

ORDINANCE NO. 168-24

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT ONE (1) UTILITY EASEMENT TO LEGACY HOTEL OF MEDINA LLC FOR THE LEGACY HOTEL PROJECT, AND DECLARING AN EMERGENCY.

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

SEC. 1: That the Mayor is hereby authorized to grant one (1) Utility Easement to Legacy Hotel of Medina LLC for the Legacy Hotel Project located at 257 South Court Street.

SEC. 2: That the Easement marked Exhibit A, attached hereto and incorporated herein, is part of Medina City Lot (MCL) 359 as shown by plat recorded in Document Number 2024PL000016 of the Medina County Recorder's Records, Parcel No. 028-19A-21-240.

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 not delay the project; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: September 9, 2024 SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton APPROVED: September 10, 2024
Clerk of Council

SIGNED: Dennis Hanwell
Mayor



DocId:8545453

Tx:8387701

2024OR014716

LINDA HOFFMANN
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
09/18/2024 11:31 AM

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MEDINA COUNTY RECORDER

LINDA HOFFMANN

(DO NOT REMOVE THIS COVER SHEET.
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Utility Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ONE and 00/100 Dollar (\$1.00) and other good and valuable consideration recited herein given to CITY OF MEDINA, Ohio, hereinafter "Grantor(s)" by the LEGACY HOTEL OF MEDINA LLC, 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 utility easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing UTILITIES (WATER LINES, ELECTRIC LINES, STORM SEWERS 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:

Said easement is granted upon parcel number: 028-19A-21-240

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 359 as recorded in Official Record Volume 211, Page 33 of the Medina County Recorder's Records, further bounded and described in Exhibits A and B:

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. The Grantee covenants and agrees that it will not use said easement for public right-of-way purposes.

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

1. Grantee shall observe, maintain, repair, or replace the proposed utilities and appurtenances if any maintenance issues arise.
2. Grantee will be responsible for all excavation and backfill associated with any such maintenance activities; all surface restoration will be the responsibility of the Grantee.
3. Grantee will for its successors and assigns agrees that it will use its best efforts to have any future maintenance of the proposed utilities and appurtenances undertaken by competent utility contractors who shall complete said construction as expeditiously as possible.
4. Grantee shall complete the installation and testing of the proposed utilities and appurtenances in accordance with the plans and/or specifications approved by the City of Medina.
5. Grantee shall replace any existing surface treatment, pavement, patio pavers, lawn, landscaping, shrubbery, or other improvements which may be damaged as a result of future maintenance, repair, or replacement of the utilities and appurtenances by the Grantee.
6. Grantee will secure and protect all permanent structures associated with the utilities in the easement area.
7. 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 without written consent from the Legacy Hotel Of Medina Llc; 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.

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, administrators, 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 has executed this instrument this 17th day of September, 2024.

Grantor:

City of Medina, Ohio

Dennis Hanwell

Signature: _____

Name: Dennis Hanwell

Official Title: Mayor, City of Medina, Ohio

State of Ohio)
) SS:
County of Medina)

The foregoing instrument was acknowledged before me this 17 day of September, 2024
By The City of Medina Ohio by its Mayor Dennis Hanwell who acknowledged that he did sign this Power of Attorney, and that it is his free act and deed.

I have signed and sealed this Power of Attorney at Medina, Ohio this 17 day of September, 2024

Notary Signature: Tracy Eckert

Print Name: Tracy Eckert

My Commission Expires: August 25, 2029

Notary Seal:



TRACY ECKERT
Notary Public
State of Ohio
My Comm. Expires
August 25, 2029

This instrument was prepared by:

Gregory Huber, Law Director, City of Medina, Ohio
132 N. Elmwood Avenue
Medina, OH 44256



Cunningham & Associates, Inc.

Civil Engineering & Surveying
203 W. Liberty St., Medina, Oh 44256
Phone: (330) 725-5980 • Fax (330) 725-8019

EXHIBIT A

Legal Description for Varied Width Utility Easement
Project No. 22-137
August 27, 2024

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 359, also being part of lands conveyed to The City of Medina by deed dated July 17, 1984 as recorded in Official Record Volume 211, Page 33 of the Medina County Recorder's Records, further bounded and described as follows:

Commencing at the Southeast corner of MCL 9423 as shown by plat recorded in Document Number 2024PL000016 of the Medina County Recorder's Records, also being a point on the Western Right-of-Way of South Court Street, having a 66-foot Right-of-Way;

Thence along the Western right-of-Way of South Court Street, bearing South 00°10'13" West, a distance of 15.15 feet to a point thereon and the **TRUE PLACE OF BEGINNING** of the Easement Area herein described;

Thence, continuing along the Western Right-of-Way line of South Court Street, bearing South 00°10'13" West, a distance of 15.00 feet to a point thereon;

Thence parallel to the Southern line of aforesaid MCL 9423, bearing, North 89°40'53" West, a distance of 19.91 feet to a point;

Thence, bearing North 45°00'00" West, a distance of 21.54 feet to a point;

Thence parallel to the Southern line of aforesaid MCL 9423, bearing North 89°40'53" West, a distance of 104.67 feet to a point;

Thence at a right angle and perpendicular to the Southern line of said MCL 9423, bearing South 00°19'07" West, a distance of 27.86 feet to a point;

Thence at a right angle and parallel the Southern line of said MCL 9423, bearing North 89°40'53" West, a distance of 10.00 feet to a point;

Thence at a right angle and perpendicular the Southern line of said MCL 9423, bearing North 00°19'07" East, a distance of 27.86 feet to a point;

Thence at a right angle and parallel the Southern line of said MCL 9423, bearing North 89°40'53" West, a distance of 51.53 feet to a point;

Thence at a right angle and perpendicular the Southern line of said MCL 9423, bearing North 00°19'07" East, a distance of 15.00 feet to a point on the Southern line of said MCL 9423;

Thence along the Southern line of said MCL 9423, bearing South 89°40'53" East, a distance of 185.98 feet to a point thereon;

Thence at a right angle and perpendicular the Southern line of said MCL 9423, bearing South 00°19'07" West, a distance of 15.15 feet to a point;

Thence at a right angle and parallel the Southern line of said MCL 9423, bearing South 89°40'53" East, a distance of 15.40 feet to a point on the Western right-of-Way of South Court Street and the **TRUE PLACE OF BEGINNING** containing 0.0800 Acres of land, 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.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in August 2024.



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