

ORDINANCE NO. 68-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A LIMITED WARRANTY DEED FOR THE DONATION OF 10.1478 ACRES OF LAND BEING KNOWN AS PERMANENT PARCEL NUMBER 028-19D-03-124, FROM WEST CREEK CONSERVANCY TO THE CITY OF MEDINA, OHIO, AND TO EXECUTE ALL RELATED DOCUMENTS.

WHEREAS: Resolution No. 186-22, passed October 11, 2022, supported the West Creek Conservancy’s Clean Ohio Green Space Conservation Program application for the Champion Creek Connector Project; and

WHEREAS: West Creek Conservancy has requested that the City of Medina receive and care for this property into the future.

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 all related documents and to accept a Limited Warranty Deed for the donation of 10.1478 acres of land at the corner of E. Smith Road and Guilford Boulevard, being known as Permanent Parcel Number 028-19D-03-124, from West Creek Conservancy to the City of Medina, Ohio.

SEC. 2: That a copy of the Warranty Deed and legal description is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That the payment for closing costs, not to exceed \$960.63, is hereby authorized to Innovative Title and Escrow Services, LLC, available in Account No. 104-0301-52215.

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: March 27, 2023

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

ATTEST: Kathy Patton
Clerk of Council

APPROVED: March 27, 2023

SIGNED: John M. Coyne, III
Acting Mayor

LIMITED WARRANTY DEED

ORD. 68-23
Exh. A

KNOW ALL MEN BY THESE PRESENTS that this Limited Warranty Deed is given as of _____, 2023, by West Creek Conservancy, an Ohio nonprofit corporation (“**Grantor**”), in favor of City of Medina, Ohio (“**Grantee**”). As used in this Limited Warranty Deed, the terms “Grantor” and “Grantee” include those parties’ successors and assigns where the context requires or permits.

Grantor, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, does hereby grant, sell, and convey to Grantee that parcel of land described in Exhibit A attached hereto (“**Property**”). Grantor became vested in the Property pursuant to an instrument previously recorded in the Official Records of Medina County at _____.

TO HAVE AND TO HOLD the Property, with all the easements and the appurtenances thereto, belonging to the use and benefit of Grantee forever, subject to restrictions, conditions and easements of record, zoning ordinances, if any, and taxes and assessments, both general and special, which are a lien but not yet due and payable.

Grantor covenants with Grantee that the Property is free from all encumbrances made by Grantor except as herein provided.

Grantor will warrant and defend the Property with the appurtenances thereunto belonging unto Grantee forever against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand, as of _____, 2023.

Grantor: West Creek Conservancy

By: _____
Derek Schafer, Executive Director

STATE OF OHIO)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Derek Schafer, Executive Director of West Creek Conservancy, an Ohio nonprofit corporation, on behalf of such corporation.

Notary Public
My commission expires _____

This Instrument Was Prepared By:
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LEGAL DESCRIPTION

Situated in the City of Medina, County of Medina, and State of Ohio:
Known as being the whole of Medina City Lot Number 3673.

EXCEPTING THEREFROM:

Situated in the City of Medina, County of Medina, and State of Ohio:

and located in Township 2, Range 14 of The Connecticut Western Reserve, being a part of City Lot 3673, being a 10.2808 acre parcel conveyed to James W. McKee and Nancy D. McKee (herein called the Grantor), recorded in Deed Book Volume 474, Page 952 dated 2-25-1976 of Medina County Recorder's Records, and being described as follows:

Beginning, for reference, at the intersection of the centerline of right-of-way and construction for Gullford Boulevard with the centerline of right-of-way of East Smith Road, located on centerline of right-of-way and construction station 29+00.67 for Gullford Boulevard;

Thence North 62° 16 minutes 49 seconds West, with the centerline of East Smith Road, a distance of 31.38 feet to the Northeasterly corner of said City Lot No. 3673, located 30.00 feet right of centerline of right-of-way and construction station 29+09.88 for Gullford Boulevard;

Thence across East Smith Road and with the Easterly line of said City Lot 3673 and with the Westerly existing right-of-way line of Gullford Boulevard, the following courses:

South 44° 47 minutes 30 seconds West, a distance of 355.12 feet, to an iron pin set on the Westerly right-of-way line of Gullford Boulevard, located 30.00 feet right of centerline of right-of-way and construction station 32+65.00 for Gullford Boulevard and being the True Point of Beginning;

Continuing South 44° 47 minutes 30 seconds West, a distance of 145.00 feet, to an iron pin set on the Westerly right-of-way line Gullford Boulevard, located 30.00 feet right of centerline of right-of-way and construction station 34+10.00 for Gullford Boulevard;

Thence across said City Lot 3673 the following courses:

North 45° 12 minutes 30 seconds West, a distance of 40.00 feet, to an iron pin set located 70.00 feet right of centerline of right-of-way and construction station 34+10.00 for Gullford Boulevard;

North 44° 47 minutes 30 seconds East, a distance of 145.00 feet to an iron pin set, located 70.00 feet right of centerline of right-of-way and construction station 32+65.00 Gullford Boulevard;

South 45° 12 minutes 30 seconds East, a distance of 40.00 feet the True Point of Beginning, containing 0.133 acre, more or less, of which 0.000 acre is within the present road occupied and is contained within Auditor's Parcel Number 028-19D-03-006.

All references are to the records of the Recorder's Office, Medina County, Ohio, unless otherwise noted. Iron pins set, as shown on said Right-Of-Way plans, in the above description are 3/8 inch steel rod, thirty (30) inches long with a 2" diameter

EXHIBIT A
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aluminum cap stamped "EMHT INC. «

The bearings shown hereon are based on the Ohio State Plane Coordinate System, North Zone, NADAS3 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The portion of the centerline of Guilford Boulevard, having a bearing of South 44° 47' 30" West, is designated the "basis of bearing" for this survey.

This description was prepared by, or under the supervision of Joshua M. Meyer, Registered Surveyor No. 8485, and is based upon record documents and an actual field survey conducted by Evans, Mechwart, Hambleton & Tilton, Inc. in 2017.

Intending to convey, after exception, 10.1478 acres of land, be the same more or less, but subject to all legal highways.

Property Address: East Smith Road

Parcel Number: 028-19D-03-124

EXHIBIT A
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