

ORDINANCE NO. 133-25

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT TWO (2) EASEMENTS NECESSARY FOR THE WEST SMITH WATER LINE 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 West Smith Reconstruction Project.
- SEC. 2:** That the Permanent Easement marked Exhibit A, attached hereto and incorporated herein, is located on Permanent Parcel No. 028-19A-21-273.
- SEC. 3:** That the Temporary Easement marked Exhibit B, attached hereto and incorporated herein, is located on Permanent Parcel No. 028-19A-21-273.
- SEC. 4:** That the funds to cover the easements, in the amount of \$4,100.00 are available in Account No. 108-0610-54411.
- SEC. 5:** 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. 6:** 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 the property owner has signed and we would like to get this 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: August 25, 2025

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: August 26, 2025

SIGNED: Dennis Hanwell
Mayor

GRANT OF EASEMENT

ORD. 133-25
Exh. A

KNOWN TO ALL MEN BY THESE PRESENTS, that Nicholas S. Nagorka, Single, the Grantor(s), for and in consideration of Three Thousand Five Hundred Fifty Dollars (\$3,550.00) and other valuable considerations received to my 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-21-273

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

Prior Instrument Reference: Instrument No. 2020OR013408, 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.

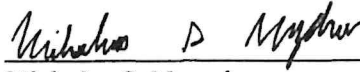
As a part of the consideration for the granting of said easement(s) to the Grantee, the Grantee for its successors and assigns agrees that it will use its best efforts to have the construction of the proposed water main undertaken by a competent contractor who shall complete said construction as expeditiously 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 himself and his heirs, executors and administrators, hereby covenant with said Grantee, its successors and assigns that he is 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, Nicholas S. Nagorka has hereunto set his hand on the 11th day of June, 2025.



Nicholas S. Nagorka

STATE OF OHIO, COUNTY OF MEDINA. SS:

BE IT REMEMBERED, that on the 11th day of June, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Nicholas S. Nagorka who acknowledged the foregoing instrument to be his voluntary act and deed. No oath or affirmation was administered to Nicholas S. Nagorka 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: 5/12/2029

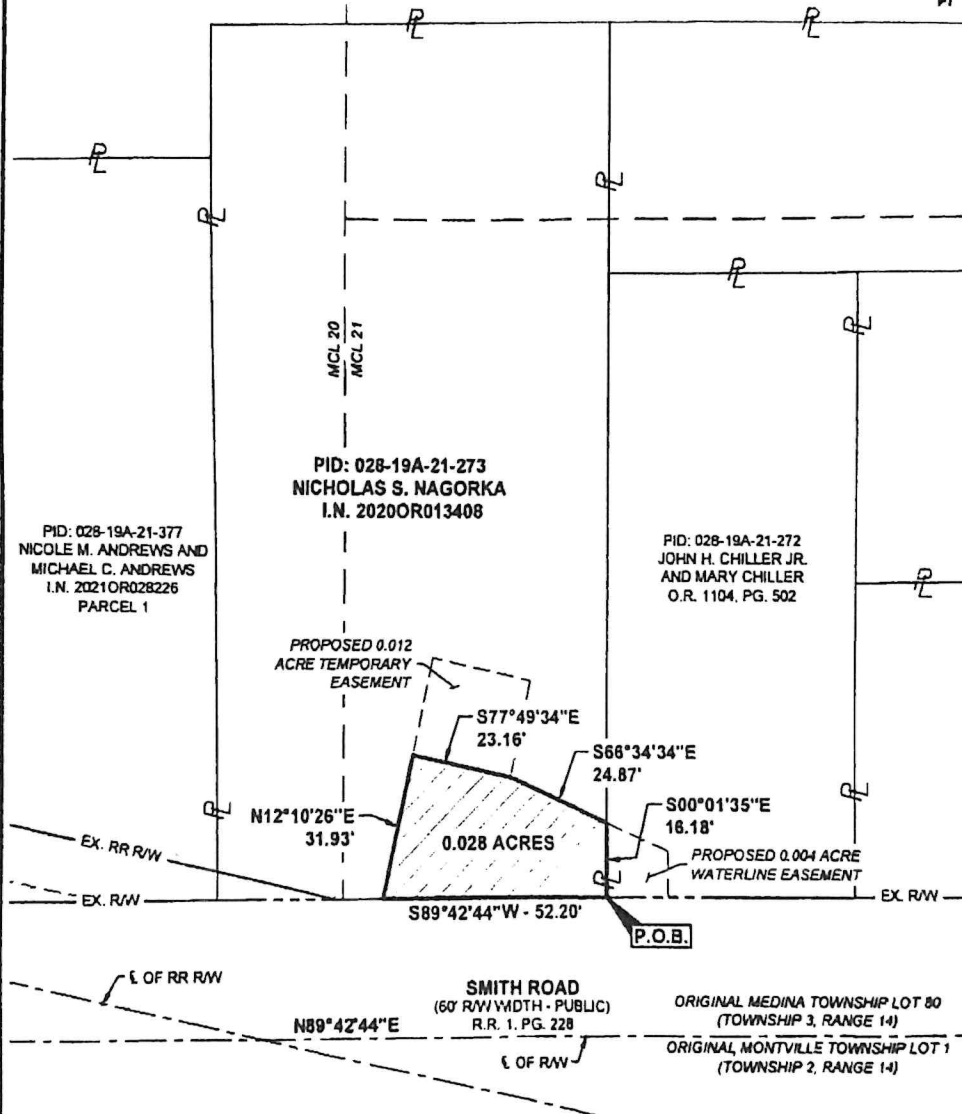
This document was prepared by: MCSE
791 W. Smith Rd., Medina, OH 44256

STATE OF OHIO, COUNTY OF MEDINA, CITY OF MEDINA,
ORIGINAL MEDINA TOWNSHIP LOT 80, TOWNSHIP 3, RANGE 14
CONNECTICUT WESTERN RESERVE

BASIS OF BEARINGS

Bearings described hereon are based on North 89 degrees 42 minutes 44 seconds East for the existing centerline of right-of-way for Smith Road between Huntington Street and Elmwood Avenue, as measured from Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

0 15' 30'
SCALE: 1"=30'



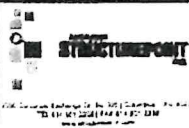
This easement exhibit was prepared by Brian P. Bingham, Registered Professional Surveyor No. 8438, is based upon an actual survey performed of the premises by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

Brian P. Bingham
Professional Land Surveyor 8438

Date

PREPARED FOR
CITY OF
MEDINA, OHIO



UNDER WIRE WATERLINE EASEMENT
WEST SMITH ROAD
PHASE IV IMPROVEMENTS
CITY OF MEDINA, MEDINA COUNTY, OHIO

DATE: 06/13/2024
DRAWN BY: MWM
CHECKED BY: BPS
JOB NUMBER: 2019-21543

1 of 1

TEMPORARY EASEMENT

020. 133-25
Exh. B

Nicholas S. Nagorka, Single, the Grantor(s), in consideration of the sum of \$550.00, to be paid by City of Medina, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

Said temporary easement is granted upon parcel number 028-19A-21-273

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

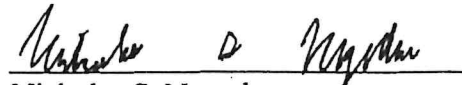
Prior Instrument Reference: Instrument No. 2020OR013408, Medina County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a waterline.

IN WITNESS WHEREOF, Nicholas S. Nagorka has hereunto set his hand on the 11th day of June, 2025.


Nicholas S. Nagorka


STATE OF OHIO, COUNTY OF MEDINA. SS:

BE IT REMEMBERED, that on the 11th day of June, 2025, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Nicholas S. Nagorka who acknowledged the foregoing instrument to be his voluntary act and deed. No oath or affirmation was administered to Nicholas S. Nagorka 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

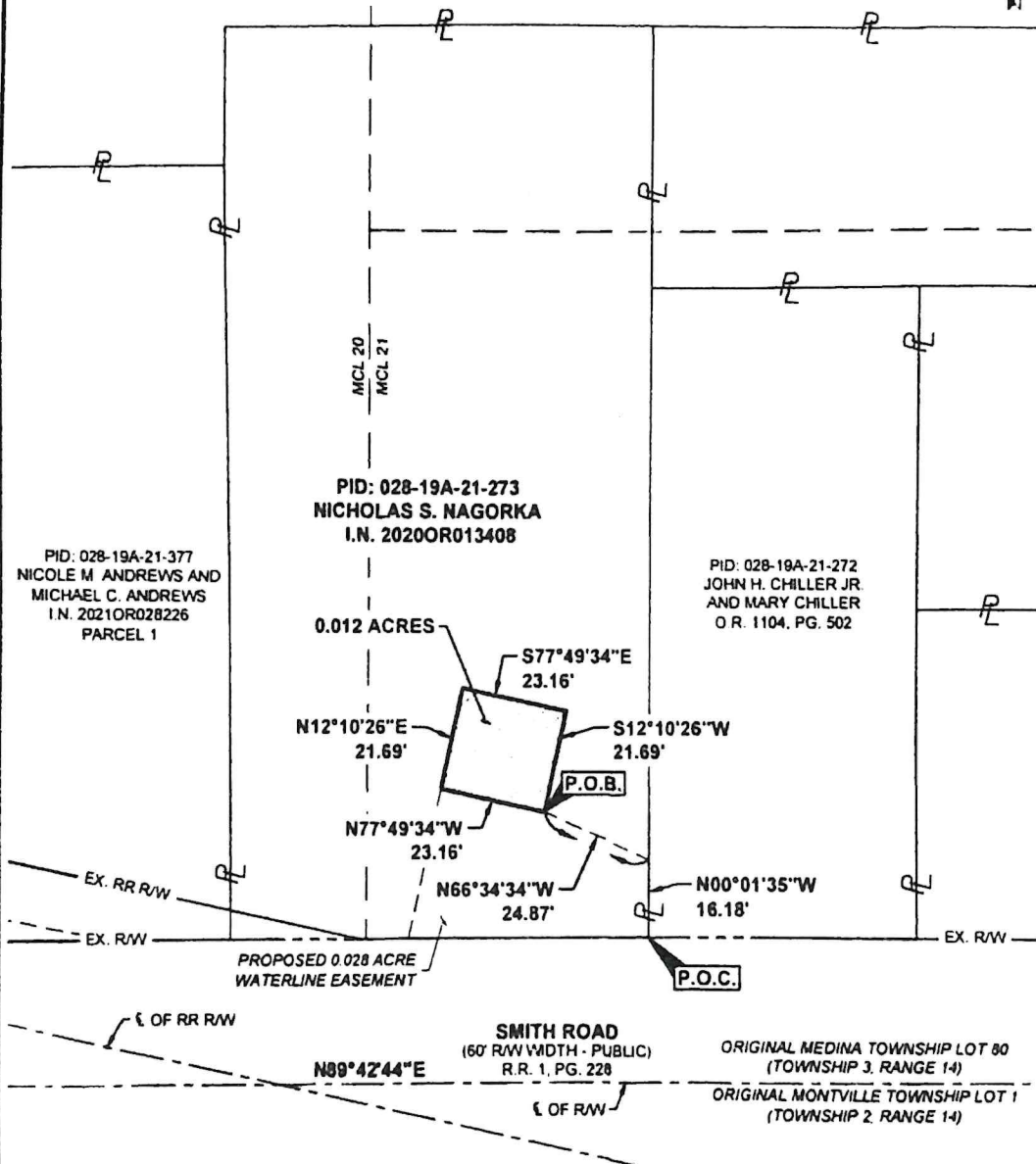
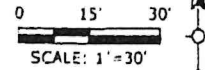

NOTARY PUBLIC
My Commission expires: 5/12/29

This document was prepared by: MCSE
791 W. Smith Rd., Medina, OH 44256

**STATE OF OHIO, COUNTY OF MEDINA, CITY OF MEDINA,
ORIGINAL MEDINA TOWNSHIP LOT 80, TOWNSHIP 3, RANGE 14
CONNECTICUT WESTERN RESERVE**

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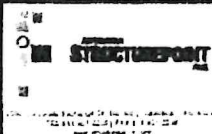
This easement exhibit was prepared by Brian P. Bingham Registered Professional Surveyor No. 8438, is based upon an actual survey performed of the premises by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

Brian P. Bingham
Professional Land Surveyor 8438

Date

PREPARED FOR
CITY OF
MEDINA, OHIO



0.012 ACRE TEMPORARY EASEMENT
FOR
WEST SMITH ROAD
PHASE IV IMPROVEMENTS
CITY OF MEDINA MEDINA COUNTY, OHIO

DATE	06/13/2024
CREATED BY	UNM
DATE PLOTTED	06/13/2024
DATE PLotted	06/13/2024

1 of 1