

*fully executed
Recorded***ORDINANCE NO. 12-18**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT WITH CHARLES DALE NOVICKY TO USE OR OCCUPY THE FRAMED SHED LOCATED ON CITY PARK PROPERTY KNOWN AS CITY LOT NO. 3248, ADJACENT TO THE RESIDENCE AT 960 RAOA PLACE.

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 Charles Dale Novicky to use or occupy the framed shed located on City park property known as City Lot 3248, Permanent Parcel No. 028-19D-09-239, located adjacent to Mr. Novicky's residence property at 960 RAOA Place, 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: January 22, 2018

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: January 23, 2018

SIGNED: Dennis Hanwell
Mayor



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Tx:8141151

2018OR002078

COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
01/31/2018 2:13 PM

REC FEE: 72.00
PAGES: 6
DOC TYPE: EASE

opd 1a-18

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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

REVOCABLE USE PERMIT

Ord 12-18
Exh. A

Permission is hereby granted to **Charles Dale Novicky** ("**Permittee**") to use or occupy the framed shed located on City park property known as City Lot No. 3248, Permanent Parcel No. 028-19D-09-239, located adjacent to Mr. Novicky's residence property at 960 Racoa Place, Medina, Ohio. The framed building is owned by the Permittee 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 use of a fire pit 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 **Permittee**, his heirs, successors, and assigns.

The **City of Medina**, for any reason and at any time, may order 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 **Charles Dale Novicky**. 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-09-239. Failure on the part of the **Permittee** 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 **Permittee's** sole expense. The Permittee 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. Permittee 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 tortuous conduct.

No alterations may be made to the encroachment except that the **Permittee** 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 this encroachment shall be in writing to the following:

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

Dated at Medina, Ohio, this 23rd day of January, 2018.

CITY OF MEDINA

By: Dennis Hanwell
DENNIS HANWELL, Mayor

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

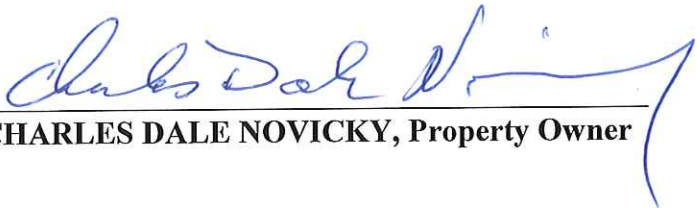
BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named, City of Medina, by Dennis Hanwell, its Mayor, who executed the foregoing instrument in my presence and acknowledged the same to be the voluntary act of said City and his voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 23rd day of January, 2018, at Medina, Ohio.

Sherry A. Crow
NOTARY PUBLIC

SHERRY A. CROW
Notary Public
State of Ohio, Medina County
My Commission Expires 5-27-19

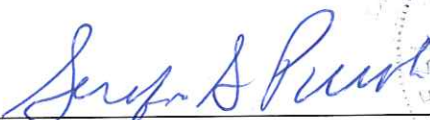
Accepted this 22nd day of January, 2018.

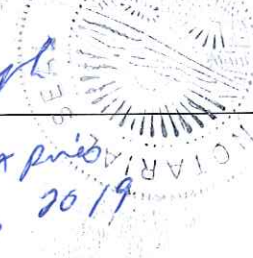

CHARLES DALE NOVICKY, Property Owner

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named, **Charles Dale Novicky**, who executed the foregoing instrument in my presence and acknowledged the same to be his free act and deed.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 22nd day of January, 2018, at Medina, Ohio.


NOTARY PUBLIC
my Commission expires
OCTOBER 26, 2019
SERAFINO PICCOLI



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

C/L 3248
THE CITY OF MEDINA
DEED VOL. 433, PG. 180
9/18/72

LICENSE AGREEMENT
AREA = 0.0466 AC.
(2,028.59 S.F.)

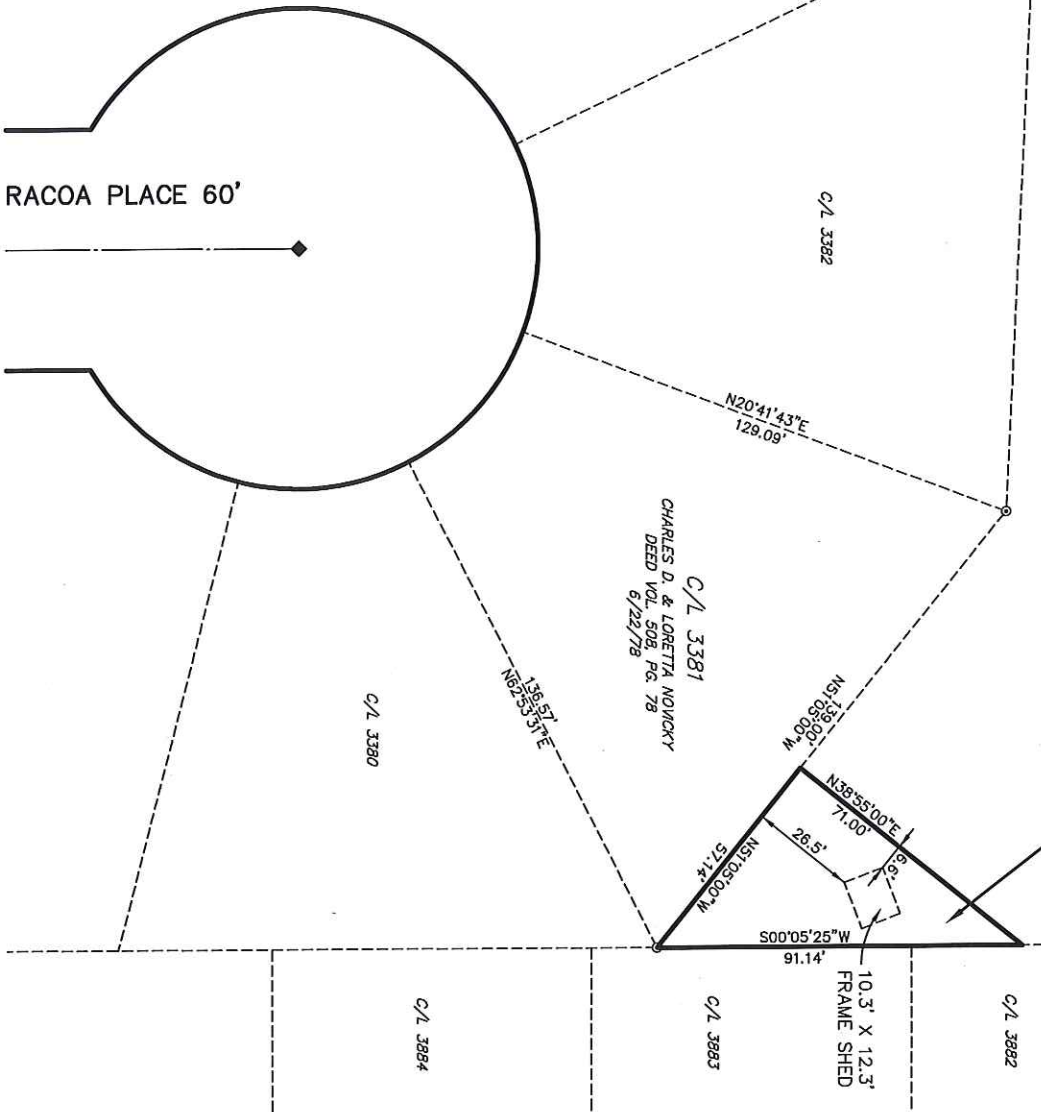


EXHIBIT A - PROPERTY SKETCH

CITY: MEDINA

SUBDIVISION: MONTNEW PH. 2 C/L NO.: 3248

PROP OWNER: THE CITY OF MEDINA

COUNTY OF MEDINA & STATE OF OHIO

DATE: NOVEMBER, 2017 SCALE: 1" = 30'



LEGEND:

○ PIN FOUND

◆ MONUMENT FOUND & USED

CITY OF MEDINA

DEPARTMENT OF ENGINEERING

132 N. ELMWOOD AVENUE
MEDINA, OHIO 44256

Know all Men by these Presents

That, Welco Development Co.,

, the Grantor ,
who claim title by or through instrument , recorded in Volume , Page ,
County Recorder's Office, for the consideration of Ten and more
Dollars (\$ 10.00)
received to its full satisfaction of The City of Medina

the Grantee ,
whose TAX MAILING ADDRESS will be do

Give, Grant, Bargain, Sell and Convey unto the said Grantee ,
heirs and assigns, the following described premises, situated in the City of
Medina , County of Medina and State of Ohio:

and known as being the whole of Block "A", City Lot 3248, Montview Subdivision, Phase II, further bounded and described as follows: Beginning at the Northeast corner of Medina City Lot 3248, Block "A" of Montview Subdivision Phase II; thence S. 0° 05' 25" W. along the East line of City Lot 3248, 334.75 feet to a point; thence N. 51° 05' 00" W. 139.00 feet to a point; thence N. 87° 10' 00" W. 154.00 feet to a point; thence S. 44° 05' 03" W. 138.16 feet to a point; thence S. 34° 25' 43" W. 145.00 feet to a point; thence S. 0° 08' 30" W. 150.00 feet to a point in the North right of way line of Montview Drive (60 feet wide); thence N. 89° 51' 30" W. along the North right of way line of Montview Drive, 35.00 feet to a point; thence N. 0° 08' 30" E. 134.00 feet to a point; thence N. 46° 50' 00" W. 102.59 feet to a point; thence N. 39° 37' 54" E. 176.83 feet to a point; thence N. 0° 08' 30" E. 150.00 feet to a point; thence N. 34° 30' 00" W. 145.00 feet to a point in the North line of City Lot 3248; thence S. 89° 51' 30" E. 519.43 feet to the principal place of beginning and containing therein 3.464 acres of land as surveyed August, 1972, by Thomas A. Cunningham, Registered Surveyor No. 5274, be the same more or less, but subject to all legal highways.

159943

M. L.

RECEIVED AND RECORDED

AT 10:56 A.M.

SEP 13 1972

VOL. 433 PG. 180-1

ELSIE L. FETZER

Medina County Recorder

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MICROFILMED

be the same more or less, but subject to all legal highways.

VOL 433 PAGE 180