

ORDINANCE NO. 91-18

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT TO 226 SOUTH COURT STREET (PPN 028-19B-20-110) TO USE OR OCCUPY A PART OF THE CITY RIGHT-OF-WAY AN EXISTING ENCLOSED STAIRWELL ATTACHED TO AND ABUTTING THE MAIN STRUCTURE.

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 to use or occupy part of the City Right-of-Way an existing enclosed stairwell attached to and abutting the main structure which is located at 226 S. Court Street (Medina City Lot #43; PPN 028-19B-20-110).

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: May 29, 2018

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: May 30, 2018

SIGNED: Dennis Hanwell
Mayor

REVOCABLE USE PERMIT

**CITY OF MEDINA
MEDINA COUNTY, OHIO**

**226 S. Court Street
Medina City Lot Number 34
Permanent Parcel Number 028-19B-20-110**

Under the provisions of Section §§ 5515.01 of the Ohio Revised Code, permission is hereby granted to use or occupy a part of the Right-of-Way in the City Alley extending south from another City Alley abutting 226 S. Court Street (MCL #34; PPN 028-19B-20-110). The permitted encroachment consists of an existing enclosed stairwell attached to and abutting the main structure.

The revocable use area is referred to as Area No. 2 on the attached legal description and sketch of survey of the encroachment (Exhibit A and B, respectively).

This revocable use permit is hereby granted with the understanding that the property owner will pay for the costs for the City to vacate a portion of the existing City alley located north of the property. Further, the revocable use permit is hereby granted with the understanding that the property owner will accept the transfer of that portion of the City alley that the City vacates.

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/her/its heirs, successors and assigns.

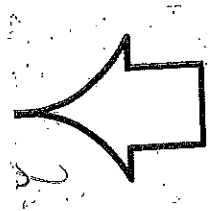
The CITY OF MEDINA, at any time for any reason, may order the removal of the encroachments that are the subject of this use permit. If for any reason the CITY OF MEDINA or its duly authorized representative deems it necessary to order the removal, reconstruction, relocation or repair of the encroachments, it shall be promptly undertaken at the sole expense of the owners thereof. Failure on the part of the permittee to conform to the provisions of this permit will 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 agrees to indemnify and save the City of Medina harmless from any claims by any person for personal injury or damages allegedly arising from the existence or maintenance of the encroachment.

No alterations may be made to the encroachments except that the permittee may perform such routine maintenance as is required to keep the encroachment in good condition. If the encroachments are removed or destroyed, no new facilities shall be permitted to encroach on Medina Street right-of-way without the express, written consent of the CITY OF MEDINA. The encroachments for which this permit is issued shall be subject to all permits required by the CITY OF MEDINA. A photograph of the existing encroachments is attached to and incorporated into this permit.

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

CITY OF MEDINA
Law Director
132 N. Elmwood Ave.
P.O. Box 703
Medina, Ohio 44258

Dated at Medina, Ohio 30th day of May, 2018



CITY OF MEDINA

By: 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 her voluntary act individually and as such officer.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 30th day of May, 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 _____ day of _____, 2018

By: _____
PROPERTY OWNER

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

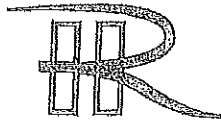
BEFORE ME, a Notary of Public in and for said County and State, personally appeared the above named, by _____, who executed the foregoing instrument in my presence and acknowledged the same to the voluntary act of said City and her voluntary act individually and as such officer.

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

NOTARY PUBLIC

My commission expires _____

Prepared by:
Gregory Huber
Law Director
City of Medina



ROLLING & HOCEVAR
A Geo Innovation Group Affiliate

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E-mail: info@rh-inc.com

Legal Description for a 0.75' x 75.04' Revocable Use Area – No. 1
Project No. 31,607
May 14, 2018

Situated in the City of Medina, County of Medina and State of Ohio, known as being part of a 10-foot wide Alley running East-West and located just Northerly of a parcel of land conveyed to Kay Schwartz, Trustee by deed recorded on September 13, 2006 in Document No. 2006OR028785 of Medina County Recorders Records further bound and described as follows:

Commencing at an iron pin set at the Northeast corner of said land conveyed to Schwartz, the same being the point of intersection of the of the Southern line of said 10-foot Alley with the Western line of a 9-foot wide Alley running North-South and the **TRUE PLACE OF BEGINNING** of the Revocable Use Area - No. 1 herein described;

Thence along the Northern line of said land conveyed to Schwartz and the Southern line of said 10-foot wide Alley, bearing South 89°35'23" West, a distance of 75.04 feet to a drill hole set at the Northwest corner of said land conveyed to Schwartz, the same being a point in the Eastern line of South Court Street, having a 66' wide Right-of-Way;

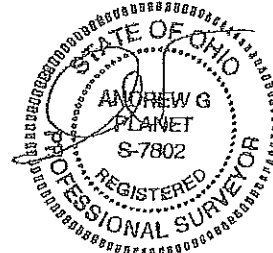
Thence through said 10-foot wide Alley the following three courses:

1. Bearing North 00°15'23" West, a distance of 0.75 feet to a point.
2. Bearing North 89°35'23" East, a distance of 75.04 feet to a point.
3. Bearing South 00°15'23" East, a distance of 0.75 feet to the **TRUE PLACE OF BEGINNING**, intending to be a 0.75' x 75.04' Revocable Use Area, containing 0.0013 acres (56 square feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

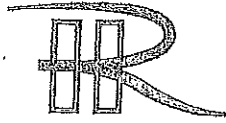
Bearings are based on an assumed meridian and are used herein to indicate angles only.

The statement iron pin set refers to a 5/8" X 30" iron rebar set vertically with surveyor's I.D. cap marked "Rolling-Hocevar".

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 May 2018.



5-14-2018



ROLLING & HOCEVAR
A Geo Innovation Group Affiliate

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Legal Description for a 3.50' x 23.00' Revocable Use Area -- No. 2
Project No. 31,607
May 14, 2018

Situated in the City of Medina, County of Medina and State of Ohio, known as being part of a 9-foot wide Alley running North-South and located just Easterly of a parcel of land conveyed to Kay Schwartz, Trustee by deed recorded on September 13, 2006 in Document No. 2006OR028785 of Medina County Recorders Records further bound and described as follows:

Commencing at an iron pin set at the Northeast corner of said land conveyed to Schwartz, the same being the point of intersection of the of the Western line of said 9-foot Alley with the Southern line of a 10-foot wide Alley running East-West and the **TRUE PLACE OF BEGINNING** of the Revocable Use Area - No. 2 herein described;

Thence through said 9-foot wide Alley the following three courses:

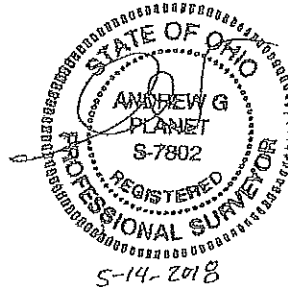
1. Bearing North 89°35'23" East, a distance of 3.50 feet to a point.
2. Bearing South 00°18'57" East, a distance of 23.00 feet to a point.
3. Bearing South 89°35'23" West, a distance of 3.50 feet to a point in the Eastern line of said land conveyed to Schwartz and the Western line of said 9-foot Alley

Thence along the Eastern line of said land conveyed to Schwartz and the Western line of said 9-foot wide Alley, bearing North 00°18'57" West, a distance of 23.00 feet to the **TRUE PLACE OF BEGINNING**, intending to be a 3.50' x 23.00' Revocable Use Area, containing 0.0019 acres (81 square feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

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

The statement iron pin set refers to a 5/8" X 30" iron rebar set vertically with surveyor's I.D. cap marked "Rolling-Hocevar".

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 May 2018.



SOUTH COURT STREET (U.S. 42) 66'

PPN 028-19B-20-112
FIRSTMERIT BANK N A

0.75' X 75.04' REVOCABLE USE AREA NO.1
0.0013 ACRES -- (56 S.F.)

ALLEY - 10' WIDE

PPN 028-19B-20-110
KAY SCHWARTZ, TRUSTEE
Doc. No. 2006OR028785
09/13/2006

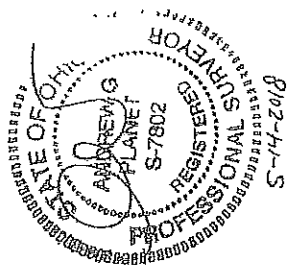
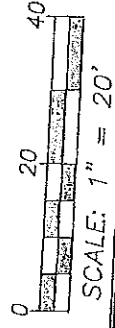
PPN 028-19B-20-111
HUNTINGTON NATIONAL BANK

ALLEY - 9' WIDE

SKETCH OF SURVEY
REVOCABLE USE AREA'S
SITUATED IN THE CITY OF MEDINA, COUNTY OF MEDINA
AND STATE OF OHIO, BEING PART OF A 10-FOOT WIDE
ALLEY AND PART OF A 9-FOOT WIDE ALLEY.

Line #	Length	Direction
L1	75.04'	S89° 35' 23"W
L2	0.75'	N00° 15' 23"W
L3	75.04'	N89° 35' 23"E
L4	0.75'	S00° 15' 23"E
L5	3.50'	N89° 35' 23"E
L6	23.00'	S00° 18' 57"E
L7	3.50'	S89° 35' 23"W
L8	23.00'	N00° 16' 57"W

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



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