

RCA 24-205-10/15
fully executed
Recorded

ORDINANCE NO. 190-24

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH DOMINIC P. CHEFF III AND GINA A. CHEFF TO USE OR OCCUPY THE FRAMED SHED LOCATED ON CITY PARK PROPERTY KNOWN AS CITY LOT NO. 5720, ADJACENT TO THE RESIDENCE AT 1044 STURBRIDGE DRIVE.

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 Dominic P. Cheff III and Gina A. Cheff to use or occupy the framed shed located on City park property known as City Lot 5720, Permanent Parcel No. 028-19D-14-024, located adjacent to Mr. and Mrs. Cheff's property at 1044 Sturbridge Drive, Medina, Ohio.
- 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: October 28, 2024

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 29, 2024

SIGNED: Dennis Hanwell
Mayor

ORD 190-24



DocId:8551507

Tx:8402280

2024OR020111

LINDA HOFFMANN
MEDINA COUNTY RECORDER

MEDINA, OH

RECORDED ON

12/17/2024 01:35 PM

REC FEE: 58.00

PAGES: 6

DOC TYPE: EASE

MEDINA COUNTY RECORDER

LINDA HOFFMANN

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

REVOCABLE USE PERMIT

ORD. 190-24
Exh. A

Permission is hereby granted to **Dominic P. Cheff III and Gina A. Cheff** ("**Permittees**") to use or occupy the framed shed located on City park property known as City Lot No. 5720, Permanent Parcel No. 028-19D-14-024, located adjacent to Mr. and Mrs. Cheff's property at 1044 Sturbridge Drive, Medina, Ohio. The framed building is owned by the Permittees and is located on City-owned park property. The area of encroachment is shown on the property sketch attached hereto and incorporated herein as "Exhibit A." Permission is not granted for any other use or structures on City-owned property.

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 Permittees, his heirs, successors, and assigns.

The City of Medina, for any reason and at any time, may order the removal of the encroachment that is 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 encroachment, it shall be promptly undertaken at the sole expense of Mr. and Mrs. Cheff. The parties agree that the framed building shall be removed at the property owner's expense upon any sale or transfer of the property known as Permanent Parcel No. 028-19D-10-285 unless a separate revocable use permit is granted by City of Medina to the subsequent property owner. Failure on the part of the Permittees 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 encroachment at the Permittees' sole expense. The Permittees 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 the presence or existence of the encroachment in the encroachment area. Permittees 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 tortious conduct.

No alterations may be made to the encroachment except that the Permittees may perform such routine maintenance as is required to keep the encroachment in good condition. If the encroachment is removed or destroyed, no new facility shall be permitted to encroach on the City park without the express, written consent of the City of Medina. The encroachment for which this permit is issued shall be subject to all permits required by the City of Medina. A site plan of the intended encroachment is attached to and incorporated into this permit as "Exhibit A."

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

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

Dated at Medina, Ohio 4th day of December, 2024

CITY OF MEDINA

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 the voluntary act of said City and his voluntary act individually and as such officer.

IN WITNESS WHEREOF, I have set my hand and official seal at this 4 day of December, 2024, at Medina, Ohio.



TRACY ECKERT
Notary Public
State of Ohio
My Comm. Expires
August 25, 2029

Tracy Eckert
NOTARY PUBLIC

Accepted this 13th day of December, 2024



DOMINIC P. CHEFF III, Property Owner



GINA A. CHEFF, 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, **Dominic P. Cheff III and Gina A. Cheff**, who executed the foregoing instrument in my presence and acknowledged the same to the voluntary act of said City and his voluntary act individually and as such officer.

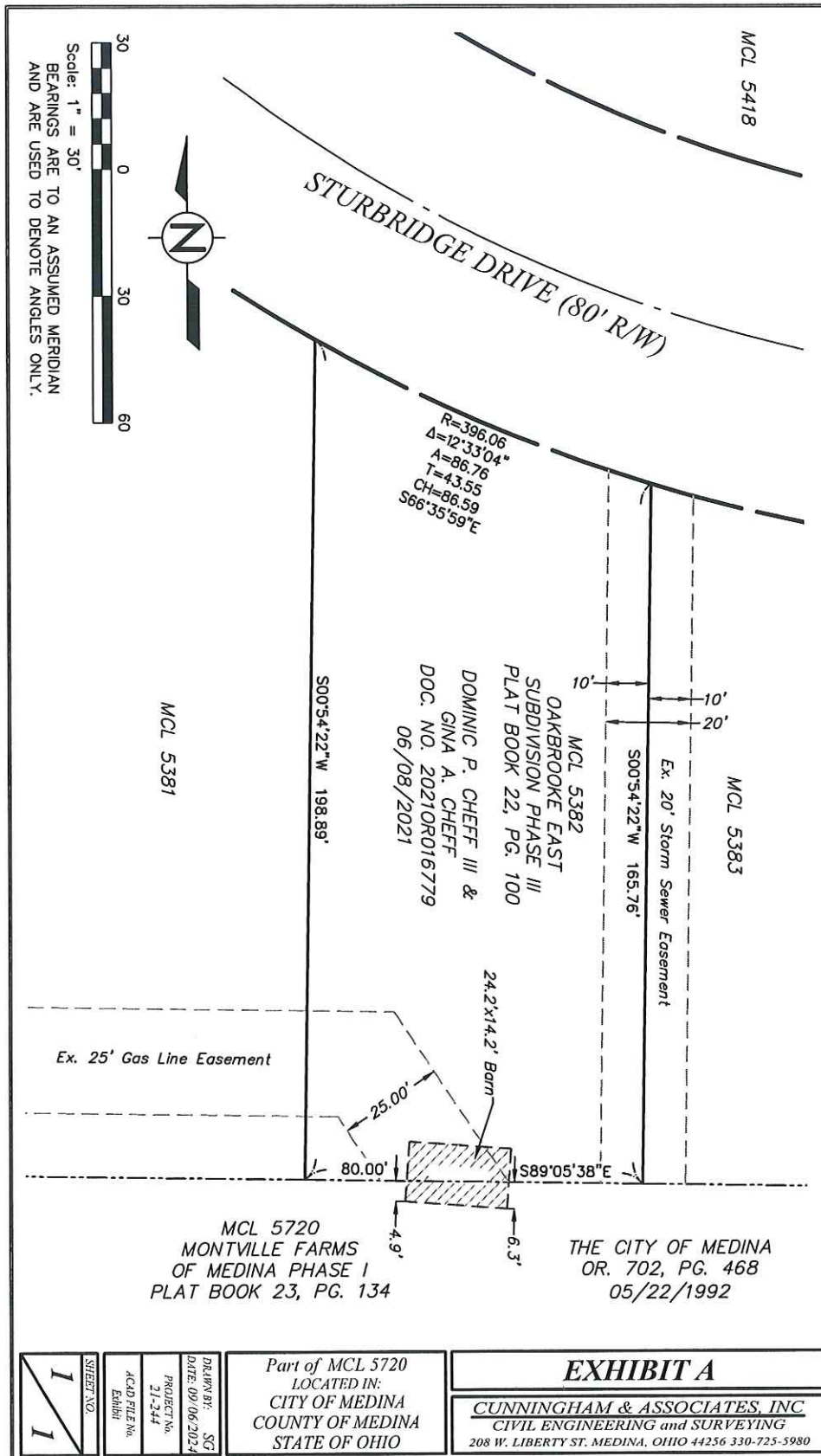
IN WITNESS WHEREOF, I have set my hand and official seal at this 13 day of December, 2024, at Medina, Ohio.



TRACY ECKERT
Notary Public
State of Ohio
My Comm. Expires
August 25, 2029


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



Scale: 1" = 30'
 BEARINGS ARE TO AN ASSUMED MERIDIAN
 AND ARE USED TO DENOTE ANGLES ONLY.



SHEET NO.
 1 / 1

DATE: 09/06/2024
 PROJECT No. 21-244
 A/C/D FILE No. Exhibit

Part of MCL 5720
 LOCATED IN:
 CITY OF MEDINA
 COUNTY OF MEDINA
 STATE OF OHIO

EXHIBIT A
CUNNINGHAM & ASSOCIATES, INC.
 CIVIL ENGINEERING and SURVEYING
 208 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

1044 Sturbridge Drive, Medina, Ohio 44256, the following described Real Property:

Situated in the City of Medina, County of Medina and State of Ohio:
And known as being the whole of Lot No. 5382, in the Oakbrooke East
Subdivision, Phase III, as recorded in Plat Volume 22, Page 100 of Medina
County Recorder's Records, be the same more or less, but subject to
all legal highways.

Permanent Parcel Number: 028-19D-10-285

Property Address: 1044 Sturbridge Drive, Medina, Ohio 44256

**Prior Instrument Reference: Document 2011OR010981, Medina
County, Ohio Recorder's Office**