

**ORDINANCE NO. 84-22**

**AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A FIBER EQUIPMENT EASEMENT FOR MEDINA FIBER TO LOCATE THEIR FACILITIES ON CITY OWNED PROPERTY.**

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

- SEC. 1:** That the Mayor is authorized and directed to execute a Fiber Equipment Easement for Medina Fiber to locate their facilities on City owned property.
- SEC. 2:** That a copy of the Fiber Equipment Easement is marked Exhibit A, attached hereto, and incorporated herein.
- 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:** April 25, 2022

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

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** April 26, 2022

**SIGNED:** Dennis Hanwell  
Mayor

THE UNDERSIGNED, CLERK OF THE COUNCIL OF THE CITY OF MEDINA, OHIO, HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE RESOLUTION NO. 84-22 ADOPTED BY THE COUNCIL ON April 25, 2022

Kathy Patton  
CLERK OF COUNCIL

**Fiber Equipment Easement**

ORD. 84-27  
EXH. A

*KNOW ALL MEN BY THESE PRESENTS:*

That in consideration of (ONE and 00/100) Dollars (\$1.00) and other good and valuable consideration recited herein given to THE CITY OF MEDINA hereinafter "Grantor(s)" by MEDINA FIBER, LLC, 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 fiber equipment easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing EQUIPMENT NECESSARY TO PROVIDE FIBER OPTIC SERVICES 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:

Reference 'Exhibit A', attached.

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. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

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 FIBER EQUIPMENT.
2. Grantee shall apply for and obtain all required building and/or electrical permits from the City of Medina Building Department.
3. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
4. 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.
5. Grantee will secure and protect all permanent structures within the construction zone.
6. 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 MEDINA FIBER, LLC and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 1000 Wadsworth Road; Permanent Parcel No. 028-19D-09-306, part of Medina City Lot 5555 with the necessary equipment to erect, install operate and maintain fiber optic equipment in accordance with the plans and/or specifications as prepared by Medina Fiber LLC, 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.

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 has executed this instrument this 26<sup>th</sup> day of April, 2022.

Grantor:

CITY OF MEDINA

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

Name: Dennis Hanwell, Mayor

STATE OF OHIO )  
 ) SS:  
MEDINA, COUNTY )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of April

2022, by Dennis Hanwell, who acknowledged that he/she/they did sign this Power of Attorney, and that

the same is his/her/their free act and deed.

I have signed and sealed this Power of Attorney at Medina, Ohio this 20<sup>th</sup> day of April, 2022.

Notary Public: Kimberly A. Walter

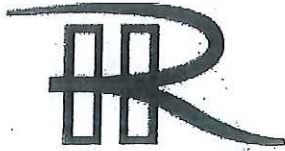
Printed Name: Kimberly A. Walter

My Commission Expires: August 15, 2023

Notary Seal: **Kimberly A. Walter  
NOTARY PUBLIC  
In and For the State of Ohio  
Recorded in Medina County  
My Commission Expires 8/15/2023**

This instrument was prepared by:

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



**ROLLING & HOCEVAR**  
A Geo Innovation Group Affiliate

Engineering and Surveying  
257 S. Court St. • Suite 6  
Medina, Ohio 44256  
Phone: 330-723-1828 • 800-723-1870  
Fax: 330-723-6637  
E-mail: info@rh-inc.com

Legal Description for Fiber Equipment Easement  
Project No. 32,082  
March 7, 2022

Situated in the City of Medina, County of Medina and State of Ohio, known as being part of Medina City Lot No. 5555, as recorded in Plat Volume 22, Page 197 of Medina County Recorder's Records, also being a part of land conveyed to The City of Medina by deed recorded on April 21, 1989 in Official Record Volume 487, Page 149 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the Southwest corner of said Medina City Lot No. 5555, the same being a point in the centerline of Wadsworth Road (S.R. 57) having a 60-foot wide Right of Way;

Thence along the Western line of said Medina City Lot No. 5555, and the centerline of said Wadsworth Road, bearing North 34°51'01" West, a distance of 101.19 feet to a point thereon;

Thence at a right angle, bearing North 55°08'59" East, a distance of 30.00 feet to a point in the Eastern line of said Wadsworth Road and the **TRUE PLACE OF BEGINNING** of the Fiber Equipment easement herein described;

Thence at a right angle along the Eastern line of said Wadsworth Road, bearing North 34°51'01" West, a distance of 25.00 feet to a point thereon;

Thence at a right angle, bearing North 55°08'59" East, a distance of 12.00 feet to an angle point;

Thence at a right angle, bearing South 34°51'01" East, a distance of 25.00 feet to an angle point;

Thence at a right angle, bearing South 55°08'59" West, a distance of 12.00 feet to a point in the Eastern line of said Wadsworth Road and the **TRUE PLACE OF BEGINNING**, containing 0.0069 acres (300 square feet) of land, more or less but subject to all legal highways and all covenants of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hocevar, Inc. in February 2022.

# SKETCH OF EASEMENT CREATING A FIBER EQUIPMENT EASEMENT

SITUATED IN THE CITY OF MEDINA, COUNTY OF  
MEDINA AND STATE OF OHIO, ALSO KNOWN AS BEING  
PART OF MEDINA CITY LOT 5555.

PROPOSED 12' x 25'  
FIBER EQUIPMENT EASEMENT  
0.0069 Acres - (300 S.F.)

PPN 028-19D-09-306  
MCL 5555  
PLAT VOL. 22, PG. 197  
THE CITY OF MEDINA  
O.R. VOL. 487, PG. 149  
04-21-1989

T.P.O.B. EASEMENT

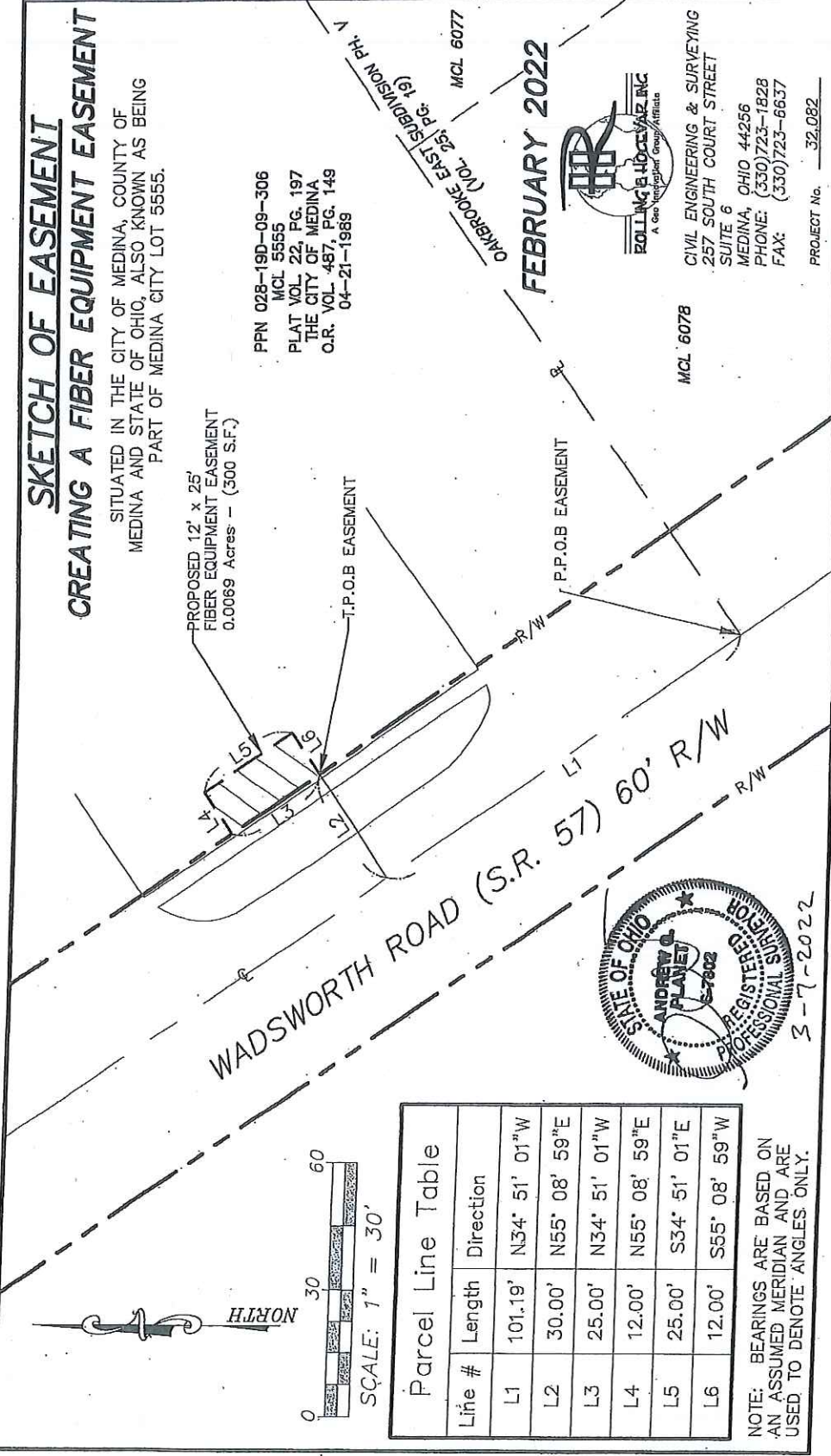
P.P.O.B. EASEMENT

FEBRUARY 2022

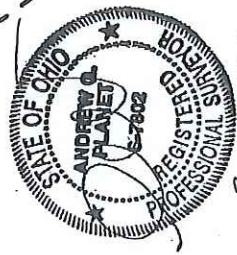


CIVIL ENGINEERING & SURVEYING  
257 SOUTH COURT STREET  
SUITE 6  
MEDINA, OHIO 44256  
PHONE: (330)723-1828  
FAX: (330)723-6637  
PROJECT No. 32,082

MCL 6078



WADSWORTH ROAD (S.R. 57) 60' R/W



Parcel Line Table		
Line #	Length	Direction
L1	101.19'	N34° 51' 01"W
L2	30.00'	N55° 08' 59"E
L3	25.00'	N34° 51' 01"W
L4	12.00'	N55° 08' 59"E
L5	25.00'	S34° 51' 01"E
L6	12.00'	S55° 08' 59"W

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