

ORDINANCE NO. 139-17

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT TO USE OR OCCUPY A PART OF THE CITY RIGHT-OF-WAY WITH A DECORATIVE BLOCK LANDSCAPING WALL LOCATED AT 260 S. COURT STREET.

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 with a decorative block landscaping wall which is located at 260 S. Court Street (Medina City Lot #43; PPN 028-19B-20-104).
- 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: September 25, 2017

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 26, 2017

SIGNED: Dennis Hanwell
Mayor



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Tx:8135296

ORD139-17

2017OR024463

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

REC FEE: 60.00
PAGES: 7
DOC TYPE: PERMIT

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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City of Medina Ord. # 139-17
Exh. A

REVOCABLE USE PERMIT

**CITY OF MEDINA
MEDINA COUNTY, OHIO**

**260 S. Court Street
Medina City Lot Number 43
Permanent Parcel Number 028-19B-20-104**

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 of South Court Street with a decorative block landscaping wall which is located at 260 S. Court Street (MCL #43; PPN 028-19B-20-104).

A legal description and a picture of the encroachment are shown on the attached sheets (Appendix A and B, respectively).

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 26th day of September, 2017

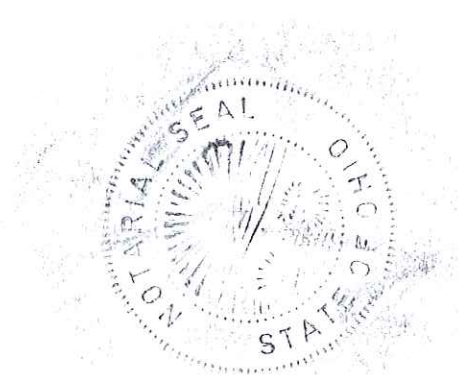
CITY OF MEDINA

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 26th day of September, 2017, at Medina, Ohio.



Sherry A. Crow
NOTARY PUBLIC

My commission expires 5-27-19

Accepted this 6th day of OCTOBER, 2017

By: Mark Klaus
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 Mark Klaus, 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 6th day of October, 2017, at Medina, Ohio.



Sherry A. Crow
NOTARY PUBLIC

My commission expires 5-27-19

Prepared by:
Gregory Huber
Law Director
City of Medina

Accepted this 17 day of octo, 2017

By: Richard D. Surrena
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 Richard Surrena, 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 17th day of October, 2017, at Medina, Ohio.



Sherry A. Crow
NOTARY PUBLIC

My commission expires 5-27-19

Prepared by:
Gregory Huber
Law Director
City of Medina

APPENDIX A
Legal Description
Revocable User Permit
260 S. Court St.
Medina, OH
PPN 028-19B-20-104

Situated in the City of Medina, County of Medina, State of Ohio, and beginning at the southwest corner of PPN 028-19B-20-104 (Medina City Lot #43), thence continuing North 00° 00' 00" East along the Right-of-Way of South Court Street a distance of 25 feet, to a point, the point being the Principal Place of Beginning of the Revocable User Permit area;

Thence continuing along the Right-of-Way of said South Court Street, North 00° 00' 00" East a distance of 30.00 feet to a point;

Thence continuing North 90° 00' 00" West a distance of 3 feet to a point;

Thence continuing South 00° 00' 00" East a distance of 30.00 feet to a point;

Thence continuing South 90° 00' 00" East a distance of 3.00 feet to feet to the Principal Place of Beginning of the Revocable Use Permit area herein described, containing 0.0021 acres of land (90 square feet), 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.

APPENDIX B
260 S. COURT ST.
MEDINA, OH
PPN 028-19B-20-104

