

**CITY OF MEDINA  
AGENDA FOR COUNCIL MEETING**

November 27, 2017  
Medina City Hall  
7:30 p.m.

**Call to Order.**

**Roll Call.**

**Reading of minutes.** (November 13, 2017)

**Reports of standing committees.**

**Requests for council action.**

**Reports of municipal officers.**

**Confirmation of Mayor's appointments.**

Uptown Park Advisory Committee:

Melanie Kasten-Krouse (exp. 12/31/20)

Mike Larabee (exp. 12/31/20)

Roger Smalley (exp. 12/31/20)

Shade Tree Commission:

Dale Weygandt (exp. 12/31/21)

Economic Development Committee:

Julie McNab (exp. 12/31/21)

**Notices, communications and petitions.**

**Unfinished business.**

**Introduction of visitors.**

(speakers limited to 5 min.)

**Introduction and consideration of ordinances and resolutions.**

Ord. 167-17

An Ordinance authorizing the Mayor to enter into a contract with Medical Mutual of Ohio for Health Care Insurance for the employees of the City of Medina.

(emergency clause requested)

Ord. 168-17

An Ordinance amending Section 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio, relative to the job description for the Building & Properties Custodian position.

Ord. 169-17

An Ordinance amending Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio relative to the Police Department.

Ord. 170-17

An Ordinance authorizing the Mayor to solicit Requests for Proposals (RFP's) for Drug Screening and Associated Professional Services for the employees of the City of Medina.  
(emergency clause requested)

Ord. 171-17

An Ordinance authorizing the expenditure of \$75,000.00 to various vendors/contractors for the emergency transfer of water service laterals on S. Prospect Street.  
(emergency clause requested)

Ord. 172-17

An Ordinance authorizing the increase of the expenditure to Lake County Sewer Co. to \$55,000 for the Street Department.

Ord. 173-17

An Ordinance authorizing the Mayor to enter into an Agreement with the property owner of MCL #5934 to share the costs to install sidewalk abutting the property on Foundry Street.  
(emergency clause requested)

Ord. 174-17

An Ordinance amending Ordinance No. 167-16, passed December 12, 2016. (Amendments to 2017 Budget)

Ord. 175-17

An Ordinance authorizing the Mayor to accept a Contract for Sale and Purchase of Real Property and an Easement Agreement for the Guilford Boulevard Bridge Rehabilitation Project (Parcels #1WD and #1CH).  
(emergency clause requested)

**Council comments.**

**Adjournment.**

**Opening:**

Medina City Council met in regular, open session on Monday, November 13th. The meeting was called to order at 7:30 p.m. by President of Council John Coyne who led the Pledge of Allegiance.

**Roll Call:**

The roll was called with the following members of Council B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar.

Also present were the following members of the Administration: Mayor Dennis Hanwell, Keith Dirham, Greg Huber, Patrick Patton, Nino Piccoli, Kimberly Marshall, Mike Wright, Chief Kinney, Chief Painter, Jonathan Mendel, Dan Gladish, and Jansen Wehrley.

**Minutes:**

Mr. Shields moved that the minutes from the regular meeting on Tuesday, October 23rd, 2017 as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yeas of P. Rose, J. Shields, D. Simpson, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Reports of Standing Committees:**

Finance Committee: Mr. Coyne stated they met prior to tonight's Council meeting and will meet again in three weeks.

Health, Safety & Sanitation Committee: Mr. Kolesar had no report. He stated he is waiting to see what the County is going to do in reference to the recycling center. He is excited to vote in a new Chief of Police tonight.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mr. Simpson was absent.

Water & Utilities Committee: Mr. Hilberg had no report.

Emerging Technologies Committee: Mr. Rose had no report.

**Requests for Council Action:**

**Finance Committee**

- 17-195-11/13 – Agreement for Health Insurance with Medical Mutual of Ohio
- 17-196-11/13 – Amend Chapter 133.01 – Association Memberships
- 17-197-11/13 – Budget Amendments
- 17-198-11/13 – Amend S&B Code, Section 31.07 – Bldg. & Properties Custodian
- 17-199-11/13 – Amend S&B Code, Section 31.05 – Police Department
- 17-200-11/13 – Credit Card Fees – Finance/IT Depts.
- 17-201-11/13 – RFP's Drug Screening and Related Professional Services
- 17-202-11/13 – Increase P.O. – L-3 Communications – Police Dept.
- 17-203-11/13 – S. Prospect – Emergency Transfer of Water Service Laterals

17-204-11/13 – Agreement to Install Sidewalks on Foundry Street  
17-205-11/13 – Discussion – Save Historic Tax Credits Campaign  
17-206-11/13 – Increase P.O. – Lake County Sewer Co. – Street Dept.

**Reports of Municipal Officers:**

**Dennis Hanwell, Mayor**, reported the following:

- 1) October 26, 2017 - Medina County Business Awards, the City of Medina was nominated for the award Outstanding Community Advocate. We were not selected as the winner, but the City was the only government agency in all four categories which speaks well to our efforts of customer friendly processes and timely response to community needs.
- 2) After Municipal reports are completed, I respectfully ask Council to confirm my appointment of Chief Edward Kinney as the new Police Chief for the City of Medina. Chief Kinney was hired by Medina 6/25/1997. He has served as a Patrol Officer, Community Policing Apartment Liaison Officer, Motorcycle Officer, Emergency Services Unit/SWAT member, Narcotics Officer, Detective, and most recently as a Sergeant. Chief Kinney tested with five other candidates and scored number one in the overall process. Chief Kinney is very interested in moving the department progressively forward and promoting community police initiatives for our community. We congratulate Chief Ed Kinney, his family and the Medina Police Department on his promotion.
- 3) Root Candle sponsors Candlelight Walk. Events include Tree and Downtown Lighting 7 p.m. on Friday, November 17th; Holiday Parade of Lights starts at Medina High School Saturday, November 18th at 5:30 p.m. and ends at Medina Square delivering Santa and Mrs. Claus. Fireworks will follow the parade weather permitting, and after safe area has been cleared of pedestrians and vehicles.

**Keith Dirham, Finance Director**, stated there are some budget amendments that originated with Finance and he will address those when they get there. He reminded the public that there is a water increase beginning January 1<sup>st</sup>, 2018. Keith stated he, Patrick Patton, and Nino Piccoli will be attending a Water Consortium meeting tomorrow to find out when the next increase will be. The City is switching from CCA to RITA for collection of our income tax beginning January 1<sup>st</sup>, 2018, and residents should be expecting notification of this by mail in the near future.

**Greg Huber, Law Director**, had no report, but welcomed Edward Kinney as the new Chief of Police.

**Edward Kinney, Police Chief**, reported he is working on 5 new hires in the department. One officer is actually is going to begin field training here in two weeks and the other 4 officers that we gave conditional offers to, will begin the academy in February. Currently, there is one officer in the academy and she graduates in January and then will begin her field training program. They

turned their Facebook page back on with almost 12,000 followers and he stated he feels it is a great tool for communication with the community. They are in the beginning stages of researching bringing back the canine program. Their goal is to have a canine team deployed in early to mid 2018. Tomorrow the Police Department is hold the annual Shop With a Cop Bake Sale here at City Hall. This is a fundraiser that benefits the less fortunate children.

**Kimberly Marshall, Economic Development Director**, stated this Friday there are a few ribbon cuttings scheduled. Jobs for Ohio's Graduate's new location at 257 South Court Street in Suite 1 at 10 a.m. At 11 a.m. Huntington Square Senior Apartments at 699 North Huntington Street. 1 p.m. will be for a new business ACC Adult Home Care located at 451 West Liberty. In Council's mailbox there is a copy of the 2018 Historic District Visitor Guide hot off the press. Kimberly thanked everyone for their donations in helping to offset the cost of printing.

**Jonathon Mendel, Planning Community Director**, had no report but congratulated Chief Kinney on his appointment.

**Chief Painter, Fire Chief**, had no report.

**Mike Wright, Recreation Center Director**, reported they have a Rec. Advisory Committee meeting this Thursday at 7:30 a.m. at the recreation center. He also congratulated Chief Kinney.

**Jansen Wehrley, Parks and Recreation Director**, reported the Forestry Department issued a revised work permit for First Energy Service Company to perform vegetation management along the various transmission corridors throughout town. The Parks Department will be performing the second round of the Visual Deer Survey on Tuesday and Thursday and once it is complete we will compile a report as part of our Deer Management process.

**Dan Gladish, Building Official**, had no report but congratulated the Police Chief.

**Patrick Patton, City Engineer**, updated everyone on the North Harmony bridge project should be completed within the next two weeks or so, and expect it to be open by the end of the month. West Smith is a couple weeks behind that, and he expects it to open sometime in mid-December. Patrick echoed everyone else in welcoming Chief Kinney.

**Nino Piccoli, Service Director**, stated the Leaf Program is moving forward. The website is updated daily with information [www.medinaoh.org](http://www.medinaoh.org). We ask that you rake your leaves out to the curb, and they will be there to pick them up. Crews are prepping for the Candlelight Walk and repairing storm sewers throughout the city. He welcomed Chief Kinney.

### **Confirmation of Mayoral Appointments**

Edward R. Kinney – Chief of Police/Oath of Office – effective 10/25/17

Mr. Shields moved to confirm the confirmation of the Mayor's appointment of Chief Kinney effective 10/25/17, seconded by Mr. Kolesar. The roll was called and approved by the yea votes

of J. Shields, J. Coyne, B. Hilberg, M. Kolesar, B. Lamb and P. Rose.

Bob Starcher – MCDAC Board – Expiring 12/31/2019

Mr. Shields moved to confirm the Mayor's appointment of Bob Starcher to the MCDAC Board, seconded by Mr. Kolesar. The roll was called and approved by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Notices, Communications and Petitions:**

Liquor Permit:

Mr. Shields moved not to object to the issuance of a D2 and D3 permit to North Rose Management Group, LLC 17 Public Square, Medina. Motion was seconded by M. Kolesar. The roll was called and approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne.

**Unfinished Business:**

There was none.

**Introduction of Visitors:** Matt Weiderhold, Director of Main Street Medina at 39 Public Square addressed Council to say that he is thankful for the City funding to MSM celebrating 10 years. In 2017 there is 100% occupancy downtown. They bring in over 100,000 visitors to events on the Square. The Candlelight walk is this weekend and is the 33<sup>rd</sup> annual.

**Introduction and Consideration of Ordinances and Resolutions:**

**Ord. 162-17**

**An Ordinance authorizing an appraisal (Fair Market Value Estimate) for the Guilford Boulevard Bridge Rehabilitation Project.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 162-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 162-17, seconded by Mr. Simpson. Mr. Patton stated the city received \$600,000.00 from the State of Ohio in federal funds for the replacement of the Guilford Blvd. Bridge and the project is slated to be constructed next summer. We have a right-of-way to acquire and are asking for the emergency clause to make the offer to the resident this week. The roll was called on adding the emergency clause and was approved by the yea votes of B. Lamb, P. Rose, J. Shields, J. Coyne, B. Hilberg, and M. Kolesar. The roll was called and Ordinance/Resolution No. 162-17 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

**Ord. 163-17**

**An Ordinance authorizing the payment of \$30,000.00 to Main Street Medina for the City's 2018 Membership Renewal.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 163-17, seconded by Mr. Simpson. Mayor Hanwell stated the City would not be in the position it is with our downtown, the vibrancy of it, and the desire for people to be in the downtown with their businesses, without the work of Main Street and the Main Street Board and the collaboration

with the City and the local businesses and many volunteers. He respectfully asked Council to approve the passage of \$30,000.00 toward Main Street for 2018. The roll was called and Ordinance/Resolution No. 163-17 passed by the yea votes of P. Rose, J. Shields, J. Coyne, B. Hilberg, M. Kolesar, and B. Lamb.

**Ord. 164-17**

**An Ordinance authorizing the Mayor to enter into a First Amendment to the Master Agreement to Provide Services to an Aggregated Group between the City of Medina and First Energy Solutions Corp.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 164-17, seconded by Mr. Simpson. Mr. Piccoli stated the current Electric Aggregation Program is set to expire December 2018. With the current contract renewal, customers can opt out anytime with no penalty as well as opt back in at First Energy's website. This contract will be for a period of three years and will commence on January 1, 2019. It is based on a percentage off the price to compare for residents that will be 6% and for businesses it will be 4%. There is an annual grant attached with this in the amount of \$25,000 in the respective year of the contract. Mr. Kolesar stated that the last time this contract was in front of us, it was a nine year contract and he was not comfortable with that and he would like to see more renewable energy in this, but he will be in support. Mr. Coyne will abstain from voting since his employment represents First Energy. The roll was called and Ordinance/Resolution No. 164-17 passed by the yea votes of J. Shields, B. Hilberg, M. Kolesar, B. Lamb and P. Rose. J. Coyne abstained.

**Ord. 165-17**

**An Ordinance amending Section 133.01 of the Codified Ordinances of the City of Medina, Ohio relative to Association Memberships.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 165-17, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 165-17, seconded by Mr. Simpson. Mayor Hanwell stated this request is for the City to become a member of the Greater Akron Chamber of Commerce, the benefit of that is the City is looking to switch healthcare providers from United Healthcare to Medical Mutual of Ohio which we had previously, and by joining the chamber which costs the city \$400.00, they give us a 1.4% reduction over the premium cost which will save us \$29,400. The emergency clause is needed for the Mayor to sign the paperwork before the deadline. The roll was called on adding the emergency clause and was approved by the yea votes of B. Hilberg, M. Kolesar, B. Lamb, P. Rose, J. Shields, and J. Coyne. The roll was called and Ordinance/Resolution No. 165-17 passed by the yea votes of J. Coyne, B. Hilberg, M. Kolesar, B. Lamb, P. Rose, and J. Shields.

**Ord. 166-17**

**An Ordinance amending Ordinance No. 167-16 passed December 12, 2016. (Amendments to 2017 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 166-17, seconded by Mr. Simpson. Mr. Dirham stated most of these are donations for the Bicentennial celebration and the final one is related to the Building Department fees we pay to the State and we have had more permits issued than we have in the past years and we need additional funds to do so. The roll was called and Ordinance/Resolution No. 166-17 passed by the yea votes of M. Kolesar, B. Lamb, P. Rose, J. Shields, J. Coyne, and B. Hilberg.

**Council Comments:**

Mr. Kolesar congratulated Chief Kinney and thanked all the veterans.

Mr. Huber also congratulated Chief Kinney.

Mr. Lamb stated he met with Larry Obhof to discuss the 35 mile per hour speed limit on Rt. 18. Larry Obhoff stated he would look into the issue, and seemed to agree with some of the arguments we have.

Mr. Rose welcomed Chief Kinney and asked if he could work on West Reagan and North Court intersection on getting some better signage/police presence there.

Mr. Shields stated he was very impressed with Edward Kinney's interview during the interview process as he was with the others. He thanked Lt. Birchbickler for the great job he did leading the Police Department up to this point and stated we really have a great Police Department.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 7:58 p.m.

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Kathy Patton, CMC - Clerk of Council

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John M. Coyne, President of Council



**ORDINANCE NO. 167-17**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR HEALTH CARE INSURANCE FOR THE EMPLOYEES OF THE CITY OF MEDINA, AND DECLARING AN EMERGENCY.**

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

- SEC. 1:** That the Mayor is hereby authorized and directed to enter into a contract with Medical Mutual of Ohio to provide health care insurance for the employees of the City of Medina, Ohio for the year 2018.
- SEC. 2:** That a copy of the Contract 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason so that employees may receive new insurance cards before the beginning of 2018; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 168-17**

**AN ORDINANCE AMENDING SECTION 31.07 OF THE  
SALARIES AND BENEFITS CODE OF THE CITY OF  
MEDINA, OHIO RELATIVE TO THE JOB DESCRIPTION  
FOR THE BUILDING & PROPERTIES CUSTODIAN  
POSITION.**

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

**SEC. 1:** In accordance with Section 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio the job description for the position of Building & Properties Custodian is hereby approved, marked Exhibit A, attached hereto and incorporated herein.

**SEC. 2:** That Section 31.07 of the Salaries and Benefits Code of the City of Medina, Ohio pertaining to Schematic List of Classes shall be amended in part to read:

<u>Labor, Trades and Labor Supervisor</u>	
Building Maintenance & Repair	405
<b>Building &amp; Properties Custodian</b>	<b>410</b>
Laborer	415
City Arborist	425
Motor Equipment Operator	435
Sexton	445
Equipment Maintenance Mechanic	450
Equipment Maintenance Superintendent	455
Street Foreman	475
Street Superintendent	480
Sanitation Foreman	485
Sanitation Superintendent	490
Parks Superintendent	495
(Ord. 81-09, 33-14, <b>168-17</b> )	

**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:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 169-17****AN ORDINANCE AMENDING SECTION 31.05 OF THE SALARIES AND BENEFITS CODE OF THE CITY OF MEDINA, OHIO RELATIVE TO THE POLICE DEPARTMENT.**

**WHEREAS:** Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio presently reads in part as follows relative to the Police Department:

**POLICE DEPARTMENT**

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>	<u>Classified Service</u>
1	Police Chief	43 A-F	Classified/appointed by Mayor
1	Police Lieutenant	20 A-F	Classified
8	Sergeant	per contract	Classified
29	Patrol Officer	per contract	Classified
1	Patrol Officer (part-time)****	per contract	Part-time
10	Communications Operator	per contract	Classified
2	Communication Operator (part-time)*****	Step A of contract	Part-time
1	Administrative Assistant	8 A-F	Classified
1	Administrative Assistant (part-time)	Sec. 31.02(B)(7)	Part-time
1	Parking Meter Attendant (part-time)**	Sec. 31.02(B)(7)	Part-time
4	Records Clerk (part-time)	Sec. 31.02(B)(7)	Part-time
2	Stationary Load Limit Inspector*	Sec. 31.02(B)(7)	Part-time

\*Two (2) Stationary Load Limit Inspectors not to exceed forty (40) hours per week combined.

\*\*Parking Meter Attendant may be filled with more than one person not to exceed thirty-five (35) hours.

\*\*\*\*Patrol Officer (part-time) not to exceed thirty (30) hours per week.

\*\*\*\*\*The part-time Communication Operator position shall be a position filled for as long as there are open full-time dispatcher positions available. The part-time Communication Operator position may be filled until such time as full-time Communication's Operators are hired, trained and certified to work without probationary oversight.

(Ord. 159-02, 51-03, 163-03, 32-04, 164-04, 238-04, 238-05, 46-06, 162-06, 185-06, 245-06, 5-07, 138-07, 147-07, 161-08, 43-09, 100-09, 111-09, 168-09, 9-10, 86-10, 98-10, 55-11, 56-11, 29-12, 207-12, 210-12, 46-13, 64-13, 137-14, 178-16)

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

**SEC. 1:** That Section 31.05 of the Salaries and Benefits Code of the City of Medina, Ohio shall be amended to read in part as follows relative to the Police Department:

**POLICE DEPARTMENT**

<u>Number</u>	<u>Classification</u>	<u>Steps Authorized</u>	<u>Classified Service</u>
1	Police Chief	43 A-F	Classified/appointed by Mayor
1	Police Lieutenant	20 A-F	<b>Confirmed by Council</b> Classified

8	Sergeant	per contract	Classified
29	Patrol Officer	per contract	Classified
1	Patrol Officer (part-time)****	per contract	Part-time
10	Communications Operator	per contract	Classified
2	Communication Operator (part-time)*****	Step A of contract	Part-time
1	Administrative Assistant	8 A-F	Classified
1	Administrative Assistant (part-time)	Sec. 31.02(B)(7)	Part-time
1	Parking Meter Attendant (part-time)**	Sec. 31.02(B)(7)	Part-time
4	Records Clerk (part-time)	Sec. 31.02(B)(7)	Part-time
2	Stationary Load Limit Inspector*	Sec. 31.02(B)(7)	Part-time

\*Two (2) Stationary Load Limit Inspectors not to exceed forty (40) hours per week combined.

\*\*Parking Meter Attendant may be filled with more than one person not to exceed thirty-five (35) hours.

\*\*\*\*Patrol Officer (part-time) not to exceed thirty (30) hours per week.

\*\*\*\*\*The part-time Communication Operator position shall be a position filled for as long as there are open full-time dispatcher positions available. The part-time Communication Operator position may be filled until such time as full-time Communication's Operators are hired, trained and certified to work without probationary oversight.

(Ord. 159-02, 51-03, 163-03, 32-04, 164-04, 238-04, 238-05, 46-06, 162-06, 185-06, 245-06, 5-07, 138-07, 147-07, 161-08, 43-09, 100-09, 111-09, 168-09, 9-10, 86-10, 98-10, 55-11, 56-11, 29-12, 207-12, 210-12, 46-13, 64-13, 137-14, 178-16, **169-17**)

**SEC. 2:** 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. 3:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
President of Council

**ATTEST:** \_\_\_\_\_  
Clerk of Council

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
Mayor

**ORDINANCE NO. 170-17**

**AN ORDINANCE AUTHORIZING THE MAYOR TO SOLICIT REQUESTS FOR PROPOSALS (RFP's) FOR DRUG SCREENING AND ASSOCIATED PROFESSIONAL SERVICES FOR THE EMPLOYEES OF THE CITY OF MEDINA, AND DECLARING AN EMERGENCY.**

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

- SEC. 1:** That the Mayor is hereby authorized and directed to solicit Requests for Proposals (RFP's) for drug screening and associated professional services for the employees of the City of Medina.
- SEC. 2:** 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. 3:** 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 to have a contract in place by the first of 2018; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_ **APPROVED:** \_\_\_\_\_  
**Clerk of Council**

**SIGNED:** \_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 171-17**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$75,000.00 TO VARIOUS VENDORS/CONTRACTORS FOR THE EMERGENCY TRANSFER OF WATER SERVICE LATERALS ON S. PROSPECT STREET, AND DECLARING AN EMERGENCY.**

**WHEREAS:** This Ordinance is for permission to award a contract for the immediate transfer of water service laterals from an existing 4 inch diameter water line to an existing 8 inch diameter water line on S. Prospect Street; and

**WHEREAS:** The City Engineer has secured various vendors/contractors to assist in the emergency repairs.

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

**SEC. 1:** That the estimated expenditure of \$75,000.00 to various vendors/contractors is hereby authorized for the emergency repairs to the South Court Street water main and pavement.

**SEC. 2:** That in accordance with Ohio Revised Code §5705.41(D), at the time that the contract or order was made and at the time of execution of the Finance Director's certificate, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance.

**SEC. 3:** That the funds to cover this expenditure are available in Account No. 546-0530-54418.

**SEC. 4:** 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 to immediately make said repairs for safety reasons; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 172-17**

**AN ORDINANCE AUTHORIZING THE INCREASE OF THE  
EXPENDITURE TO LAKE COUNTY SEWER CO. TO \$55,000  
FOR THE STREET DEPARTMENT.**

**WHEREAS:** The Service Director has requested to increase Purchase Order #2017001299 from \$25,000.00 to \$55,000.00, which requires Council approval; and

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

**SEC. 1:** That the increase to Purchase Order #2017001299 from \$25,000 to \$55,000 is hereby authorized for the Street Department.

**SEC. 2:** That the funds to cover this expenditure are available in Account No. 102-0620-53319.

**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 considered in full force and effect at the earliest period allowed by law.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**



**ORDINANCE NO. 173-17**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE PROPERTY OWNER OF MCL #5934 TO SHARE THE COSTS TO INSTALL SIDEWALK ABUTTING THE PROPERTY ON FOUNDRY STREET, AND DECLARING AN EMERGENCY.**

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

- SEC. 1:** That the Mayor is hereby authorized and directed to execute an Agreement with the property owner of Medina City Lot #5934 to share the costs to install sidewalk abutting the property on Foundry Street.
- SEC. 2:** That the funds to cover the agreement are available in Account No. 108-0610-54411.
- SEC. 3:** That a copy of the Agreement is marked Exhibit A, attached hereto and incorporated herein.
- 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 to install the sidewalk prior to the end of the year; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_ **APPROVED:** \_\_\_\_\_  
**Clerk of Council**

**SIGNED:** \_\_\_\_\_  
**Mayor**

**AGREEMENT FOR SHARED COSTS FOR  
THE INSTALLATION OF SIDEWALK ON THE WEST  
SIDE OF FOUNDRY STREET IN THE CITY OF MEDINA**

This Agreement, made at Medina, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the **City of Medina**, located at 132 North Elmwood Avenue, Medina, Ohio 44256, and **Marissa McNulty**, 1620 Stony Hill Road, Hinckley, Ohio 44233.

WHEREAS, the City of Medina anticipates installing sidewalk on the west side of Foundry Street beginning near Bronson Street and connecting to the existing public sidewalk at the Birch Manor Apartments; and

WHEREAS, Marissa McNulty owns property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, also located on the west side of Foundry Street in the City of Medina; and

WHEREAS, the parties wish to install sidewalk along the west side of Foundry Street and along the frontage of City Lot No. 5934 owned by Marissa McNulty; and

WHEREAS, the length along the McNulty frontage on City Lot No. 5934 comes to a total of 834.83 lineal feet with a total projected sidewalk installation cost of Twenty-one Thousand Five Hundred Sixteen and 52/100 Dollars (\$21,516.52); and

WHEREAS, Marissa McNulty agrees to pay to the City of Medina upon completion of the sidewalk installation project, fifty percent (50%) of the cost of the sidewalk installation along the McNulty frontage, which equals a total sum of Ten Thousand Seven Hundred Fifty-eight and 26/100 Dollars (\$10,758.26); and

WHEREAS, it is anticipated that Marissa McNulty will be installing two (2) construction entrances to City Lot No. 5934 for the purposes of improvements to be completed on the city lot where the newly installed sidewalk may be severely damaged during construction; and

WHEREAS, the City of Medina agrees to pay the repair cost for damaged sidewalk that occurs during the construction project to be completed on City Lot No. 5934 that is anticipated by property owner, Marissa McNulty;

NOW, THEREFORE, in consideration of these premises and the mutual covenants herein set forth, it is agreed as follows:

1. It is hereby agreed that the City of Medina shall install sidewalk on the west side of Foundry Street beginning near Bronson Street and connect it to the existing public sidewalk at the Birch Manor Apartments within the City of Medina. As a part of this sidewalk installation, the City of Medina shall install sidewalk along and abutting property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, also located on the west side of Foundry Street in the City of Medina.

2. The sidewalk installation shall be installed in accordance with the scope and installation specifications as set forth in "Exhibit A" attached hereto and incorporated herein.

3. The property known as City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, is owned by Marissa McNulty. The length of sidewalk installed along and abutting the McNulty frontage on City Lot No. 5934 comes to a total of 834.83 lineal feet.

4. Marissa McNulty agrees to pay the City of Medina upon completion of the sidewalk installation project abutting City Lot No. 5934, aka Permanent Parcel No. 028-19A-16-044, fifty percent (50%) of the cost of the sidewalk installation, which equals a total sum of Ten Thousand Seven Hundred Fifty-eight and 26/100 Dollars (\$10,758.26).

5. It is anticipated that Marissa McNulty will be installing two (2) construction entrances to City Lot No. 5934 for purposes of improvements to the city lot where the newly installed sidewalk may be severely damaged during the construction process. The City of Medina agrees to pay for the repair cost for damaged sidewalk that occurs during the construction project to be completed on City Lot No. 5934 when that lot is improved and when the anticipated construction project is completed.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

**Signed in the presence of:**

**CITY OF MEDINA**

\_\_\_\_\_

By: \_\_\_\_\_  
**DENNIS HANWELL, Mayor**

\_\_\_\_\_

\_\_\_\_\_  
**MARISSA McNULTY**

Approved as to form:

\_\_\_\_\_  
**GREGORY A. HUBER**  
**Law Director**

# EXHIBIT 'A'

## MINER DRIVE

### SIDEWALK

### INSTALLATION

Birch Hill Dr

Hickory

**PARCEL #1**  
MCL 8742  
P.N. 028-19A-16-052  
THE OLEN CORPORATION

**PARCEL #4**  
MCL 5087  
P.N. 028-19A-16-003  
ORLEAN MEDINA  
PROPERTY LLC

**PARCEL #2**  
MCL 5934  
P.N. 028-19A-16-044  
MARISSA McNULTY

**PARCEL #3**  
MCL 1967  
P.N. 028-19A-17-001  
CLOVER COMMUNITIES

END  
SIDEWALK  
INSTALLATION

BEGIN  
SIDEWALK  
INSTALLATION

Miner Drive

Foundry  
Street

PARCEL #	P.N.	MEDINA CITY LOT	OWNER	SIDEWALK FRONTAGE
1	028-19A-16-052	8742	THE OLEN CORPORATION	150.00 LINEAL FEET
2	028-19A-16-044	5934	MARISSA McNULTY	853.83 LINEAL FEET
3	028-19A-17-001	1967	CLOVER COMMUNITIES	63.46 LINEAL FEET
4	028-19A-16-003	5087	ORLEAN MEDINA PROP. LLC	68.00 LINEAL FEET

4' WIDE CONCRETE SIDEWALK  
TO BE INSTALLED ALONG  
WEST SIDE OF MINER DRIVE

City of Medina Rail R-O-W

**ORDINANCE NO. 174-17**

**AN ORDINANCE AMENDING ORDINANCE NO. 167-16,  
PASSED DECEMBER 12, 2016. (Amendments to 2017 Budget)**

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

**SEC. 1:** That Ordinance No. 167-16, passed December 12, 2016, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
574-0353-53313 (Donation-Medina Sunrise Rotary)	200.00 *
902-0355-52215 (Donation-Drug Mart-Bicentennial)	2,500.00 *
143-0748-52214 (Donation-Main Street Medina)	1,000.00 *
143-0748-52214 (Donation-Medina Chamber of Commerce)	1,000.00 *
168-0705-54413 (New Court Case Management System)	187,500.00 *

**SEC. 2:** 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. 3:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

\* - new appropriation

**PASSED:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_  
President of Council

**ATTEST:** \_\_\_\_\_ **APPROVED:** \_\_\_\_\_  
Clerk of Council

**SIGNED:** \_\_\_\_\_  
Mayor

**ORDINANCE NO. 175-17**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY AND AN EASEMENT AGREEMENT FOR THE GUILFORD BOULEVARD BRIDGE REHABILITATION PROJECT (PARCELS #1WD and #1CH), AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 162-17, passed November 13, 2017 authorized the Fair Market Value Estimates for the Guilford Boulevard Bridge Rehabilitation Project.

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

- SEC. 1:** That the Mayor is hereby authorized to accept the Contract for Sale and Purchase of Real Property for Parcel #1WD and Easement Agreement for Parcel #1CH (MCL #3673 – PPN #028-19D-03-006) for the Guilford Boulevard Bridge Rehabilitation Project.
- SEC. 2:** That a copy of the Contract for Sale and Purchase of Real Property and Easement Agreement are 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to finalize and submit payment to the property owners; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**President of Council**

**ATTEST:** \_\_\_\_\_  
**Clerk of Council**

**APPROVED:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 162-17****AN ORDINANCE AUTHORIZING AN APPRAISAL (FAIR MARKET VALUE ESTIMATE) FOR THE GUILFORD BOULEVARD BRIDGE REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS:** In order to complete reconstruction of the Guilford Boulevard Bridge, the City must acquire an easement from an abutting property; and

**WHEREAS:** In accordance with ODOT guidelines, the City has engaged O.R. Colan to acquire the right-of-way and Fair Market Value Estimate; and

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

**SEC. 1:** That the City of Medina hereby authorizes the appraisal of O.R. Colan and accepts the Fair Market Value (FMVE) for the following parcel:

<u>Property #</u>	<u>Description</u>	<u>Acquisition</u>	<u>FMVE</u>
1	MCL# 3673/PPN 028-19D-03-006	1-permanent easement	\$1,635.00
TOTAL			\$1,635.00

**SEC. 2:** That a copy of the appraisal is marked Exhibit A, attached hereto, and incorporated herein.

**SEC. 3:** That the funds to cover this appraisal are available in Account 108-0610-54114.

**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 to expedite the sometimes lengthy process; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** November 13, 2017

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

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** November 14, 2017

**SIGNED:** Dennis Hanwell  
Mayor

THE UNDERSIGNED, CLERK OF THE CITY OF MEDINA, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO, ON 11-13-17.

**CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY**  
WITHOUT BUILDING(S)

CRD. 175-M  
Exh. A

PARCEL(S): 001 WD, CH  
MED Guilford Blvd. PID 101819

This Agreement is by and between the City of Medina, Ohio ["Purchaser"] and Nancy D. McKee, unmarried ["Seller"]; "Seller" includes all of the foregoing named persons or entities]. Purchaser and Seller are referred to collectively in this Agreement as "Parties."

In consideration of the mutual promises, agreements and covenants herein contained the Parties contract as follows:

**1. Price and Consideration**

Purchaser shall pay to Seller the sum of \$1,635.00, which sum shall constitute the entire amount of compensation due Seller for: (a) the real property to be conveyed, including all fixtures; (b) any and all damages to any residual lands of Seller; (c) Seller's covenants set forth herein; (d) any and all supplemental instruments reasonably necessary to transfer the title of the subject property; and (e) None.

Seller shall be exclusively responsible for all delinquent taxes and assessments, including penalties and interest, and for all other real estate taxes and assessments that are a lien as of the date on which this Agreement closes. The taxes and assessments for the current calendar year shall be prorated on an estimated basis to the date of acquisition of title or date of possession, whichever is earlier in time. Seller shall be responsible for any and all future installments of any special assessments levied and assessed against the real property, whether or not any such special assessment has been certified to the county auditor for collection, provided that such installments of special assessments shall be a lien on the subject real property as of the date of transfer of title. Purchaser may withhold in escrow a sufficient amount of the purchase money to satisfy the foregoing items to be paid by Seller; any balance remaining after such taxes, assessments, etc., are discharged shall be paid to Seller and any deficiency shall be the responsibility of Seller.

**2. Estate Sold and Deed to Transfer**

Seller, upon fulfillment of all the obligations and terms of this Agreement, shall sell and convey to Purchaser, its successors and assigns, the property which is more particularly described in Exhibit A attached hereto and by this reference incorporated herein, together with all improvements now located thereon and all fixtures of every nature now attached to or used with said land and improvements including, but not limited to, driveways, signs, utility fixtures, shrubbery and trees.

If the rights, titles and estates described in Exhibit A constitute the fee simple in, to and of the real property, then such sale and conveyance by Seller shall be by a good and sufficient general warranty



deed with, if applicable, full release of dower. In the event the rights, titles, and estates described in Exhibit A constitute something less than the fee simple of the real property, then such sale and conveyance by Seller shall be by a good and sufficient deed or other instrument regularly and ordinarily used to transfer such lesser rights, titles and estates with, if applicable, full release of dower.

**3. Limited Access Parcels - Waiver of Abutters' Rights**

If the property described in Exhibit A is designated by Purchaser as a limited access parcel, then Seller further agrees to release to Purchaser, its successors and assigns, any and all abutters' rights, including access rights, appurtenant to any remaining lands of Seller (from which the property described in Exhibit A is being severed) in, over, on, from and to the property described in Exhibit A.

**4. Supplemental Instruments**

Seller agrees to execute any and all supplemental instruments or documents necessary to vest Purchaser with the rights, titles and interests described in Exhibit A.

**5. Warranty of Title**

Seller shall, and hereby does, warrant that the property described in Exhibit A is free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules and regulations; and (d) any and all taxes and assessments not yet due and payable.

**6. Elimination of Others' Interests**

Seller shall assist, in whatever manner reasonably possible under the circumstances, to procure and deliver to Purchaser releases and cancellations of any and all other rights, titles and interests in the property described in Exhibit A, such as, but not limited to, those belonging to tenants, lessees, mortgagees or others now in possession or otherwise occupying the subject premises, and all assessment claims against said property.

Seller and Purchaser agree that if a mortgagee of Seller or of a predecessor in title fails to cooperate with the efforts to obtain a release of that mortgagee's mortgage lien secured by the property described in Exhibit A, then and in that event this Agreement shall become null and void and the parties to this Agreement shall be discharged and released from any and all obligations created by this Agreement; for the purposes of this provision, the term "fails to cooperate" shall include a demand or request by any such mortgagee for a fee to process such a release of that mortgagee's mortgage lien that Purchaser, in its sole discretion, deems to be excessive.

**7. No Change in Character of Property**

Seller shall not change the existing character of the land or alter, remove, destroy or change any improvement located on the property described in Exhibit A. If, prior to the date on which possession of

the subject property is surrendered to Purchaser, the subject property suffers any damage, change, alteration or destruction then, and without regard to the cause thereof, Seller shall restore the subject property to the condition it was in at the time Seller executed this Agreement; in the alternative, Seller may agree to accept the abovementioned purchase price less the costs associated with such restoration. If the Seller refuses to either restore the premises or accept the decreased consideration as aforementioned, then Purchaser, at its option after discovery or notification of such damage, change, alteration or destruction, may terminate and cancel this Agreement upon written notice to Seller.

**8. Offer to Sell**

If Seller executes this Agreement prior to Purchaser, then this Agreement shall constitute and be an Offer to Sell by Seller that shall remain open for acceptance by Purchaser for a period of 20 days immediately subsequent to the date on which Seller delivers such executed Agreement to Purchaser. Upon Purchaser's acceptance and execution of this Agreement within said period of 20 days, this Agreement shall constitute and be a valid Contract for Sale and Purchase of Real Property that is binding upon the Parties.

**9. Designation of Escrow Agent**

Seller agrees that Purchaser may designate an escrow agent to act on behalf of the Parties in connection with the consummation and closing of this Agreement.

**10. Closing Date**

The consummation and closing of this Agreement shall occur at such time and place as the Parties may agree, but no later than 10 days after Purchaser notifies Seller in writing that Purchaser is ready to consummate and close this Agreement. Provided, however, in no event shall such consummation and closing occur more than 120 days after the last date on which one of the Parties executes this Agreement.

**11. Physical Possession of Structures Occupied by Seller**

Seller shall surrender physical possession of the land and improvements to Purchaser not later than the date on which Purchaser tenders the purchase price to Seller.

**12. Control of Property Occupied by Seller's Tenant(s)**

Control of property occupied by Seller's tenant(s) shall be assumed by Purchaser on the date Purchaser tenders the purchase price to Seller. From that date forward, Purchaser shall be entitled to collect and retain as its own funds any and all rental payments thereafter made by such tenant(s). If any rents due under the lease(s) with Seller have been prepaid by Seller's tenant(s), then said prepaid rents shall be prorated to the date on which the purchase price is tendered by Purchaser, and said prepaid rents shall be paid to Seller and Purchaser in accordance with such proration.

**13. Binding Agreement**

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Seller and Purchaser and their respective heirs, executors, administrators, successors and assigns.

**14. Multiple Originals**

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

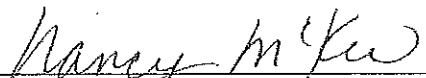
**15. Entire Agreement**

This instrument contains the entire agreement between the Parties, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions or obligations whatsoever, either express or implied, other than herein set forth, shall be binding upon Seller or Purchaser.

**16. Amendments and Modifications**

No amendment or modification of this Agreement shall be valid or binding upon the Parties unless it is made in writing, cites this Agreement and is signed by Seller and Purchaser.

IN WITNESS WHEREOF, the parties hereto, namely the City of Medina, Ohio and Nancy D. McKee have executed this Agreement on the date(s) indicated immediately below their respective signatures.

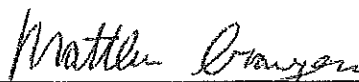
  
NANCY D. MCKEE

Date 11-17-17

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED that on the 17 day of November, 20 17, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Nancy D. McKee, who acknowledged the foregoing instrument to be her voluntary act and deed.

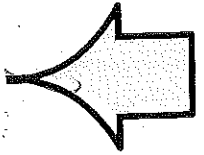
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

  
Matthew Drayton

NOTARY PUBLIC

My Commission expires: 8/11/2021

City of Medina, Ohio



\_\_\_\_\_  
Dennis Hanwell  
City of Medina, Mayor

Date: \_\_\_\_\_

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Dennis Hanwell, the City of Medina, Mayor and duly authorized representative of City of Medina, Ohio, who acknowledged the signing of the foregoing instrument to be the voluntary act and deed of City of Medina, Ohio.

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

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

**EXHIBIT A**

LPA RX 851. WD

Legal Approved

Page 1 of 3

Rev. 06/09

Ver. Date 09/12/17

Date 9-20-2017

PID 101819

By Gerrit Hulka

PARCEL 1-WD

MED-GUILFORD BLVD

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS  
IN THE NAME AND FOR THE USE OF THE  
CITY OF MEDINA, MEDINA COUNTY, OHIO

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Being a parcel of land lying on the right side of the centerline of right-of-way and construction of Guilford Boulevard as shown on a centerline survey plat made in 2017 for the City of Medina, Medina County, Ohio, titled "MED-GUILFORD BLVD" as recorded in Plat Document Number \_\_\_\_\_ of Medina County Recorder's Records:

Situated in the State of Ohio, County of Medina, City of Medina, 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 474, Page 952, dated 2-25-1976, and being described as follows:

Beginning, for reference, at the intersection of the centerline of right-of-way and construction for Guilford 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 Guilford Boulevard;

thence South 62 Degrees 16 Minutes 49 Seconds East, with the centerline of East Smith Road, a distance of 31.38 feet to the northeasterly corner of said City Lot 3673, located 30.00 feet right of centerline of right-of-way and construction station 29+09.88 for Guilford 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 Guilford Boulevard, the following courses:

South 44 Degrees 47 Minutes 30 Seconds West, a distance of 355.12 feet, to an iron pin set on the westerly right-of-way line of Guilford Boulevard, located 30.00 feet right of centerline

EXHIBIT A

LPA RX 851 WD

Page 2 of 3

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of right-of-way and construction station 32+65.00 for Guilford Boulevard and being the TRUE POINT OF BEGINNING;

continuing South 44 Degrees 47 Minutes 30 Seconds West, a distance of 145.00 feet, to an iron pin set on the westerly right-of-way line Guilford Boulevard, located 30.00 feet right of centerline of right-of-way and construction station 34+10.00 for Guilford Boulevard;

thence across said City Lot 3673 the following courses:

North 45 Degrees 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 Guilford Boulevard;

North 44 Degrees 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 Guilford Boulevard;

South 45 Degrees 12 Minutes 30 Seconds East, a distance of 40.00 feet, to 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 3/4 inch steel rod, thirty (30) inches long with a 2" diameter aluminum cap stamped "EMHT INC."

The bearings shown hereon are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (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.

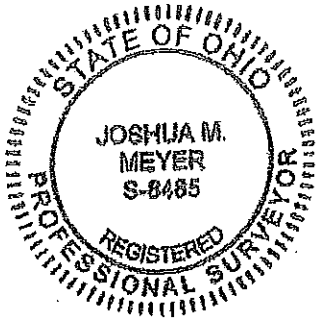
EXHIBIT A

LPA RX 851 WD

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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.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in dark ink, appearing to read "J. M. Meyer".

9-20-2017

Joshua M. Meyer  
Professional Surveyor No. 8485

EXHIBIT A

LPA RX 879 CH

Page 1 of 2

Rev. 06/09

Ver. Date 09/12/17

PID 101819

PARCEL 1-CH  
MED-GUILFORD BLVD  
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL  
IN THE NAME AND FOR THE USE OF THE  
CITY OF MEDINA, MEDINA COUNTY, OHIO

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

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[Surveyor's description of the premises follows]

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Being a parcel of land lying on the right side of the centerline of right-of-way and construction of Guilford Boulevard as shown on a centerline survey plat made in 2017 for the City of Medina, Medina County, Ohio, titled "MED-GUILFORD BLVD" as recorded in Plat Document Number \_\_\_\_\_ of Medina County Recorder's Records:

Situated in the State of Ohio, County of Medina, City of Medina, located in Township 2, Range 14 of The Connecticut Western Reserve, being a part of City Lot 3673, being on, over, and across the 10.2808 acre parcel conveyed to James W. McKee and Nancy D. McKee by deed of record in Deed Book 474, Page 952, dated 2-25-1976, and being described as follows:

Beginning at a point on the westerly proposed right-of-way line of Guilford Boulevard, as shown on right-of-way plans made in 2017 for the City of Medina titled "MED-GUILFORD BLVD", located 70.00 feet right of centerline of right-of-way and construction station 32+89.00 for Guilford Boulevard;

thence South 44 Degrees 47 Minutes 30 Seconds West, with said westerly proposed right-of-way line and across said City Lot 3673, a distance of 72.00 feet, to a point, located 70.00 feet right of centerline of right-of-way and construction station 33+61.00 for Guilford Boulevard;

thence on, over, and across said City Lot 3673, the following courses:

North 15 Degrees 11 Minutes 24 Seconds West, a distance of 51.97 feet, to a point, located 115.00 feet right of centerline of right-of-way and construction station 33+35.00 for Guilford Boulevard;



EXHIBIT A

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North 44 Degrees 47 Minutes 30 Seconds East, a distance of 46.00 feet, to a point, located 115.00 feet right of centerline of right-of-way and construction station 32+89.00 for Guilford Boulevard;

South 45 Degrees 12 Minutes 30 Seconds East, a distance of 45.00 feet, to the POINT OF BEGINNING, containing 0.061 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.

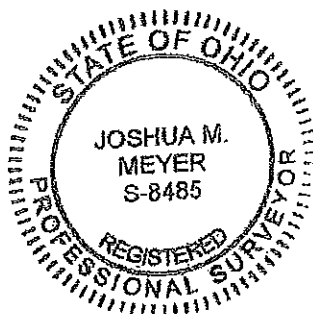
All references are to the records of the Recorder's Office, Medina County, Ohio, unless otherwise noted.

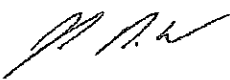
Iron pins set, as shown on said Right-of-Way plans, in the above description are 3/4 inch steel rod, thirty (30) inches long with a 2" diameter aluminum cap stamped "EMHT INC."

The bearings shown hereon are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (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.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



  
Joshua M. Meyer  
Professional Surveyor No. 8485

10-19-2017