

**ORDINANCE NO. 55-22**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT NECESSARY FOR THE WEST SMITH RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY.**

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

- SEC. 1:** That the Mayor is hereby authorized to accept one (1) Easement necessary for the West Smith Road Reconstruction Project.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is located on Permanent Parcel No. 028-19C-04-106, one (1) temporary easement.
- SEC. 3:** That the funds to cover the easement, in the amount of \$300.00 are available in Account No. 108-0610-54411.
- 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason failure to meet the deadline can delay the project; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** March 28, 2022

**SIGNED:** James A. Shields  
President of Council Pro-Tem

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** March 28, 2022

**SIGNED:** John M. Coyne, III  
Acting Mayor

ORD 55-22  
Exh. A

LPA RE 807  
Rev. 10/2017

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LPA

**TEMPORARY EASEMENT**

Mark T. Earnhart, Single, the Grantor(s), in consideration of the sum of \$300.00, to be paid by City of Medina, Ohio, the Grantee, do grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 43-T

MED-CR 0004-15.47

SEE EXHIBIT A ATTACHED

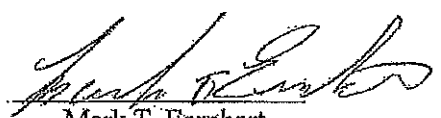
Medina County Current Tax Parcel No, 028-19C-04-106  
Prior Instrument Reference Instrument No. 2022OR003764, Medina County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 24 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Mark T. Earnhart, Single has hereunto set his hands on the 2<sup>nd</sup>  
day of March, 2022.

  
Mark T. Earnhart

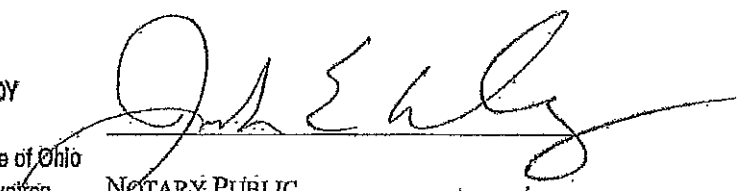
STATE OF OHIO, COUNTY OF Medina ss:

BE IT REMEMBERED, that on the 2<sup>nd</sup> day of March, 2022, before me the subscriber, a Notary Public in and for said state and county, personally came the above-named Mark T. Earnhart who acknowledged the foregoing instrument to be his voluntary act and deed. No oath or affirmation was administered to Mark T. Earnhart with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



JOSEPH E ALMADY  
Notary Public  
In and for the State of Ohio  
My Commission Expires August 22, 2023

  
NOTARY PUBLIC  
My Commission expires: 8/22/2023

This document was prepared by or for the City of Medina on forms approved by the Ohio Attorney General's Office.

**EXHIBIT A**

LPA RX 887T

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Ver. Date 06/22/2021

PID 112540

**PARCEL 43-T  
MED-CR 0004-15.47  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY TO  
REMOVE TREE AND GRADE  
FOR 24 MONTHS FROM DATE OF ENTRY BY THE  
CITY OF MEDINA, MEDINA COUNTY, OHIO**

{Surveyor's description of the premises follows} Q.S.A.

Situated in the State of Ohio, County of Medina, City of Medina, being in Original Lot 1 of Montville Township, Township 2 North, Range 14 West of the Connecticut Western Reserve, and being part of Medina City Lot 2207 as shown in Plat for the Purpose of Assigning City Lot Numbers To the Subdivision of Out Lots 1005, 1006, 1008, 1009, 1010, 1011 and 1012 as recorded in Plat Book volume 8, page 20 (all document references are to the records of Medina County, Ohio Recorder's office, unless otherwise stated), as conveyed to Mark T. Earnhart by the instrument filed as **Instrument No. 2022OR003764**.

Being a parcel of land lying on the right side of the centerline of right-of-way of Smith Road (60' R/W - Public) and being more particularly described as follows:

**COMMENCING FOR REFERENCE** at a point being referenced by a 1/2" iron pin found bearing South 00 degrees 03 minutes 16 seconds East at a distance of 0.38 feet, said point being on the existing southerly right-of-way line of Smith Road, at the northeast corner of the said Medina City Lot 2207, and being the northwest corner of Medina City Lot 2206 as conveyed to Gary R. Akers and Diane J. Akers, Trustees Under Gary R. Akers and Diane J. Akers Declaration of Trust Dated May 17, 2016 by the instrument filed as Document Number 2020OR016183, said point being 30.00 feet right of the centerline of right-of-way of Smith Road station 82+73.17;

Thence along the said existing southerly right-of-way line of Smith Road and along the northerly line of the said Medina City Lot 2207, **South 89 degrees 00 minutes 34 seconds West for a distance of 12.61 feet** to a point being 30.00 feet right of the centerline of right-of-way of Smith Road station 82+60.56, said point being the **TRUE POINT OF BEGINNING** of the parcel herein described;

Thence crossing through the said Medina City Lot 2207, for the following three (3) courses:

**EXHIBIT A**

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1. **South 00 degrees 59 minutes 26 seconds East for a distance of 5.00 feet to a point being 35.00 feet right of the centerline of right-of-way of Smith Road station 82+60.56;**
2. **South 89 degrees 00 minutes 34 seconds West for a distance of 20.00 feet to a point being 35.00 feet right of the centerline of right-of-way of Smith Road station 82+40.56;**
3. **North 00 degrees 59 minutes 26 seconds West for a distance of 5.00 feet to a point being 30.00 feet right of the centerline of right-of-way of Smith Road station 82+40.56;**

Thence along the said existing southerly right-of-way of Smith Road and the northerly line of the said Medina City Lot 2207, **North 89 degrees 00 minutes 34 seconds East for a distance of 20.00 feet to the TRUE POINT OF BEGINNING** of the parcel herein described.

The above description contains a total area of **0.0023 acres**, (0.0000 acres are located within the Present Road Occupied resulting in a net take of 0.0023 acres), all of which are located within Medina County Auditor's **Parcel number 028-19C-04-106**.

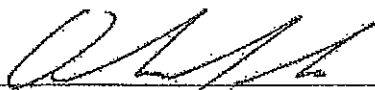
The current source of title to the boundary herein described as of this writing recorded in **Official Record volume 1291, page 361** in the records of Medina County.

This description was prepared by Andrew T. Jordan, Ohio Registered Professional Surveyor number 8759, and is based on an actual field survey conducted by American Structurepoint Inc. in October of 2020, and is true and correct to the best of my knowledge and belief.

The bearings for this description are based on Grid North, reference North 89 degrees 12 minutes 02 seconds East for the existing centerline of right-of-way for W. Smith Road, as referenced to The Ohio State Plane Coordinate system (North Zone) and the North American Datum of 1983 (2011 Adjustment) as established utilizing a GPS survey and NGS OPUS solution.

The stations referenced herein are from the plans known as M.E.D.-CR 0004- 15.47 (W SMITH ROAD) on file with the City of Medina, Ohio.

American Structurepoint, Inc.

  
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Andrew T. Jordan  
Registered Professional Surveyor No. 8759



6-22-2021