

ORDINANCE NO. 44-18

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH PEACEWORKS, INC., AN OHIO NON-PROFIT CORPORATION, TO USE OR OCCUPY 4,455 SQUARE FEET ON BOLIVAR ALLEY FOR USE AS A GARDENING AREA PLOT.

WHEREAS: The City has received a request for a Revocable Use Permit from Peaceworks, Inc., a Ohio Non-Profit Corporation located at 689 West Liberty Street #7, Medina, Ohio, to use or occupy 4,455 square feet (0.1023 acres) on Bolivar Alley, at the site of the former Bolivar Alley water storage tank known as Medina City Lot No. 279, Permanent Parcel No. 028-19A-21-140, for the purposes of utilizing the land as a gardening area plot where produce, fruits, vegetables, and other earth-grown gardening activities may occur.

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

- SEC. 1:** That the Mayor is hereby authorized and directed to execute a Revocable Use Permit with Peaceworks, Inc., a Ohio Non-Profit Corporation, 689 West Liberty Street #7, Medina, Ohio for Parcel No. 028-19A-21-140, to grant permission to utilize the land as a gardening area plot where produce, fruits vegetables, and other earth-grown gardening activities may occur.
- SEC. 2:** That a copy of the Revocable Use Permit is marked Exhibit A, attached hereto and incorporated herein.
- SEC. 2:** That the Clerk of Council is hereby directed to file the Revocable Use Permit with the Medina County Recorder.
- 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 in full force and effect at the earliest period allowed by law.

PASSED: March 12, 2018

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: March 13, 2018

SIGNED: Dennis Hanwell
Mayor

Effective date: April 11, 2018

REVOCABLE USE PERMIT

Ord. 44-18
Exhibit A

Permission is hereby granted to **Peaceworks, Inc., an Ohio Non-Profit Corporation**, ("**Permittee**") located at 689 West Liberty Street, #7, Medina, Ohio 44256, to use or occupy 4,455 square feet (0.1023 acres) on Bolivar Alley at the site of the former Bolivar Alley water storage tank known as Medina City Lot No. 279, Permanent Parcel No 028-19A-21-140, for the purposes of utilizing the land as a gardening area plot where produce, fruits, vegetables, and other earth-grown gardening activities may occur. The area of the encroachment is shown on the site plan attached hereto and incorporated herein as "Exhibit A." This Revocable Use Permit is hereby granted to **Peaceworks, Inc.** The **City of Medina** makes no guarantee as to permitting a successive user the use of the encroachment area.

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**, its successors and assigns.

The **City of Medina** may, at any time, terminate this Use Permit. The **City of Medina**, for any reason and at any time, may order removal of the uses, fixtures, or 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 uses and/or encroachments, it shall be promptly undertaken at the sole expense of **Peaceworks, Inc.** Failure on the part of the **Permittee** to conform to the provisions of this permit shall be cause for suspension, revocation, or annulment of this permit, as the **City of Medina** deems necessary, and the City may remove the uses and/or encroachments at the **Permittee's** sole expense. The **Permittee** shall indemnify and hold the **City of Medina** harmless from any and all liability, loss, claim, suit, and damage which the **City of Medina** may incur on account of death or injury to any person, and for damage to or loss of property of the **City of Medina**, arising out of or resulting from this Use Permit and the occurrence, presence, or existence of the activities occurring on or near the encroachment area. **Permittee** shall not be responsible to indemnify and hold the **City of Medina** harmless from liability caused by the **City of Medina's** (and its employees and agents') own negligence or intentional tortuous conduct.

No alterations other than those authorized by this permit may be made to the area being utilized by the **Permittee** except that the **Permittee** may perform such routine maintenance as is required to keep the encroachments in good condition. The land area and 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 as "Exhibit A."

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

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

Dated at Medina, Ohio, this 13th day of March, 2018.

CITY OF MEDINA

By: *Dennis Hanwell*
DENNIS HANWELL, Mayor

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary 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 his voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 13th day of March, 2018, at Medina, Ohio.

Sherry A. Crow
NOTARY PUBLIC

SHERRY A. CROW
Notary Public
State of Ohio, Medina County
My Commission Expires 5-27-19

Accepted this _____ day of _____, 2018.

**PEACEWORKS, INC.,
An Ohio Non-Profit Corporation**

By: _____
DAVID CLARDY, Director

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named, **Peaceworks, Inc., an Ohio Non-Profit Corporation, by David Clardy, its Director**, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said corporation and his voluntary act.

IN TESTIMONY WHEREOF, I have set my hand and official seal this _____ day of _____, 2018, at Medina, Ohio.

NOTARY PUBLIC

This instrument prepared by:
Gregory A. Huber
Law Director
City of Medina
132 Elmwood Avenue
P.O. Box 703
Medina, OH 44258
(330)722-9070

- W Tract, Lot, & Section
- W Right Of Way
- W Street Centerline
- W Railroad
- W River Bank & Lake
- W Sublot
- W Condominium
- W Parcel
- W School District
- W Dual-jurisdiction
- S Cities
- S Villages

	Weather	Building
Ortho 2000	Ortho 2004	Ortho 2005
	Ortho 2007	Highway Use
Obliqs 2007	Obliqs 2011	Owners
	Traffic Counts	Rail Crossing
Work Request	Striping	Bridge/Culvert
		SWCD Map

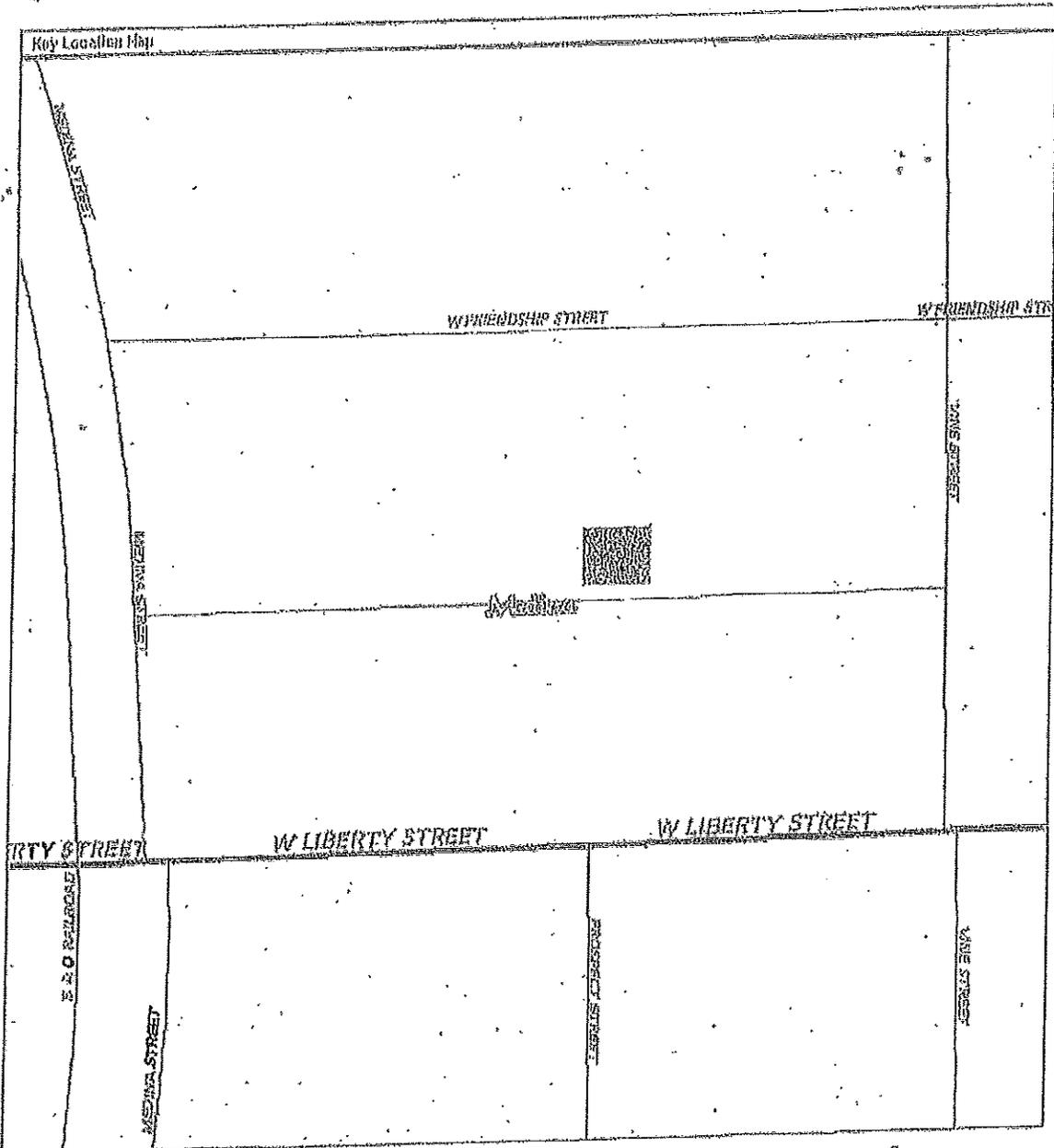


EXHIBIT A 3/15/2012

Parcel Airphoto and '06 Contours Flip Map 2007



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