

**CITY OF MEDINA  
AGENDA FOR COUNCIL MEETING**

May 14, 2018  
Medina City Hall  
7:30 p.m.

**Call to Order.**

**Roll Call.**

**Reading of minutes.** (April 23, 2018)

**Reports of standing committees.**

**Requests for council action.**

**Reports of municipal officers.**

**Notices, communications and petitions.**

**Unfinished business.**

**Introduction of visitors.**

(speakers limited to 5 min.)

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

Ord. 78-18

An Ordinance authorizing the expenditure of \$8,670.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) for animal related services for the year 2018.

Res. 79-18

A Resolution approving the adoption of the 2018 Spring Grove Cemetery Master Plan.

Ord. 80-18

An Ordinance amending Ordinance No. 60-18, passed April 9, 2018 relative to the awarding of a contract for the construction of a new Columbarium Wall at Spring Grove Cemetery.  
(emergency clause requested)

Ord. 81-18

An Ordinance authorizing the Finance Director to make certain fund advances.

Ord. 82-18

An Ordinance amending Ordinance No. 4-18, passed January 8, 2018, relative to bids and awarding a contract for the East Smith Road Reconstruction Project.  
(emergency clause requested)

Ord. 83-18

An Ordinance amending Ordinance No. 30-18, passed February 26, 2018, relative to bids and awarding a contract for the Guilford Boulevard Bridge Replacement Project.  
(emergency clause requested)

Ord. 84-18

An Ordinance amending Ordinance No. 177-17, passed December 11, 2017. (Amendments to 2018 Budget)

Ord. 85-18

An Ordinance authorizing the Finance Director to make certain fund transfers.

Res. 86-18

A Resolution authorizing participation in the Ohio Department of Transportation's Cooperative Purchasing Program for the purchase of sodium chloride (rock salt).  
(emergency clause requested)

Ord. 87-18

An Ordinance authorizing the Mayor to accept one (1) Highway Easement necessary for the East Smith Road Reconstruction Project.

**Council comments.**

**Adjournment.**

## MEDINA CITY COUNCIL

Monday, April 23rd, 2018

### **Opening:**

Medina City Council met in regular, open session on Monday, April 23, 2018. 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 present D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, and J. Shields.

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

**Minutes:** Mr. Shields moved that the minutes from the regular meeting on April 9th, 2018 as prepared and presented by the Clerk be approved, seconded by Mr. Simpson. The roll was called and the minutes were approved by the yea votes of J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, and D. Simpson.

### **Reports of Standing Committees:**

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

Health, Safety & Sanitation Committee: Mr. Kolesar had no report.

Public Properties Committee: Mr. Shields had no report.

Special Legislation Committee: Mr. Lamb had no report.

Streets & Sidewalks Committee: Mr. Simpson had no report.

Water & Utilities Committee: Ms. Parnell-Cavy had no report.

Emerging Technologies Committee: Mr. Rose had no report.

### **Requests for Council Action:**

#### **Finance Committee**

- 18-085-4/23 – Budget Amendments
- 18-086-4/23 – SPCA Financial Contribution Request
- 18-087-4/23 – Rezone City Owned Properties (120 N. Court & 125 E. Liberty)
- 18-088-4/23 – Discussion – Cleveland Restoration Society Heritage Home Program
- 18-089-4/23 – Amend Ord. 60-18 & 24-18 – Spring Grove Columbarium Wall
- 18-090-4/23 – Adopt 2018 Spring Grove Cemetery Master Plan
- 18-091-4/23 – Amend Ord. 4-18 – E. Smith Rd. Reconstruction
- 18-092-4/23 – Amend Ord. 30-18 – Guilford Blvd. Bridge Replacement
- 18-093-4/23 – Easement – E. Smith Road Reconstruction

**Reports of Municipal Officers:**

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

- 1) April 19th, 2018 American Legion hosted Veteran's Luncheon/Comm. Friedrich, Judge Kevin Dunn and I presented desktop flags to each. Also, provided flags in every classroom in MCS.
- 2) April 20th, 2018 at 4 p.m. - Groundbreaking for Medina 9/11 memorial at Medina Fire Department #1 - 150 attendees, moving event - Council members that attended, Shields, Parnell-Cavey, Rose, and Simpson, Keith and I.
- 3) National Day of Prayer events on Thursday May 3rd.
  - a. William's On the Lake Breakfast 7 a.m.; \$15 tickets - available in the Mayor's office.
  - b. Noon Prayer service with students from St. Francis.
  - c. United Church of Christ Congregational, 7 p.m., 217 East Liberty St.
- 4) Bicentennial events: May will focus on military conflicts.
  - a. Saturday, May 19th 1 p.m.-6 p.m. Armed Forces Day on Public Square with presentations from Veteran's Associations.
  - b. Saturday, May 26th; 9 a.m. to 5 p.m. - Civil War reenactments, speakers, programs at Spring Grove Cemetery provided by Friends of Medina Cemetery.
  - c. Friday night May 25th thru Saturday, May 26th there will be a Civil War Encampment at Spring Grove Cemetery: see [www.friendsofmedinacemetery.com](http://www.friendsofmedinacemetery.com) for details.
  - d. Monday, May 28th Memorial Day Parade will emphasize on Medina's history in military conflicts. Parade starts 10 a.m. on Public Square and ends with ceremony at Spring Grove Cemetery.
  - e. Bicentennial Website- [www.medina200.com](http://www.medina200.com).

**Keith Dirham, Finance Director**, reports they have begun the Budget process for the 2019 and the five year financial plan for 2019 – 2023. Keith reported there are a couple things on the Finance Agenda that came from finance and he will address them when they get there.

**Greg Huber, Law Director**, Absent.

**Chief Kinney, Police Chief**, reported they filled the vacant Lieutenant position last Wednesday and Scott Marcum was selected for that position. He took the competitive exam with Civil Service and tested first. Scott is an eighteen year veteran with the Medina Police Department and has held various positions. He will command our Patrol Division.

**Kimberly Marshall, Economic Development Director**, was absent.

**Jonathon Mendel, Planning Community Director**, had no report.

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

**Mike Wright, Recreation Center Director**, was absent.

**Jansen Wehrley, Parks and Recreation Director**, reported the Forestry Department is currently in the process of starting the spring tree planting project. Mr. Kolesar will speak more on a community tree planting scheduled for this Saturday. This Thursday, April 26<sup>th</sup> Mayor Hanwell's proclaimed Arbor Day in Medina, and last week the Kiwanis Club of Medina, The Shade Tree Commission and City staff helped pot 600 seedlings for distribution to the 3<sup>rd</sup> graders around the City of Medina and this year the trees are Norway Spruces.

The Parks Department has numerous projects underway at several of the parks and they appreciate your patience and cooperation as they work to get those completed. Jansen reported they are a little behind due to the weather. Jansen reminded residents and members of the Sports Associations to please remember that it is illegal to park on the grass in the City parks and they appreciate your cooperation so that they can continue to keep them beautiful.

**Dan Gladish, Building Official**, reported on a positive note regarding the ODOT North Court Street road improvement project. The Community Development and Building Departments are experiencing major investment and reinvestment in this area, some of the commercial construction activity that is occurring on North Court Street from Highland Road north. There is a demolition of 2 worn out buildings, construction of two new energy efficiency buildings, one is Kay Jewelers and the second is a multi-tenant building with Aspen Dental as one of the four tenants. Some of the alteration and remodel projects are Starbucks, Arby's, Taco Bell, McDonalds, Subway, Target and the Aldi's Food will be opening up in the old Sears Hardware Building.

**Patrick Patton, City Engineer**, reported that concrete replacement will take place starting at the end of this week. Regarding the road closures at Highland and Harding, they are expecting both those roads to be open within two weeks. Once Harding Street is done, they will move to Forest Meadows and that will be closed for 30 days.

**Nino Piccoli, Service Director**, reported the Yard Waste Program will begin collection on May 7<sup>th</sup> and will run until November 16<sup>th</sup> and these are some rules that need to be followed: items to be placed in metal or plastic containers only. Rubbish cans under 40 gallons in size. Yard waste consists of grass clippings, leafs, twigs, branches and shrubbery. We will not pick up rocks, dirt, sod, plastic, food waste or gravel. Place items at curbside approximately 6 ft. from trash containers next to mailbox. Put them out the same day as regular trash pickup by 6 a.m. For questions, call the Sanitation Office at 330-722-9026.

#### **Notices, Communications and Petitions:**

##### **Liquor Permit:**

Mr. Shields moved not to object to the issuance of a Liquor Agency Contract to Styx Acquisition LLC, 998 N. Court St. Unit 1, Medina Ohio. Mr. Shields moved not to object, seconded by Mr. Simpson. Mayor Hanwell stated he did not recognize Styx Acquisition LLC and had the records pulled. He stated this is currently the North Court Beverage location and that's where both of these transfers are going. The roll was called and approved by the yea votes of M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, and J. Coyne.

**Liquor Permit:**

Mr. Shields moved not to object to the issuance of a C-1, C-2, D-6 and D8 permit from Buehler Food Markets Inc. dba Buehler's, 998 N. Court St. Unit 1, Styx Acquisition LLC, 998 N. Court St. Unit 1, Medina Ohio. Motion seconded by Mr. Simpson and was approved by the yea votes of B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, and M. Kolesar.

**Unfinished Business:**

There are none.

**Introduction of Visitors:**

Paul Davis – Owner of Dan's Dogs. Paul spoke of the businesses in town. He proposed to Council to start thinking about a 5 year plan with the Chamber of Commerce and the City of Medina.

Rick Kirby resides at 246 West Friendship. Thanked everyone for their help with the Water Tower District's 5K race this weekend, and said they doubled the attendance. He thanked Nino for his work on our streets.

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

**Ord. 071-18**

**An Ordinance authorizing the Mayor to enter into Amendment No. 10 to the Agreement with Delta Airport Consultants, Inc. to provide Construction Administration Services for the North-South Taxiway Reconstruction Project at the Medina Municipal Airport.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 071-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 071-18, seconded by Mr. Simpson. Mr. Patton stated the city recently awarded the reconstruction project to the North South Taxiway to Fetchko Excavating. This amendment allows Delta to do the construction services, construction administrative services, and adhere to all the FAA rules and regulations and the paperwork associated with that. This is being paid 95% through the Ohio Department of Transportation's Office of Aviation. The city's share is about \$4,600.00. The roll was called on adding the emergency clause and was approved by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, and L. Parnell-Cavey. The roll was called and Ordinance/Resolution No. 071-18 passed by the yea votes of L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

**Ord. 072-18**

**An Ordinance authorizing the payment to Solid Ground Construction Inc. for the Private Home Rehabilitation at 3439 Grafton Road, Brunswick, Ohio as part of the PY16 CHIP Grant Program.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 072-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 072-18, seconded by Mr. Simpson. Mr. Mendel stated this is a payment on a project that has been completed under the existing PY16 CHIP Program, property is in Brunswick. Emergency needed to provide contractor payment. The roll was called on adding the emergency clause and was approved by the yea votes of D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution

No. 072-18 passed by the yea votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, and P. Rose.

**Res. 073-18**

**A Resolution authorizing the Mayor to enter into a Partnership Agreement with the City of Brunswick and to file an Application for grant assistance with the Ohio Development Services Agency for a PY18 Community Housing Impact and Preservation Program (CHIP) Grant, and updating the Policies and Procedures Manual.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 073-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 073-18, seconded by Mr. Simpson. Mr. Mendel stated this Resolution would be doing two things. It would approve the Partnership Agreement with the City of Brunswick for the PY18 CHIP program through the State of Ohio and also allow us to file the application. The City of Medina will be the program manager. The emergency clause is because the application to the State of Ohio is due May 6<sup>th</sup> 2018. The roll was called on adding the emergency clause and was approved by the yea votes of M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, and J. Coyne. The roll was called and Ordinance/Resolution No. 073-18 passed by the yea votes of J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, and D. Simpson.

**Ord. 074-18**

**An Ordinance amending Ordinances No. 177-17, passed December 11, 2017, (Amendments to 2018 Budget)** Mr. Shields moved for the adoption of Ordinance/Resolution No. 074-18, seconded by Mr. Simpson. Mr. Dirham stated these are all pass through items, there are sales of items by the Bicentennial Committee donations, and then a couple of insurance reimbursements that we received for damage to City property. We just need these appropriated. The roll was called and Ordinance/Resolution No. 074-18 passed by the yea votes of B. Lamb, L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, and M. Kolesar.

**Ord. 075-18**

**An Ordinance authorizing the expenditure of \$5,000.00 to the Medina County PAL Program to be used toward the purchase of two new Ford Transit Vans.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 075-18, seconded by Mr. Simpson. Chief Kinney reported this is a donation he would like to make to Medina County Police Athletic League to assist in the purchase of two transport vans. They will be used to transport the children to the various different events. We have well over 200 City children residents that participate in this program. Mr. Shields stated he serves on the Board of the Medina County PAL and he will be abstaining from voting. Mr. Coyne stated he usually votes no on any kind of donations to any kind of non-profit, however, this is coming out of carryforward funds and the department head can use the carryforward fund on whatever they would like to use it for. Mr. Rose echoed Mr. Coyne. The roll was called and Ordinance/Resolution No. 075-18 passed by the yea votes of L. Parnell-Cavey, P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, and B. Lamb.

**Ord. 076-18**

**An Ordinance amending Ordinance No. 17-18, passed February 12, 2018 authorizing the Mayor to enter into an Agreement with USI Insurance Services LLC for the City's Property**

**and General Liability Insurance.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 076-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 076-18, seconded by Mr. Simpson. Mayor Hanwell stated the reason for the emergency clause is the policy took effect on April 1<sup>st</sup>, 2018 and the reason we are amending it is we estimated what the insurance costs would be for this year based on what we paid last year, and it turned out slightly higher due to a 3% inflation guard that was added, the addition of the Medina Township vehicles and equipment to the Fire Service, and the addition of the Police Canine Officer and associated property. The roll was called on adding the emergency clause and was approved by the yea votes of J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, L. Parnell-Cavey, and P. Rose. The roll was called and Ordinance/Resolution No. 076-18 passed by the yea votes of P. Rose, J. Shields, D. Simpson, J. Coyne, M. Kolesar, B. Lamb, and L. Parnell-Cavey.

#### **Res. 077-18**

**A Resolution amending Resolution No. 70-18, passed April 9, 2018, relative to the objection to the transfer of the liquor permit from Medina Steakhouse and Saloon to Recovery Center of Medina County, Serenite Restaurant, 538 West Liberty Street.** Mr. Shields moved for the adoption of Ordinance/Resolution No. 077-18, seconded by Mr. Simpson. Mr. Shields moved that the emergency clause be added to Ordinance/Resolution No. 077-18, seconded by Mr. Simpson. Mayor Hanwell stated Council passed an objection to the transfer of a liquor permit at the same location, and the Law Director has asked that we amend that to include not requiring a hearing. Emergency is needed due to being in a time constraints getting this to the Ohio Liquor Commission. Mr. Simpson stated he will be voting no on this and is hoping the Serenite Restaurant will be successful and the students that are taking the program will be successful as well, and that they can stay open past the three years they are estimating the grant will cover. Mr. Lamb stated he will be voting no as well. Mr. Coyne stated he will be voting yes and stated the question isn't whether or not we want the restaurant to be successful, the question is whether or not alcohol will make it successful or not. The issue is hinging on whether we believe alcohol should be served in a recovery situation. The roll was called on adding the emergency clause and was approved by the yea votes of J. Coyne, M. Kolesar, L. Parnell-Cavey, P. Rose, and J. Shields. The roll was called and Ordinance/Resolution No. 077-18 passed by the yea votes of J. Coyne, M. Kolesar, L. Parnell-Cavey, P. Rose, and J. Shields.

#### **Council Comments:**

Mr. Rose spoke of someone having difficulty getting trash into a recycle bin, and reminded the residents of the side slider doors on the bins and to use them instead of lifting the lids on the bins.

Mr. Kolesar thanked the owners of Miss Molly's Tea Room, Ed and Diana Wright for sponsoring and donating money raised to an event they held on April 15<sup>th</sup> called Mystery Women of Medina History in connection with the Bicentennial Celebration. They are a prime example of business owners getting involved and making a difference in our community.

Saturday, April 28<sup>th</sup> from 9 a.m. to noon Earth Day Celebration at Fire Station #1 – They will be planting trees on Reagan Parkway.

Ward 3 & Ward 4 Meeting is on Tuesday, May 1<sup>st</sup> 7 p.m. at Ella Canavan Elementary School.

Medina City Council  
April 23rd, 2018

May 8<sup>th</sup> the school levy is on the Ballot. The schools play such a vital role in this community.

Mr. Kolesar announced his resignation to Medina City Council effective May 20<sup>th</sup> 2018. He stated he appreciates everything this position has provided him over the 14 years as Ward 3 Councilman, and feels truly blessed to have served a great community. Mark stated he has come to a crossroad in his life, and feels the need to do what is best for his family. Mark said he will be moving to Florida with his wife to help take care of someone in his family.

Mr. Simpson spoke for Mark, saying he was a good son and person, and will say more during his last council meeting.

Mr. Simpson congratulated Scott Marcum for his promotion to Lieutenant. Dennie has had the opportunity to work with Scott for several years and what a great guy and a great leader for the road officers.

Dennie thanked Chief Painter for hosting the ground breaking for the 911 Memorial, and stated how accommodating his whole staff was.

Mr. Simpson finished by saying it means so much to just remember to be kind to one another.

Mrs. Parnell-Cavey applauded Leadership Medina County for their Longest Table event that they did this weekend. By reaching out to the community - with the entire premise - you sit down as strangers, and you leave as hopefully friends. If not, you've at least exchanged some ideas and had some conversations with people who you may have never met in your day to day routine. It was a success and Laura said she hopes they do it again.

High Voltage Carting is going to be participating in Races for Wishes with the Make a Wish Foundation on April 25<sup>th</sup>, 5 p.m. at 333 Foundry St.

**Adjournment:**

There being no further business before Council, the meeting adjourned at 8:09 p.m.

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Kathy Patton, CMC - Clerk of Council

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John M. Coyne, President of Council

**ORDINANCE NO. 78-18**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$8,670.00 TO THE MEDINA COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA) FOR ANIMAL RELATED SERVICES FOR THE YEAR 2018.**

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

- SEC. 1:** That the expenditure of \$8,670.00 to the Medina County Society for the Prevention of Cruelty to Animals (SPCA) is hereby authorized for animal related services.
- 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 payment are available in Account No. 001-0707-52215.
- 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:** \_\_\_\_\_

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

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

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

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

**RESOLUTION NO. 79-18****A RESOLUTION APPROVING THE ADOPTION OF THE  
2018 SPRING GROVE CEMETERY MASTER PLAN.**

**WHEREAS:** Resolution No. 209-97, passed October 13 1997, adopted the original Spring Grove Cemetery Master Plan as prepared by Behnke Associates, Inc., and an update was performed in 2007; and

**WHEREAS:** Both plans were adopted by Medina City Council and the majority of the items identified in the plan have been since completed; and

**WHEREAS:** The Friends of the Cemetery and the City of Medina Cemetery Commission respectfully request Council adopt the new 2018 Spring Grove Cemetery Master Plan. Finance Committee reviewed the new Master Plan and recommended the same.

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

**SEC. 1:** That the 2018 Spring Grove Cemetery Master Plan as prepared by Behnke Associates, Inc. is hereby adopted as the official document to guide development in Spring Grove Cemetery.

**SEC. 2:** That a copy of the 2018 Spring Grove Master Plan Update 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 Resolution 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 Resolution 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**

**Effective date – June 13, 2018**

**ORDINANCE NO. 80-18**

**AN ORDINANCE AMENDING ORDINANCE NO. 60-18, PASSED APRIL 9, 2018 RELATIVE TO THE AWARDING OF A CONTRACT FOR THE CONSTRUCTION OF A NEW COLUMBARIUM WALL AT SPRING GROVE CEMETERY, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 60-18, passed April 9, 2018, authorized the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the construction of a new 120 Niche Columbarium Wall at Spring Grove Cemetery; and

**WHEREAS:** After review and discussion with the Landscape Architect from Behnke and Associates, the project estimate should be increased to include a contingency of up to 20% due to the size of the project.

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

**SEC. 1:** That the contract amount authorized in Ordinance No 60-18, passed April 9, 2018, is hereby amended from \$60,000 to \$72,000 for the construction of a new 120 Niche Columbarium Wall at Spring Grove Cemetery.

**SEC. 2:** That the funds to cover this change, in the amount of \$12,000 are available in Account No. 821-0230-54412.

**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 advertise, bid and award as soon as possible; 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. 81-18**

**AN ORDINANCE AUTHORIZING THE FINANCE  
DIRECTOR TO MAKE CERTAIN FUND ADVANCES.**

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

**SEC. 1:** That the Finance Director is hereby authorized to make the following fund advances:

- \$12,000.00 from (001) General Fund to (821) Cemetery / Mausoleum Fund

**SEC. 2:** That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

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

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

**Clerk of Council**

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

**Mayor**

**ORDINANCE NO. 82-18**

**AN ORDINANCE AMENDING ORDINANCE NO. 4-18, PASSED JANUARY 8, 2018, RELATIVE TO BIDS AND AWARDING A CONTRACT FOR THE EAST SMITH ROAD RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 4-18, passed January 8, 2018, authorized the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the East Smith Road Reconstruction Project; and

**WHEREAS:** The lowest bid received was 3.8% higher than the amount authorized by City Council as shown on Best Bidder P.O. #2018-0849; and

**WHEREAS:** The administration requests that Section 2 of Ordinance 4-18, be amended by adding \$50,280.00 to the authorized amount to match the amount of the lowest bid received.

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

**SEC. 1:** That the contract amount authorized in Ordinance No. 4-18, passed January 8, 2018 is hereby amended from \$1,369,500.00 to \$1,419,780.00 for the East Smith Road Reconstruction Project.

**SEC. 2:** That the funds to cover this project, in the total amount of \$1,419,780.00 are hereby amended to be available as follows: \$969,780.00 in Account No. 108-0674-54414, and \$450,000.00 in Account No. 380-0674-54414.

**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; 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. 83-18**

**AN ORDINANCE AMENDING ORDINANCE NO. 30-18, PASSED FEBRUARY 26, 2018, RELATIVE TO BIDS AND AWARDING A CONTRACT FOR THE GUILFORD BOULEVARD BRIDGE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS:** Ordinance No. 30-18, passed February 26, 2018, authorized the Mayor to advertise for competitive bids and to award a contract to the successful bidder for the Guilford Boulevard Bridge Replacement Project; and

**WHEREAS:** The lowest bid received was 2.0% higher than the amount authorized by City Council as shown on Best Bidder P.O. #2018-0846; and

**WHEREAS:** The administration requests that Section 2 of Ordinance 4-18, be amended by adding \$13,657.00 to the authorized amount to match the amount of the lowest bid received.

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

**SEC. 1:** That the contract amount authorized in Ordinance No. 30-18, passed February 26, 2018 is hereby amended from \$664,281.00 to \$677,938.00 for the East Smith Road Reconstruction Project.

**SEC. 2:** That the funds to cover this project, in the total amount of \$677,938.00 are hereby amended to be available as follows: \$605,340.00 in Account No. 386-0661-54414, and \$72,598.00 in Account No. 108-0610-54414.

**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; 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. 84-18**

**AN ORDINANCE AMENDING ORDINANCE NO. 177-17,  
PASSED DECEMBER 11, 2017.** (Amendments to 2018 Budget)

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

**SEC. 1:** That Ordinance No. 177-17, passed December 11, 2017, shall be amended by the following additions:

<u>Account No./Line Item</u>	<u>Additions</u>
301-0720-53322 (Donation – Engine House)	500.00 *
168-0705-54413 (Case Mgmt. System-Muni Court)	27,000.00 *
001-0705-53315 (Reallocate Carryforward-Court)	32,000.00
001-0705-53315 (Reallocate Carryforward-Court)	10,000.00
001-0705-53315 (Reallocate Carryforward-Court)	5,000.00
001-0705-53321 (Reallocate Carryforward-Court)	18,000.00
001-0705-53321 (Reallocate Carryforward-Court)	8,000.00
001-0705-53321 (Reallocate Carryforward-Court)	7,000.00
001-0705-50112 (Reallocate Carryforward-Court)	3,000.00
167-0705-50114 (Reallocate Carryforward-Court)	3,000.00
167-0705-50115 (Reallocate Carryforward-Court)	2,000.00
167-0705-50116 (Reallocate Carryforward-Court)	3,000.00
167-0705-53315 (Reallocate Carryforward-Court)	1,574.00
106-0101-53315 (Donations-K9 Program)	6,000.00 *
139-0456-52215 (PY16 CHIP Rehab-325 Birch Hill)	11,646.00 *

**SEC. 2:** That Ordinance No. 177-17, passed December 11, 2017, shall be amended by the following reductions:

<u>Account No./Line Item</u>	<u>Reductions</u>
676-0746-50112 (Reduction-Mechanics Dept.)	4,000.00
924-0930-56612 (Reduction-Law Library Fund)	10,000.00
108-0610-54411 (Reduction-Street M & R Fund)	1,300,000.00
001-0705-50119 (Reallocate Carryforward-Court)	32,000.00
001-0705-51123 (Reallocate Carryforward-Court)	10,000.00
001-0705-52214 (Reallocate Carryforward-Court)	5,000.00
001-0705-51123 (Reallocate Carryforward-Court)	18,000.00
001-0705-52213 (Reallocate Carryforward-Court)	8,000.00
001-0705-52211 (Reallocate Carryforward-Court)	7,000.00
001-0705-50141 (Reallocate Carryforward-Court)	3,000.00
167-0705-50119 (Reallocate Carryforward-Court)	3,000.00
167-0705-50119 (Reallocate Carryforward-Court)	2,000.00
167-0705-50119 (Reallocate Carryforward-Court)	3,000.00
167-0705-50119 (Reallocate Carryforward-Court)	1,574.00

**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.

\* - new appropriation

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

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

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

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

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

**ORDINANCE NO. 85-18**

**AN ORDINANCE AUTHORIZING THE FINANCE  
DIRECTOR TO MAKE CERTAIN FUND TRANSFERS.**

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

**SEC. 1:** That the Finance Director is hereby authorized to make the following fund transfers:

- \$3,386.60 from 001 General Fund to 924 Law Library Fund
- \$10,000.00 from 001 General Fund to 145 Railroad Fund
- \$100,000.00 from 574 MCRC Operating Fund to 575 MCRC Capital Fund in accordance with the Joint Operating Agreement (Ord. 101-01 & Ord. 191-13)
- \$120,000.00 from 001 General Fund to 140 Parking Fund to cover operating expenses for 2017 and 2018.

**SEC. 2:** That the Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Medina County Auditor.

**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**

**RESOLUTION NO. 86-18****A RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.**

**WHEREAS:** Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges or Universities to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

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

**SEC. 1:** That the Mayor hereby requests authority in the name of the City of Medina to participate in the Ohio Department of Transportation contracts for sodium chloride (rock salt), Contract 018-19 and agrees:

- 1) To purchase an estimated salt tonnage of 2,000 tons (stockpile capacity 1,600 tons) exclusively from the vendor awarded the sodium chloride contract for the county in which said political subdivision is located;
- 2) To be bound by the terms and conditions of the contract;
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and
- 4) To be responsible for resolving disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

Minimum Order = 1 truckload/22 tons without piler or 200 tons with piler

Stockpile Location: 781 West Smith Road  
Medina, OH 44256

Stockpile Capacity: 1,600 tons

Tons Required: 2,000 tons (estimated)

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year indicating storage capacity and stating salt needs for the contract period.

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

**SEC. 3:** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Ohio Department of Transportation, Office of Contracts, Purchasing Services, prior to the mailing of Invitation 018 each year.

**SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the contract is due by May 18, 2018; wherefore, this Resolution 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

**1052 RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT**

ORD. 89-18  
Exh. A

**WHEREAS**, the (INSERT POLITICAL SUBDIVISION NAME, COUNTY LOCATION) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of (INSERT TOTAL NUMBER OF TONS REQUESTED) tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of September 1, 2018 through April 30, 2019; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2018. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

<u>Dennis Harwell, Mayor</u>	(Authorized Signature)	_____	Approval Date
<u>John M. Coyne III, Pres. of Council</u>	(Authorized Signature)	_____	Approval Date
<u>AHest- Clerk of Council</u>	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE  
BY NO LATER THAN WEDNESDAY, MAY 18, 2018.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.

**ORDINANCE NO. 87-18**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT  
ONE (1) HIGHWAY EASEMENT NECESSARY FOR THE  
EAST SMITH ROAD RECONSTRUCTION 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) Highway Easement necessary for the East Smith Road Reconstruction Project, City Job #1011.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is on the property located at 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, part of Medina City Lot 1051.
- 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**

**Effective date –**

## Perpetual Highway Easement and Right of Way

ORD 87-18  
Exh. A

### KNOW ALL MEN BY THESE PRESENTS:

That in consideration of (TWO THOUSAND FIFTY-ONE and 41/100) Dollars \$2,051.41) and other good and valuable consideration recited herein given to RJDM PROPERTIES, INC. hereinafter "Grantor(s)" by the CITY OF MEDINA, Ohio, hereinafter "Grantee", the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual right-of-way and easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing and removing ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES under, across, and through certain land of the Grantor(s) situated in the City of Medina, County of Medina and State of Ohio and more particularly described as follows:

Situated in the City of Medina, County of Medina and State of Ohio, also known as being part of Medina City Lot 1051 and being part of lands conveyed to RJDM Properties, Inc. by deed recorded on November 1, 2001 as recorded in Document No. 2001OR039626 of Medina County Recorder's Records further bounded and described as follows:

Commencing at the northeast corner of said lands conveyed to RJDM Properties, Inc. and the northeast corner of said Medina City Lot 1051, the same being the point of intersection of the western line of South Broadway Street having a 60-foot wide Right-of-Way with the southern line of East Smith Road having a 60-foot wide Right-of-Way and the **PRINCIPAL PLACE OF BEGINNING** of the easement herein described;

Thence along the eastern line of said lands conveyed to RJDM Properties, Inc. and the eastern line of said Medina City Lot 1051 and the western line of said South Broadway Street, bearing South 00° 25' 07" East, a distance of 24.98 feet to a point thereon;

Thence along a curve to the left with a radius of 25.00 feet, a tangent length of 24.98 feet, a chord which bears North 45° 23' 32" West, for a distance of 35.34 feet, along said arc for a distance of 39.25 feet to a point on the northern line of said lands conveyed to RJDM Properties, Inc. and the northern line of said Medina City Lot 1051 and the southern line of said East Smith Road;

Thence along the northern line of said lands conveyed to RJDM Properties, Inc. and the northern line of said Medina City Lot 1051 and the southern line of said East Smith Road, bearing North 89° 38' 03" East, a distance of 24.98 feet to the **PRINCIPAL PLACE OF BEGINNING**, containing 0.0031 acres of land (134 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.

together with the right of reasonable ingress and egress over the immediately adjacent lands of the Grantor(s) for the purpose and use of said easement.

As additional consideration for this easement and right-of-way, the Grantee covenants and agrees as follows:

1. Grantee shall repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of ROADWAY PAVEMENT, SIDEWALK, UTILITIES AND APPURTENANCES.
2. Grantee shall replace any driveway, lawn, shrubbery, or other improvement which may be damaged as a result of construction.
3. Within a reasonable time after completion of construction, and in no event later than forty-five (45) days, Grantee will return the ground to its original condition.
4. Grantee will secure and protect all permanent structures within the construction zone.
5. Grantee will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

Grantor(s) covenant and agrees as follows:

1. Grantor will not install, erect or maintain any structure, fixture or device upon the easement which could in any way interfere with Grantee's use of the easement and right-of-way; however, Grantor retains the right to use the surface of the easement area provided said use does not interfere with the uses granted to Grantee.
2. Authorize the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, Medina City Lot No. 1051 with the necessary equipment to remove grass, vegetation, brush, pavement and sidewalk as necessary to allow for the proposed grading for the roadway pavement, sidewalk and curb ramp installation; to install roadway pavement and curb; to install sidewalk and a curb ramp; to complete grading as necessary; to restore the affected areas with topsoil, seed, fertilizer, and mulch; in accordance with the plans and/or specifications as prepared by the City of Medina or its agents during the period of time commencing with the breaking of ground for the above described proposed work and terminating when the work has been completed and/or accepted by the City; and
3. Release the City of Medina, its Engineer, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason of the above described work as called for by the said plans and/or specifications provided that the property designated as 128 E. Smith Road, Permanent Parcel No. 028-19D-01-003, Medina City Lot No. 1051 is restored to the condition before construction or as close as reasonably possible in conformance with the plans and/or specifications and/or proposed work described above.

All the terms and conditions of this Easement and Right-of-way shall be binding upon and inure to the benefit of the Grantor(s), the Grantee, their heirs, executors, administrator, successors and assigns.

The grant of this Easement and Right-of-way shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Grantor:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: RJDM Properties, Inc.  
\_\_\_\_\_

State of Ohio )

County of Medina) SS:

Before me, a Notary Public, in and for said County and State, personally appeared the Grantor, \_\_\_\_\_, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

*In testimony whereof*, I have set my hand and official seal at Medina, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal:

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING
C1	39.25'	25.00'	89°56'50"	24.98'	N 45°23'32" W
					CHORD
					35.34'

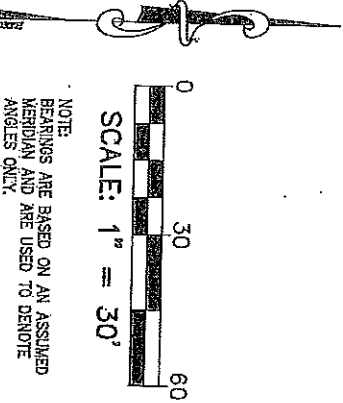
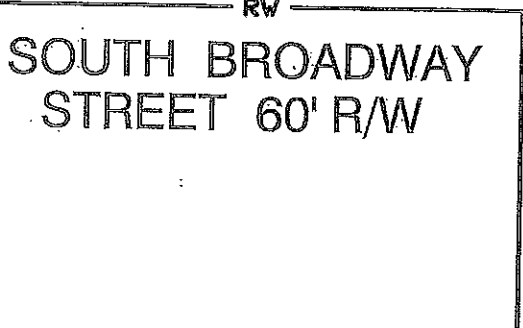
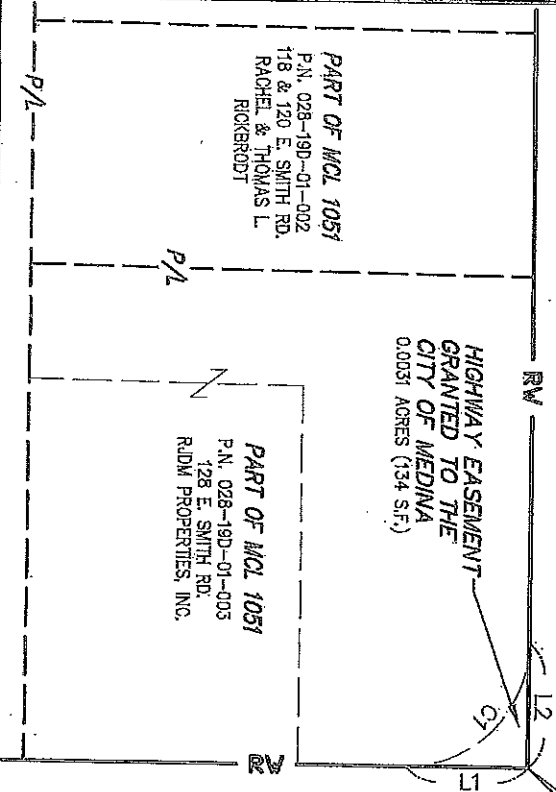
EAST SMITH  
ROAD 60' R/W

PRINCIPAL PLACE  
OF BEGINNING

# SKETCH OF EASEMENT

Part of Medina City Lot No. 1051  
Date: September, 2017  
Owner: RUDM PROPERTIES, INC.  
Parcel Number: 028-19D-01-003

LINE TABLE		
LINE	LENGTH	BEARING
L1	24.98	S 00°25'07" E
L2	24.98	N 89°56'03" E



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

CITY OF MEDINA  
DEPARTMENT OF ENGINEERING  
132 N. ELWOOD AVENUE  
MEDINA, OHIO 44256  
CITY JOB No. 1011