

ORDINANCE NO. 193-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT
A SANITARY SEWER EASEMENT FROM THE LEGACY
HOTEL OF MEDINA, LLC.

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

SEC. 1: That the Mayor is hereby authorized to accept a Sanitary Sewer Easement from the Legacy Hotel of Medina, LLC.

SEC. 2: That the Easement is marked Exhibit A, attached hereto and incorporated herein, is part of Medina City Lot 9423, Parcel No. 028-19A-21-402.

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 28, 2024 SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton APPROVED: October 29, 2024
Clerk of Council

SIGNED: Dennis Hanwell
Mayor



DocId:8550401
Tx:8401478

2024OR019144

LINDA HOFFMANN
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
12/02/2024 12:43 PM

REC FEE: 65.00
PAGES: 7
DOC TYPE: EASE

MEDINA COUNTY RECORDER

LINDA HOFFMANN

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

NO TRANSFER NECESSARY
12/21/2024 DATE
ANTHONY P. CAPRETTA
MEDINA COUNTY AUDITOR

Sanitary Sewer Easement

ORD. 193-24

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 LEGACY HOTEL OF MEDINA LLC 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 sanitary sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing a SANITARY SEWER 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-21-402

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 9423 as shown by plat recorded in Document Number 2024PL000016 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 sanitary sewer and appurtenances if any maintenance issues arise. Grantee will be responsible for all excavation and backfill associated with any such maintenance activities but all surface restoration will be the responsibility of the Grantor.
2. Grantee will for its successors and assigns agrees that it will use its best efforts to have any future maintenance of the proposed sanitary sewer main and appurtenances undertaken by a competent sanitary sewer main contractor who shall complete said construction as expeditiously as possible.

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 City of Medina; 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. Grantor shall complete the installation and testing of the proposed sanitary sewer and appurtenances in accordance with the plans and/or specifications approved by the City of Medina and Board of County Commissioners of Medina County, Ohio.
3. Authorize the City of Medina and the Board of County Commissioners of Medina County, Ohio and all other officials, assistants, employees, agents and contractors thereof to enter upon the property designated as 257 S. Court Street; Permanent Parcel No. 028-19A-21-402, part of Medina City Lot 9423 with the necessary equipment to observe, maintain, repair and or replace the proposed sanitary sewer and appurtenances. The Grantee will complete all

excavation and backfilling necessary to observe, maintain, repair or replace the sanitary sewer and appurtenances.

4. Release the City of Medina and the Board of County Commissioners of Medina County, Ohio, and all other officials, assistants, employees, agents and contractors thereof, from claims of damage, of compensation by reason for the observation, maintenance, repair or replacement of the sanitary sewer main and appurtenances at the property designated as 257 S. Court Street., Permanent Parcel No. 028-19A-21-402, part of Medina City Lot 9423.
5. Grantor 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 sanitary sewer and appurtenances by the Grantee.
6. Grantor will secure and protect all permanent structures associated with the sanitary sewer in the easement area.
7. Grantor will pay for all costs of surveying, recording of documents, filing and transfer fees, escrow costs and title expenses, if any.

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.

SITUATED IN THE CITY OF
MEDINA, COUNTY OF
MEDINA, STATE OF OHIO
AND BEING KNOWN AS PART
OF MEDINA CITY LOT 9423

MCL 384 (PT)
MRR PROPERTIES, LLC
DOC. NO. 2014OR012787
06/30/2014

KING REAL ESTATE LLC
DOC. NO. 1999ORD43031
12/30/1999

MCL 355 (PT)
MCL 356 (PT)

N89°56'08"W 147.65' Rec. & Utd.
T.P.O.B. 114.87
P.O.C.

Line Table		
Line #	Direction	Length
L1	S0°03'54"W	10.35
L2	N89°56'08"W	41.71
L3	N89°40'53"W	20.07
L4	N89°05'15"E	28.17

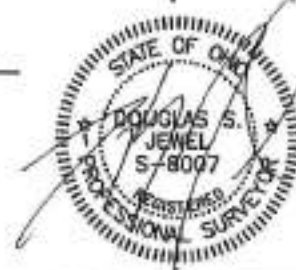


BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY.

VARIED WIDTH SANITARY
SEWER EASEMENT
0.0721 AC.

MCL 9423
DOC. NO. 2024PL000016

MCL 359 (PT)
THE CITY OF MEDINA
OR 211, PG 33
07/17/1984



SOUTH COURT STREET (66' R/W)

EXHIBIT B
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
200 W. LIBERTY ST., MEDINA, OHIO 44130-1400

Part of MCL 9423
LOCATED IN:
CITY OF MEDINA
COUNTY OF MEDINA
STATE OF OHIO

DRAWN BY: JG
DATE: 6/2/24
PROJECT NO.: 22-117
JOB FILE NO.: EXHIBIT_B2

SHEET NO.
1/1