

ORDINANCE NO. 128-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT ONE (1) EASEMENT NECESSARY FOR THE WEST SMITH BRIDGE REPLACEMENT PROJECT.

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

- SEC. 1:** That the Mayor is hereby authorized to accept one (1) Easement necessary for the West Smith Bridge Replacement Project.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on Permanent Parcel No. 028-19C-05-120, Prior Instrument Reference: #2002OR010986, Medina County Recorder's Office.
- 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: September 11, 2017

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 12, 2017

SIGNED: Dennis Hanwell
Mayor



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ord.
128-17

2017OR024464

COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
10/26/2017 3:45 PM

REC FEE: 52.00
PAGES: 6
DOC TYPE: EASE

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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

ODOT LPA RE 804
Rev. 09/2012

ED
ORD. 128-17
Exh. A

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: **Christopher Kalina**, married, the Grantor(s) herein, in consideration of the sum of \$7,500, to be paid by City of Medina, Medina County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in exhibit A attached hereto, within the following described real estate:

PARCEL(S): 03-SHV
MED-M.R. 4-0.00

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Medina County Current Tax Parcel No. 028-19C-05-120
Prior Instrument Reference: #2002OR010986, Medina County Recorder's Office


And the said Grantor(s), for himself and his successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that he is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are 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; and that Grantor (s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road and the purpose of replacement and constructing, and thereafter using, operating, inspecting, maintaining, repairing, replacing, and removing a culvert along West Smith Road over Champion Creek.

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

BE IT REMEMBERED, that on the 31st day of July, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above-named Christopher Kalina and Carrie A. Kalina, who acknowledged the foregoing instrument to be their voluntary acts and deeds.

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: _____

JULIE BAUMAN
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JAN. 29, 2021
RECORDED IN MEDINA COUNTY

This instrument prepared by:
Gregory A. Huber, Law Director
City of Medina
132 North Elmwood Avenue
Medina, OH 44256
Tel: (330) 722-9070

EXHIBIT A

RX 271 SHV

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Ver. Date 05/12/2017

PID 97553

**PARCEL 3-SHV
MED-M.R. 4-0.00
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF MEDINA, MEDINA COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Medina, Medina County, Ohio, its successors and assigns forever.

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]

Situated in the City of Medina, County of Medina, and State of Ohio, and being part of Outlot 1002, as conveyed to Christopher Kalina (hereinafter known as the "Grantor"), by deed dated March 18, 2002 and recorded in Document Number 2002OR010986, of the Medina County Recorder's Office, Medina County, Ohio, and being bounded and more particularly described as follows:

Being a parcel of land lying on the south side of the centerline of existing right-of-way of West Smith Road, (a 60' Right-of-Way), as shown and delineated upon the right-of-way plans designated as MED-M.R. 4-0.00 prepared for the State of Ohio, Department of Transportation by Carpenter Marty Transportation Inc., and being more particularly described as follows:

Beginning at a point at the Grantor's northwesterly corner, also being the northwesterly corner of Outlot 1002, said point being in the existing southerly right-of-way line of said West Smith Road, said point being 30.00 feet right of Station 89+76.50 in said centerline;

Thence along the Grantor's northerly line, and northerly line of Outlot 1002, also being the existing southerly right-of-way line of said West Smith Road, North 89 degrees 2 minutes 22

EXHIBIT A

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seconds East a distance of 38.50 feet to an iron pin set 30.00 feet right of Station 90+15.00 in said centerline;

Thence through said Outlot 1002 the following two courses:

- 1) South 0 degrees 57 minutes 38 seconds East a distance of 17.00 feet to an iron pin set 47.00 feet right of Station 90+15.00 in said centerline;
- 2) South 89 degrees 2 minutes 22 seconds West a distance of 19.14 feet to a point in Grantor's westerly line, and westerly line of Outlot 1002, said point being 47.00 feet right of Station 89+95.86 in said centerline;

Thence along said westerly line and the westerly line of Outlot 1002, North 49 degrees 40 minutes 59 seconds West a distance of 25.77 feet to the TRUE POINT OF BEGINNING, containing 0.0112 acres, of which the present road occupies 0.000 acres.

The above described Parcel of land is located in Auditor's Parcel Number 028-19C-05-120.

Iron pins set are ¾ inch diameter rebar, 30 inches long with a 2 inch diameter aluminum cap marked "MEDINA CITY R/W, P.S. 8124".

This description is based on a survey performed for the Ohio Department of Transportation in April of 2015 by Carpenter Marty Transportation Inc. This description was prepared and reviewed on May 12, 2017 by Kevin P. Carpenter, Registered Surveyor Number 8124.

The bearings found herein are based on Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011) with a project adjustment scale factor of 1.00010561.

