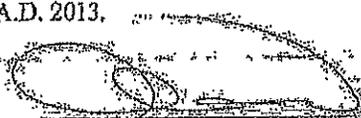

ALAN J. Bady

7335-1

STATE OF OHIO)
MEDINA COUNTY) ss.

Before me, a Notary Public, in and for said County and State, personally appeared the above-named ALAN J. BADCY, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Medina, Ohio, this 22 day of FEB, A.D. 2013.


ALAN J. BADCY, Notary Public
For the State of Ohio, Medina County
My Commission Expires July 17, 2016
NOTARY PUBLIC

Executed by me this 22 day of FEB, in the year of our Lord two thousand thirteen.


CONSTANCE L. BADCY aka
CONSTANCE L. SHEPPERD-BADCY aka
CONSTANCE SHEPPERD-BADCY

STATE OF OHIO)
MEDINA COUNTY) ss.

Before me, a Notary Public, in and for said County and State, personally appeared the above-named CONSTANCE L. BADCY aka CONSTANCE L. SHEPPERD-BADCY aka CONSTANCE SHEPPERD-BADCY, who acknowledged that She did sign the foregoing instrument and that the same is her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Medina, Ohio, this 22 day of February, A.D. 2013.


NOTARY PUBLIC

Notary Public
My Commission Expires 6/30/2016

Prepared by:
JAMES B. PALMQUIST, III
Attorney at Law
6 Public Square
Medina, OH 44256
(330) 725-4935

7335-2

Exhibit "A"

Situated in the Township of Lafayette, County of Medina and State of Ohio: and being part of Township Tract 1, Large Lot 3, Small Lot 11 and being the whole of Sublot 2 and containing 5.3654 acres of the Carsten Woods Subdivision as recorded February 4, 1992 at 10:29 a.m. in Plat Volume 24, Page 126 of Medina County Records.

PPN: 020-10A-21-026

Prior Deed Reference:

Property Address: 7464 Carsten Woods Lane, Medina, OH 44256

Situated in the City of Medina, County of Medina and the State of Ohio and being more fully described as being City Lot Number 8385 in the Chapman Grove Cluster Home Subdivision, Phase 3, as shown by the recorded plat Number ~~1999 PL 000091~~ of the Medina County Records, as appears by said Plat.

Be the same more or less but subject to all legal highways, conditions, restrictions and easements of record, and zoning ordinances, if any.

PPN: 028-19A-09-126

Prior Deed Reference: 2002 OR 034358

Property Address: 1150 Chapman Lane #17, Medina, OH 44256

Situated in the Township of Lafayette, County of Medina and State of Ohio: and known as being part of original Tract 1, Large Lot 3, Lot 11 of said Township and known as being the whole of Sublot 4 in the Carsten Woods Subdivision as recorded in Plat Volume 24, Page 126 of Medina County Recorder's Records, be the same more or less, but subject to all legal highways.

PPN: 020-10A-21-028

Prior Deed Reference: 2001 OR 007841

Property Address: 7444 Carsten Woods, Medina, OH 44256

Situated in the City of Medina, County of Medina and State of Ohio: And known as being City Lot 838 as shown by the record of Plats in Volume 5 of Maps, Page 18, Medina County Records, subject to all legal highways.

PPN: 028-19B-15-184

Prior Deed Reference: 1998 OR 020700

Property Address: 318 N. Harmony, Medina, OH 44256

7335-3

RX 251 WDV

Page 1 of 2

Rev. 05/09

Ver. Date 11/17/2015

PID 97553

PARCEL 3-WDV
MED-HARMONY ST.
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF MEDINA, MEDINA COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

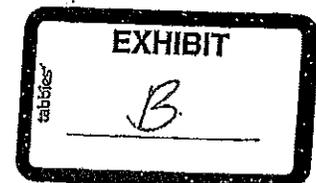
[Surveyor's description of the premises follows]

Situated in the City of Medina, County of Medina, and State of Ohio, and being part of the City Lot 838, said lot being conveyed to Constance L. Shepperd (hereinafter known as the "Grantor"), by deed dated March 21, 2013 and recorded in Document Number 2013OR007335, of the Medina County Recorder's Office, Medina County, Ohio, and being bounded and more particularly described as follows:

Being a parcel of land lying on the east side of the centerline of existing right-of-way of North Harmony Street, (a 33' Right-of-Way) as shown and delineated upon the right-of-way plans designated as MED-Harmony St. prepared for the State of Ohio, Department of Transportation by Carpenter Marty Transportation Inc., and being more particularly described as follows:

Beginning at a point at the Grantor's southwesterly corner, also being the southwesterly corner of City Lot 838, said point being 16.50 feet right of Station 24+58.57 in said centerline and witnessed by an iron pin having a cap marked "ROLLING HOCEVAR" found at a bearing of North 89 degrees 43 minutes and 17 seconds West at a distance of 0.37 feet;

Thence along the Grantor's westerly line, also being the existing easterly right-of-way line of said North Harmony Street, North 0 degrees 16 minutes 43 seconds East a distance of 42.43 feet to an iron pin set 16.50 feet right of Station 25+01.00 in said centerline;



Thence through said Lot 838 the following two courses:

- 1) South 89 degrees 43 minutes 17 seconds East a distance of 8.50 feet to a concrete monument set 25.00 feet right of Station 25+01.00 in said centerline;
- 2) South 12 degrees 58 minutes 56 seconds East a distance of 43.60 feet to an iron pin set in the Grantor's southerly line, and southerly line of City Lot 838, said pin being 35.00 feet right of Station 24+58.57 in said centerline;

Thence along said southerly line North 89 degrees 43 minutes 17 seconds West a distance of 18.50 feet to the TRUE POINT OF BEGINNING, containing 0.0132 acres, of which the present road occupies 0.000 acres.

The above described Parcel of land is located in Auditor's Parcel Number 028-19B-15-184.

Iron pins referred to as set are 3/4 inch diameter rebar, 30 inches long with a 2 inch diameter aluminum cap marked "MEDINA CITY R/W, P.S. 8124". Monuments referred to as concrete monuments set are 3/4 inch diameter rebar, 36 inches long with a 3 inch diameter aluminum cap marked "C/L REF. MON., CITY OF MEDINA, P.S. 8124". All monuments shall be set at the completion of right-of-way acquisition.

This description is based on a survey performed for the Ohio Department of Transportation in May of 2015 by Carpenter Marty Transportation Inc. This description was prepared and reviewed on November 17, 2015 by Kevin P. Carpenter, Registered Surveyor Number 8124.

The bearings found herein are based on Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011) with a project adjustment scale factor of 1.00010463.

Legal Approved
Date 11-25-15
By Cecilia Gibson

