

*fully executed***ORDINANCE NO. 149-17**

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A WARRANTY DEED FROM CONSTANCE L. SHEPPERD FOR PART OF MEDINA CITY LOT #838 LOCATED ON HARMONY STREET TO BE USED FOR MUNICIPAL PURPOSES.

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

SEC. 1: That the Mayor is hereby authorized and directed to accept a Warranty Deed from Constance L. Shepperd for part of City Lot #838 located on Harmony Street, Parcel Number #028-19B-15-184, to be used for municipal purposes.

SEC. 2: That a copy of the Warranty Deed is marked Exhibit A, attached hereto and made a part hereof.

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: October 10, 2017

SIGNED: James A. Shields
President of Council Pro-Tem

ATTEST: Kathy Patton
Clerk of Council

APPROVED: October 10, 2017

SIGNED: John M. Coyne, III
Acting Mayor



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Tx:8135617

20170R024860

COLLEEN M. SWEDYK
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
10/31/2017 3:37 PM

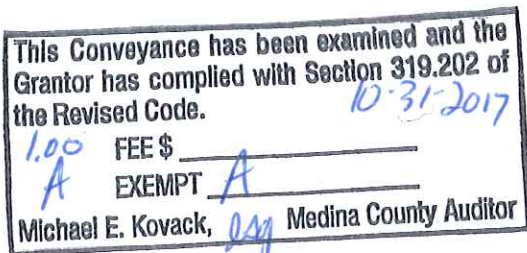
REC FEE: 52.00
PAGES: 6
DOC TYPE: WD

Ord. 149-17

MEDINA COUNTY RECORDER

COLLEEN M. SWEDYK

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ODOT RE 203
Rev. 09/2012

WVS
State Pmt. for LPA

ORD. 149-17
Exh. A

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Constance L. Shepperd (divorced and not remarried), the Grantor(s) herein, in consideration of the sum of \$7,000.00, to be paid by the State of Ohio, Department of Transportation, in the name of and for the use of the City of Medina, the Grantee herein, does hereby grant, bargain, sell, convey and release, with general warranty covenants, to said Grantee, its successors and assigns forever, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 3-WDV

MED-HARMONY ST.

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Medina County Current Tax Parcel No. 028-19B-15-184
Prior Instrument Reference: Instrument #2013OR007335, Medina County Recorder's Office.

And the said Grantor(s), for herself and her successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that she 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.

[Handwritten signature]

The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Director of Transportation may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

Grantor(s) has a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor(s) provides timely notice of a desire to repurchase; provided however that such right of repurchase is subject to the authority of the Director of Transportation to convey unneeded property pursuant to Section 5501.34 (F) of the Revised Code. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantor(s) declines to repurchase the property; (B) Grantor(s) fails to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated



IN WITNESS WHEREOF Constance L. Shepperd has hereunto set her hand on the
25th day of August, 2017.



CONSTANCE L. SHEPPERD

STATE OF OHIO, COUNTY OF MEDINA ss:

BE IT REMEMBERED that on the 25th day of August,
2017, before me the subscriber, a Notary Public in and for said state and county, personally
came the above named Constance L. Shepperd, 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.



NOTARY PUBLIC

My Commission expires:

KENNETH R. HURLEY, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

This document was prepared by or for the State of Ohio, Department of Transportation, on forms
approved by the Attorney General of Ohio.

EXHIBIT A

Page 1 of 2

RX 251 WDV

Rev. 05/09

Ver. Date 11/17/2015

PID 97553

**PARCEL 3-WDV
MED-HARMONY ST.
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]

Situated in the City of Medina, County of Medina, and State of Ohio, and being part of the City Lot 838, said lot being conveyed to Constance L. Shepperd (hereinafter known as the "Grantor"), by deed dated March 21, 2013 and recorded in Document Number 2013OR007335, 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 east side of the centerline of existing right-of-way of North Harmony Street, (a 33' Right-of-Way) as shown and delineated upon the right-of-way plans designated as MED-Harmony St. 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 southwesterly corner, also being the southwesterly corner of City Lot 838, said point being 16.50 feet right of Station 24+58.57 in said centerline and witnessed by an iron pin having a cap marked "ROLLING HOCEVAR" found at a bearing of North 89 degrees 43 minutes and 17 seconds West at a distance of 0.37 feet;

Thence along the Grantor's westerly line, also being the existing easterly right-of-way line of said North Harmony Street, North 0 degrees 16 minutes 43 seconds East a distance of 42.43 feet to an iron pin set 16.50 feet right of Station 25+01.00 in said centerline;

EXHIBIT A

RX 251 WDV

Page 2 of 2

Rev. 05/09

Thence through said Lot 838 the following two courses:

- 1) South 89 degrees 43 minutes 17 seconds East a distance of 8.50 feet to a concrete monument set 25.00 feet right of Station 25+01.00 in said centerline;
- 2) South 12 degrees 58 minutes 56 seconds East a distance of 43.60 feet to an iron pin set in the Grantor's southerly line, and southerly line of City Lot 838, said pin being 35.00 feet right of Station 24+58.57 in said centerline;

Thence along said southerly line North 89 degrees 43 minutes 17 seconds West a distance of 18.50 feet to the TRUE POINT OF BEGINNING, containing 0.0132 acres, of which the present road occupies 0.000 acres.

The above described Parcel of land is located in Auditor's Parcel Number 028-19B-15-184.

Iron pins referred to as set are $\frac{3}{4}$ inch diameter rebar, 30 inches long with a 2 inch diameter aluminum cap marked "MEDINA CITY R/W, P.S. 8124". Monuments referred to as concrete monuments set are $\frac{3}{4}$ inch diameter rebar, 36 inches long with a 3 inch diameter aluminum cap marked "C/L REF. MON., CITY OF MEDINA, P.S. 8124". All monuments shall be set at the completion of right-of-way acquisition.

This description is based on a survey performed for the Ohio Department of Transportation in May of 2015 by Carpenter Marty Transportation Inc. This description was prepared and reviewed on November 17, 2015 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 1.00010463.

028-19B-15-191

Legal Approved
Date 11-25-15
By Connie Gibson

11/17/2015

COMMON PLEAS COURT

2017 SEP -6 PM 3:50

IN THE COURT OF COMMON PLEAS
MEDINA COUNTY, OHIO

FILED
DAVID B. WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

CITY OF MEDINA,
Plaintiff

Case No. 17CIV0154

v.

AGREED JUDGMENT ENTRY


CONSTANCE SHEPPERD,
Defendant

Judge Kimbler


Pursuant to discussions by and between the parties and their respective attorneys, the parties have reached an agreement as to all matters pending before the Court in this case, as set forth below.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff be granted the relief sought in its Complaint and that the Defendant be awarded the sum of \$7,000.00 in consideration thereof. Said sum is currently on deposit with the Clerk of Courts. The Clerk is hereby ordered to distribute said sum of \$7,000.00 to the Defendant or her attorney, forthwith. Costs assessed to Plaintiff.

Approved:



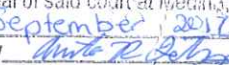
Gregory Huber (0013857)
Attorney for Plaintiff



Kenneth R. Hurley (0029509)
Attorney for Defendant

IT IS SO ORDERED

Judge

MEDINA COUNTY COURT OF COMMON PLEAS-STATE OF OHIO, MEDINA COUNTY S.S. I hereby certify that this is a true copy of the original on file in said court. Witness my hand and the seal of said court at Medina, Ohio this 7th day of September, 2017. David B. Wadsworth, Clerk of Courts
By  Deputy