

ORDINANCE NO. 41-25

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT
A STORM SEWER EASEMENT ON HILLVIEW WAY.**

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

- SEC. 1:** That the Mayor is hereby authorized to accept the storm sewer easement located upon Parcel Number #028-19A-04-201 (Medina City Lot #9154) on Hillview Way.
- SEC. 2:** That a copy of the easement 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 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: February 24, 2025

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: February 25, 2025

SIGNED: Dennis Hanwell
Mayor

ORD. 41-25
EXH. A

Storm Sewer 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 BAY HOLDINGS 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 storm sewer easement for the purpose of erecting, constructing, installing and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing a A STORM 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-04-201

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 9154 as shown by plat recorded in Document Number 2014PL000021 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 repair any and all damage arising from the installation or subsequent repair, maintenance or reconstruction of a STORM SEWER 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.

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 Permanent Parcel No. 028-19A-04-201, part of Medina City Lot 9154 with the necessary equipment to remove any obstructions as necessary to repair or replace the existing storm sewer including any rocks, trees, tree stumps, brush, vegetation, and landscaping; to repair or replace the existing storm sewer and appurtenances; to operate, clean, or flush the existing storm sewer and appurtenances; to restore all affected and disturbed 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 Permanent Parcel No. 028-19A-04-201, part of Medina City Lot 9154 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.

Chris Pavlus
Notary Public, State of Ohio
My Commission Expires:
March 29, 2027



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 a Storm Sewer Easement
Project No. 24-226
December 3, 2024

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 9154 as shown by plat recorded in Document Number 2014PL000021 of the Medina County Recorder's Records, also being part of lands conveyed to Bay Holdings, LLC by deed dated October 03, 2024 as recorded in Document Number 2024OR015571 of the Medina County Recorder's Records, further bounded and described as follows:

Commencing at the Southeast corner of MCL 8747 as shown by plat recorded in Document Number 2001PL000128 of the Medina County Recorder's Records, also being a point on the Northern Right-of-Way of Hillview Way, having a 80-foot Right-of-Way;

Thence along the Northern Right-of-Way of Hillview Way along a curve to the right having a radius of 340.00 feet with a central angle (Delta) of 04°23'35", the long chord of which bears South 59°30'16" East for a distance of 26.06 feet for an arc length of 26.07 feet to a point thereon;

Thence along a reverse curve to the left having a radius of 260.00 feet with a central angle (Delta) of 03°11'13", the long chord of which bears South 58°54'05" East for a distance of 14.46 feet for an arc length of 14.46 feet to a point thereon and the **TRUE PLACE OF BEGINNING** of the Easement Area herein described;

Thence bearing South 81°19'04" East, a distance of 228.15 feet to a point on the Northern Right-of-Way of Hillview Way;

Thence along the Northern Right-of-Way of Hillview Way, bearing North 89°34'50" West, a distance of 99.39 feet to a point of curvature therein;

Thence continuing along the Northern Right-of-Way of Hillview Way, along a curve to the right having a radius of 260.00 feet with a central angle (Delta) of 29°05'09", the long chord of which bears North 75°02'16" West for a distance of 130.57 feet for an arc length of 131.99 feet to a point thereon and the **TRUE PLACE OF BEGINNING** intending to be a varied with strip of land, containing 0.0541 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 December 2024.

5 CITY OF MEDINA, COUNTY
TATE OF OHIO AND BEING
T OF MEDINA CITY LOT 9154

MCL 9154
2014PL000021
BAY HOLDINGS, LLC
DOC. NO. 2024OR015571
10/03/2024

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Curve Table				
Curve #	Radius	Delta	Chord Bearing	Arc Length
C1	340.00	4°23'35"	S59°30'16"E	26.07
C2	260.00	37°11'13"	S58°54'05"E	14.46
C3	260.00	29°05'09"	N75°02'16"W	131.99

Line Table		
Line #	Direction	Length
L1	N89°34'50"W	99.39

PROPOSED STORM
SEWER EASEMENT
0.0541 AC.

S81°19'04"E 228.15'
Ex. 36" Storm Sewer
Ex. Storm Manhole
C3

Ex. Storm Manhole

HILLVIEW WAY (80' R/W)

MCL 9417
2024PL000012

MEDWICK MARKETPLACE, LLC.
DOC. NO. 2022OR008478
04/14/2022



1 ASSUMED MERIDIAN
NOTE ANGLES ONLY.

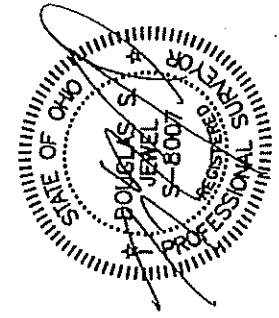


EXHIBIT B
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
208 W. LIBERTY ST. MEDINA, OHIO 44130-3300-3390

Part of MCL 9154
LOCATED IN:
CITY OF MEDINA
COUNTY OF MEDINA
STATE OF OHIO

DRAWN BY: SC
DATE: 12/03/2024
PROJECT No. 24-226
A/CID FILE No. S-8007
EXHIBIT 01
SHEET NO. 1