

ORDINANCE NO. 116-25

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT TWO EASEMENTS NECESSARY FOR THE MEDINA STREET BRIDGE 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 accept two (2) Easements necessary for the Medina Street Bridge Project.
- SEC. 2:** That the Easement marked Exhibit A, attached hereto and incorporated herein, is located on Permanent Parcel No. 028-19A-20-054, owned by Richard B. Milgate, Jr.
- SEC. 3:** That the Temporary Easement marked Exhibit B, attached hereto and incorporated herein, is located on Permanent Parcel No. 028-19A-20-055, owned by Todd A. and Laura L. Naftzger.
- 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 considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to get recorded and the owner paid as soon as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: June 9, 2025

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 10, 2025

SIGNED: Dennis Hanwell
Mayor

ORD 116-25
Exh. A

KNOWN TO ALL MEN BY THESE PRESENTS, that Richard B. Milgate, Jr., single, the Grantor(s), for and in consideration of Four Hundred Dollars (\$400.00) and other valuable considerations received to my/our full satisfaction from the CITY OF MEDINA, OHIO, the Grantee, do hereby give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns to have and to hold forever an easement upon real property with the right to enter upon said real property easement to construct, maintain, operate, repair and remove a water main and appurtenances in, through and under the real property described as follows:

Said easement is granted upon parcel number 028-19A-20-054

****SEE EXHIBIT A ATTACHED****

Prior Instrument Reference: O.R. Volume 722, Page 826, Medina County Recorder's Office.

No structure, buildings, ponds or other utilities of any kind shall be constructed or placed on or in said easement without the written consent of the CITY OF MEDINA, OHIO.

As a part of the consideration for the granting of said easement(s) to the Grantee, the Grantee for its successors and assigns agrees that it will use its best efforts to have the construction of the proposed water main undertaken by a competent contractor who shall complete said construction as expeditiously as possible and who shall restore the site of the work as nearly as possible to its original condition and shall maintain it in such condition for a period of one (1) year after completion of said construction.

TO HAVE AND TO HOLD said easement and right-of-way unto the Grantee, its successors and assigns forever.

And the said Grantor(s) for themselves and their heirs, executors and administrators, hereby covenant with said Grantee, its successors and assigns that they are the true and lawful owner(s)

of said premises, and are lawfully seized of the same in fee simple, and have good right and full power, to grant, bargain, sell, convey and release the same in the manner aforesaid.

IN WITNESS WHEREOF, Richard B. Milgate, Jr. has hereunto set his hand on the 8 day of MAY, 2015.


Richard B. Milgate, Jr.

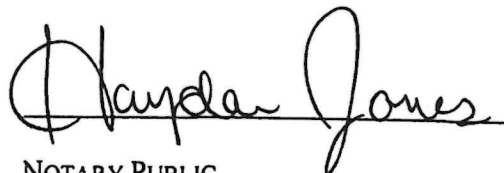
STATE OF OHIO, COUNTY OF MEDINA. ss:

BE IT REMEMBERED, that on the 8 day of MAY, 2015, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Richard B. Milgate, Jr. who acknowledged the foregoing instrument to be his voluntary acts and deeds. No oath or affirmation was administered to Richard B. Milgate, Jr. with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



HAYDAN R. JONES
Notary Public, State of Ohio
My Commission Expires
05/12/2029


NOTARY PUBLIC
My Commission expires: 5/12/29

This document was prepared by: MCSE
791 W. Smith Rd., 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 a 0.0022 Acre Easement Area
Project No. 23-285
October 10, 2024

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 312, also being a part of lands conveyed to Richard B. Milgate Jr. by deed dated July 31, 1992 as recorded in Official Record Volume 722, Page 826 of the Medina County Recorder's Records, further bounded and described as follows:

Commencing at the Southwest corner of MCL 311, also being the Southwest corner of lands conveyed to Montrose Land Corporation by deed dated July 10, 2001 as recorded in Document Number 2001OR023509 of the Medina County Recorder's Records, also being a point on the Easterly Right-of-Way of Medina Street, having a varied width Right-of-Way;

Thence along the Southern line of said MCL 311 and said lands of Montrose Land Corporation, bearing North 89°09'32" East, a distance of 15.32 feet to a point thereon, also being the Northeast corner of lands conveyed to Todd A. and Laura L. Naftzger by deed dated June 07, 2007 as recorded in Document Number 2007OR015363 of the Medina County Recorder's Records and the **TRUE PLACE OF BEGINNING** of the Easement Area herein described;

Thence continuing along the Southern line of said MCL 311 and said lands of Montrose Land Corporation, bearing North 89°09'32" East, a distance of 14.84 feet to a point thereon;

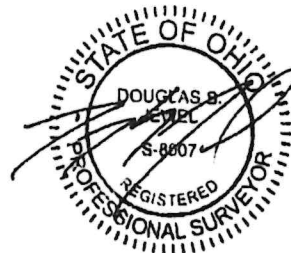
Thence, bearing South 05°19'36" West, a distance of 6.33 feet to a point;

Thence, bearing South 85°55'55" West, a distance of 14.25 feet to a point on the Eastern line of aforesaid lands of Naftzger;

Thence along the Eastern line of said lands of Naftzger, bearing North 00°20'47" West, a distance of 7.09 feet to a point on the Southern line of aforesaid MCL 312, also being a point on the Southern line of aforesaid lands of Montrose Land Corporation and the **TRUE PLACE OF BEGINNING** intending to be a varied width strip of land, containing 0.0022 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 October 2024.



SITUATED IN THE CITY OF MEDINA,
COUNTY OF MEDINA, STATE OF OHIO
AND BEING KNOWN AS PART OF
ORIGINAL MEDINA CITY LOT 312

Line Table		
Line #	Direction	Length
L1	N89°09'32"E	15.32
L2	N89°09'32"E	14.84
L3	S57°19'36"W	6.33
L4	S85°35'55"W	14.25
L5	N0°20'47"W	7.09

① MCL 312(PT)

TODD A. &
LAURA L. NAFTZGER
DOC. NO. 20070R01536.3
06/07/2007

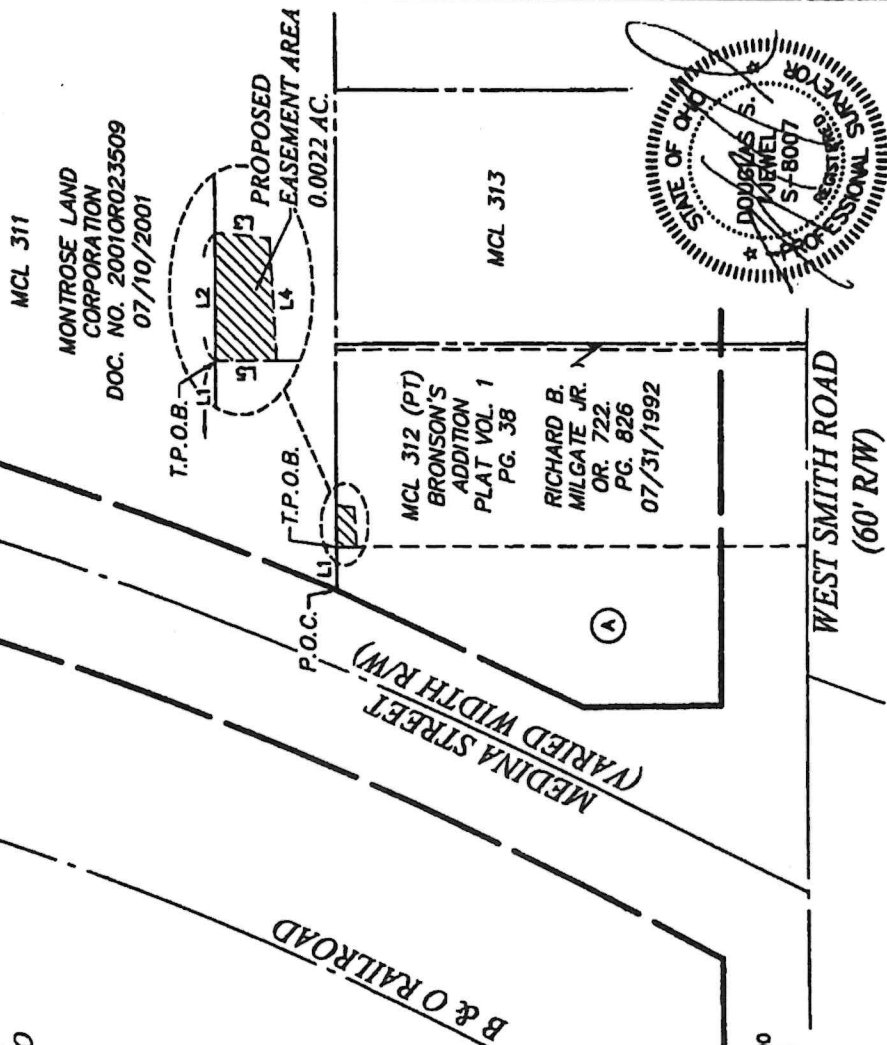


Scale: 1" = 50'
BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY.

EXHIBIT B
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
100 N. LIBERTY ST. MEDINA, OHIO 44028-1000

Part of MCL 312
LOCATED IN
CITY OF MEDINA
COUNTY OF MEDINA
STATE OF OHIO

DATE 10/10/2024
PROJECT NO. 23-235
ACQUISITION FILE NO. 23-235
SHEET NO. 1
1



GRANT OF EASEMENT

ORD. 116-25
Exh. B

KNOWN TO ALL MEN BY THESE PRESENTS, that Todd A. Naftzger and Laura L. Naftzger, husband and wife, the Grantor(s), for and in consideration of Five Hundred Dollars (\$500.00) and other valuable considerations received to my/our full satisfaction from the CITY OF MEDINA, OHIO, the Grantee, do hereby give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns to have and to hold forever an easement upon real property with the right to enter upon said real property easement to construct, maintain, operate, repair and remove a water main and appurtenances in, through and under the real property described as follows:

Said easement is granted upon parcel number 028-19A-20-055

****SEE EXHIBIT A ATTACHED****

Prior Instrument Reference: Instrument No. 2007OR015363, Medina County Recorder's Office.

No structure, buildings, ponds or other utilities of any kind shall be constructed or placed on or in said easement without the written consent of the CITY OF MEDINA, OHIO.

As a part of the consideration for the granting of said easement(s) to the Grantee, the Grantee for its successors and assigns agrees that it will use its best efforts to have the construction of the proposed water main undertaken by a competent contractor who shall complete said construction as expeditiously as possible and who shall restore the site of the work as nearly as possible to its original condition and shall maintain it in such condition for a period of one (1) year after completion of said construction.

TO HAVE AND TO HOLD said easement and right-of-way unto the Grantee, its successors and assigns forever.

And the said Grantor(s) for themselves and their heirs, executors and administrators, hereby covenant with said Grantee, its successors and assigns that they are the true and lawful owner(s)

of said premises, and are lawfully seized of the same in fee simple, and have good right and full power, to grant, bargain, sell, convey and release the same in the manner aforesaid.

IN WITNESS WHEREOF, Todd A. Naftzger and Laura L. Naftzger have hereunto set their hands on the 31 day of MARCH, 2025.



Todd A. Naftzger



Laura L. Naftzger

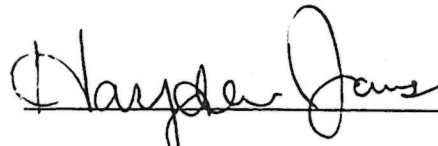
STATE OF OHIO, COUNTY OF MEDINA. SS:

BE IT REMEMBERED, that on the 31 day of MARCH, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Todd A. Naftzger and Laura L. Naftzger who acknowledged the foregoing instrument to be their voluntary acts and deeds. No oath or affirmation was administered to Todd A. Naftzger and Laura L. Naftzger with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



HAYDAN R. JONES
Notary Public, State of Ohio
My Commission Expires
05/12/2029



NOTARY PUBLIC
My Commission expires: 5/12/29

This document was prepared by: MCSE
791 W. Smith Rd., 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 a 0.0030 Acre Easement Area
Project No. 23-285
October 10, 2024

Situated in the City of Medina, County of Medina, State of Ohio and being known as part of Medina City Lot (MCL) 312, also being a part of lands conveyed to Todd A and Laura L. Naftzger by deed dated June 07, 2007 as recorded in Document Number 2007OR015363 of the Medina County Recorder's Records, further bounded and described as follows:

Commencing at the Southwest corner of MCL 311, also being the Southwest corner of lands conveyed to Montrose Land Corporation by deed dated July 10, 2002 as recorded in Document Number 2001OR023509 of the Medina County Recorder's Records, also being a point on the Easterly Right-of-Way of Medina Street, having a varied width Right-of-Way and the **TRUE PLACE OF BEGINNING** of the Easement Area herein described;

Thence along the Southern line of said MCL 311 and said lands of Montrose Land Corporation, bearing North 89°09'32" East, a distance of 15.32 feet to the Northwest corner of lands conveyed to Richard B. Milgate Jr. by deed dated July 31, 1992 as recorded in Official Record Volume 722, Page 826 of the Medina County Recorder's Records;

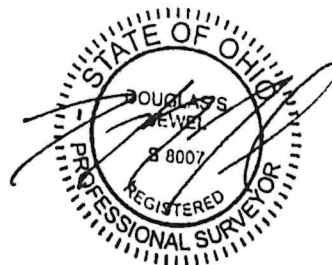
Thence along the Western line of said lands of Milgate, bearing South 02°20'47" East, a distance of 7.09 feet to a point thereon;

Thence, bearing South 85°55'55" West, a distance of 19.30 feet to a point a point on the Easterly Right-of-Way of Medina Street;

Thence along the Easterly Right-of-Way of Medina Street, bearing North 25°16'38" East, a distance of 9.11 feet to a point thereon, also being the Southwest corner of aforesaid MCL 311, also being the Southwest corner of aforesaid lands of Montrose Land Corporation and the **TRUE PLACE OF BEGINNING** intending to be a varied width strip of land, containing 0.0030 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 October 2024.



SITUATED IN THE CITY OF MEDINA,
COUNTY OF MEDINA, STATE OF OHIO
AND BEING KNOWN AS PART OF
ORIGINAL MEDINA CITY LOT 312

Line Table		
Line #	Direction	Length
L1	N89°09'32"E	15.32
L2	S02°04'47"E	7.09
L3	S85°55'55"W	19.30
L4	N25°16'38"E	9.11

Ⓐ MCL 312(PT)

TODD A. &
LAURA L. NAFTZGER
DOC. NO. 20070R015363
06/07/2007



Scale: 1" = 50'

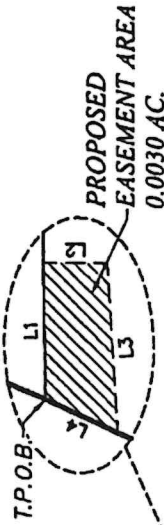
BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY.

B & O RAILROAD

MEDINA STREET
(VARIED WIDTH R/W)

WEST SMITH ROAD
(60' R/W)

MCL 311
MONTROSE LAND
CORPORATION
DOC. NO. 20070R023509
07/10/2001



MCL 312 (PT)
BRONSON'S
ADDITION
PLAT VOL. 1
PG. 38

RICHARD B.
MILGATE JR.
OR. 722.
PG. 826
07/31/1992

MCL 313

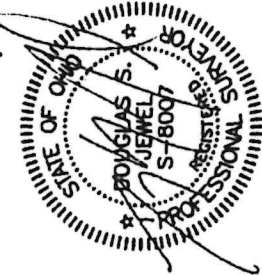


EXHIBIT B

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
1111 W. 118th Street, Medina, Ohio 44130-7755, 330.775.5900

Part of MCL 312
CITY OF MEDINA
LOCATED IN
COUNTY OF MEDINA
STATE OF OHIO

DATE OF SC
DATE 10 10 2024
PROJECT
23-283
10' TO FILE
S-18007
S-18007
S-18007
S-18007