

**ORDINANCE NO. 87-18**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) HIGHWAY EASEMENT NECESSARY FOR THE EAST SMITH ROAD RECONSTRUCTION PROJECT.**

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

- SEC. 1:** That the Mayor is hereby authorized to accept one (1) Highway Easement necessary for the East Smith Road Reconstruction Project, City Job #1011.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, part of Medina City Lot 1051.
- 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:** May 14, 2018

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** May 15, 2018

**SIGNED:** Dennis Hanwell  
Mayor

**Effective date – June 13, 2018**

## Perpetual Highway Easement and Right of Way

ORD 87-18  
Exh. A

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of TWO THOUSAND FIFTY-ONE and 41/100 Dollars \$2,051.41) and other good and valuable consideration recited herein given to RJDM PROPERTIES, INC. 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 perpetual right-of-way and easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing ROADWAY PAVEMENT, SIDEWALK, UTILITES 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, also known as being part of Medina City Lot 1051 and being part of lands conveyed to RJDM Properties, Inc. by deed recorded on November 1, 2001 as recorded in Document No. 2001OR039626 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the northeast corner of said lands conveyed to RJDM Properties, Inc. and the northeast corner of said Medina City Lot 1051, the same being the point of intersection of the western line of South Broadway Street having a 60-foot wide Right-of-Way with the southern line of East Smith Road having a 60-foot wide Right-of-Way and the **PRINCIPAL PLACE OF BEGINNING** of the easement herein described;

Thence along the eastern line of said lands conveyed to RJDM Properties, Inc. and the eastern line of said Medina City Lot 1051 and the western line of said South Broadway Street, bearing South 00° 25' 07" East, a distance of 24.98 feet to a point thereon;

Thence along a curve to the left with a radius of 25.00 feet, a tangent length of 24.98 feet, a chord which bears North 45° 23' 32" West, for a distance of 35.34 feet, along said arc for a distance of 39.25 feet to a point on the northern line of said lands conveyed to RJDM Properties, Inc. and the northern line of said Medina City Lot 1051 and the southern line of said East Smith Road;

Thence along the northern line of said lands conveyed to RJDM Properties, Inc. and the northern line of said Medina City Lot 1051 and the southern line of said East Smith Road, bearing North 89° 38' 03" East, a distance of 24.98 feet to the **PRINCIPAL PLACE OF BEGINNING**, containing 0.0031 acres of land (134 square feet), more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate 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 ROADWAY PAVEMENT, SIDEWALK, UTILITIES 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 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, Medina City Lot No. 1051 with the necessary equipment to remove grass, vegetation, brush, pavement and sidewalk as necessary to allow for the proposed grading for the roadway pavement, sidewalk and curb ramp; installation; to install roadway pavement and curb; to install sidewalk and a curb ramp; to complete grading as necessary; 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 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, Medina City Lot No. 1051 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.

IN WITNESS WHEREOF, the undersigned have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Grantor:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: RJDM Properties, Inc.  
\_\_\_\_\_

State of Ohio )

County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, \_\_\_\_\_, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have set my hand and official seal at Medina, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal:

This instrument was prepared by:

Gregory Huber, Law Director  
City of Medina, Ohio  
132 N. Elmwood Avenue  
Medina, OH 44256

# SKETCH OF EASEMENT

Part of Medina City Lot No. 1051

Date: September, 2017

Owner: RUDM PROPERTIES, INC.

Parcel Number: 028-19D-01-003

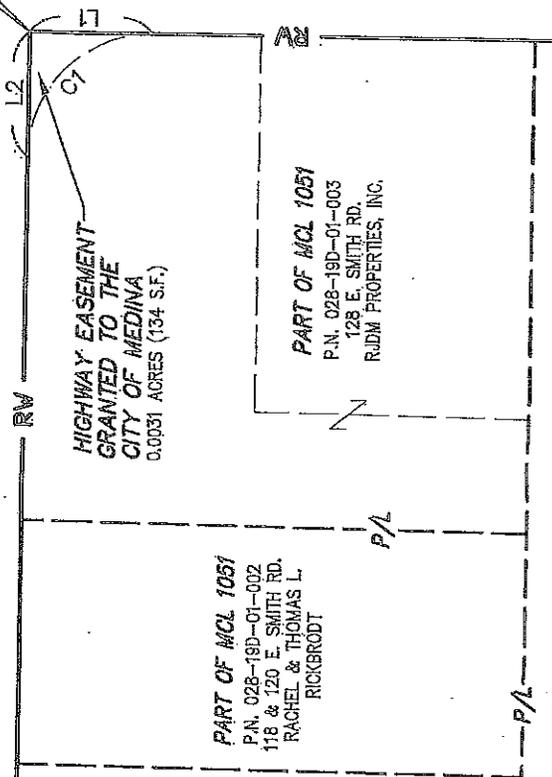
## CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA     | TANGENT | CHORD BEARING | CHORD  |
|-------|--------|--------|-----------|---------|---------------|--------|
| C1    | 39.25' | 25.00' | 89°56'50" | 24.98'  | N 45°23'32" W | 35.34' |

**EAST SMITH ROAD 60' R/W**

PRINCIPAL PLACE OF BEGINNING

| LINE | LENGTH | BEARING       |
|------|--------|---------------|
| L1   | 24.98  | S 00°25'07" E |
| L2   | 24.98  | N 89°38'03" E |

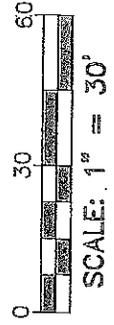


**HIGHWAY EASEMENT GRANTED TO THE CITY OF MEDINA**  
0.0031 ACRES (134 S.F.)

**PART OF MCL 1051**  
P.N. 028-19D-01-002  
118 & 120 E. SMITH RD.  
RACHEL & THOMAS L. RICKBRODT

**PART OF MCL 1051**  
P.N. 028-19D-01-003  
128 E. SMITH RD.  
RUDM PROPERTIES, INC.

**SOUTH BROADWAY 60' R/W**



NOTE:  
BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.

**CITY OF MEDINA**  
**DEPARTMENT OF ENGINEERING**  
132 N. ELMWOOD AVENUE  
MEDINA, OHIO 44256  
CITY JOB No. 1011