

City of Oberlin, Ohio

ORDINANCE No. 12-50 AC CMS

AN ORDINANCE ACCEPTING DEDICATION OF AN EASEMENT FOR A CITY WATERLINE WEST OF OBERLIN ROAD DUE TO THE OBERLIN ROAD BRIDGE REPLACEMENT AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the water line easement west of Oberlin Road and located on the real property described as Lorain County Auditor's Permanent Parcel Number 09-00-087-107-029 that is owned by David Laczko, is hereby dedicated to and accepted by the City of Oberlin for operation and maintenance of the water line involved in accordance with the Easement Agreement attached hereto as **Exhibit A**, and the City Manager is hereby authorized and directed to execute same on behalf of the City.


SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:


“to allow for the relocation of the existing water main to the easement area in a timely fashion in conjunction with the replacement of the Oberlin Road Bridge”, and shall take effect immediately upon passage.

PASSED: 1st Reading - June 4, 2012 (S, E)
2nd Reading -
3rd Reading -

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 06/05/2012

EFFECTIVE DATE: 06/04/2012

This easement has been examined and the Grantor has complied with Section 3.19.202 of the Revised Code.

FEE \$ 0

EXEMPT \$ DP 6/12/12

Mark R. Stewart, County Auditor



Doc ID: 016986610004 Type: OFF
Kind: EASEMENT/RIGHT OF WAY
Recorded: 06/12/2012 at 01:41:15 PM
Fee Amt: \$44.00 Page 1 of 4
Lorain County, Ohio
Judith M Nedwick County Recorder
File **2012-0416609**

EASEMENT

For One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the undersigned David Laczko, a single person, who with his successors and assigns is herein called "Grantor", grants and conveys to the City of Oberlin, Ohio, a municipal corporation, which with its successors and assigns is herein called "Grantee", a permanent easement and right-of-way "Easement", to install, operate, maintain, repair, replace, and improve a public water line, said easement being described in the map attached hereto and further described as follows:

Situated in the City of Oberlin, County of Lorain and State of Ohio:

being known as part of Original New Russia Township Lot No. 87, bounded and described as follows: Beginning at an iron pin found set in a monument box at the intersection of the centerline of East College Street and the centerline of Oberlin Road; Thence South 1°15'14" West in the centerline of Oberlin Road, a distance of 596.70 feet; Thence North 88°44'46" West, a distance of 30.00 feet to the westerly right of way line of Oberlin Road; Said point being the Principal Place of Beginning of the Easement herein described; Thence South 1°15'14" West in the westerly right of way line of Oberlin Road, a distance of 143.16 feet; Thence North 45°35'49" West, a distance of 27.41 feet; Thence North 1°15'14" East, a distance of 104.45 feet; Thence North 46°19'11" East, a distance of 28.25 feet to the Principal Place of Beginning;

Enclosing a parcel of land containing 0.0568 acres more or less but subject to all legal highways and easements of record.

Grantor claims title by Instrument No. 1995-01261995 of Lorain County Records.

Said Easement is part of Lorain County Auditor's Permanent Parcel No. 09-00-087-107029.
The bearings based on GPS location.

The legal description of this easement was prepared by the Lorain County Engineer's Office.

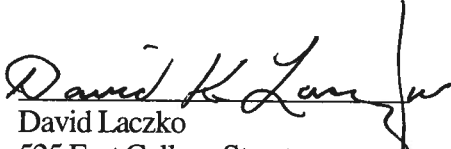
In addition to the rights provided above, said grant of right of way and easement provides that:

1. Grantee, its employees and agents, shall have the right of ingress and egress over the right of way to install, operate, maintain, repair, replace and improve the public water main on said "Property".
2. Grantee shall cause to be corrected all damages caused by its employees, in the maintenance, repair, replacement, removal, or improvement of said public water main, except that Grantee's responsibility to correct any and all such damages shall be limited to restoration of lawn, and restoration of pavement, curb, and sidewalk improvements existing at the time this easement is granted. Any further improvements placed in the easement area by Grantor or Grantor's agents, contractors or employees, without the written consent of Grantee, shall be so placed at Grantor's sole risk and expense. Grantee agrees to exercise due care in the use of said easement to reasonably minimize damages.
3. Grantor shall have the right to use the land within the limits of said right of way and easement in any other manner not inconsistent with the rights herein described.
4. Grantor represents and warrants that he has full power and authority to enter into this easement agreement and warrants that he will defend the same against all claims of all persons.

Grantor and Grantee, as used herein, shall be deemed to be plural when required to be so, and shall include the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have signed and acknowledged this Easement on the dates written below their respective signatures:

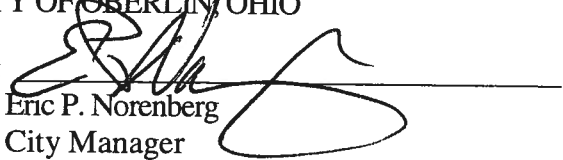
Grantor:


David Laczko
525 East College Street
Oberlin, Ohio 44074

Grantee:

CITY OF OBERLIN, OHIO

By:


Eric P. Norenberg
City Manager

Date: 22 MAY 2012

Date: 6/5/12

STATE OF OHIO
SS
LORAIN COUNTY

Personally appeared before me, a Notary Public, in and for said State, the above named David Laczko, a single person, who acknowledged that the signing of the foregoing instrument was his voluntary act and deed

22nd IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal this day of May, 2012.

Sheryl A. Runals
Notary Public

Commission Expiration Date: 5/1/2016

Sheryl A. Runals
Notary Public, State of Ohio
My Commission Expires 5/1/2016

STATE OF OHIO
SS
LORAIN COUNTY

Personally appeared before me, a Notary Public, in and for said State, the above named City of Oberlin, by and through Eric P. Norenberg, its City Manager, who acknowledged that the signing of the foregoing instrument was his voluntary act and deed.

5th IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal this day of June, 2012.

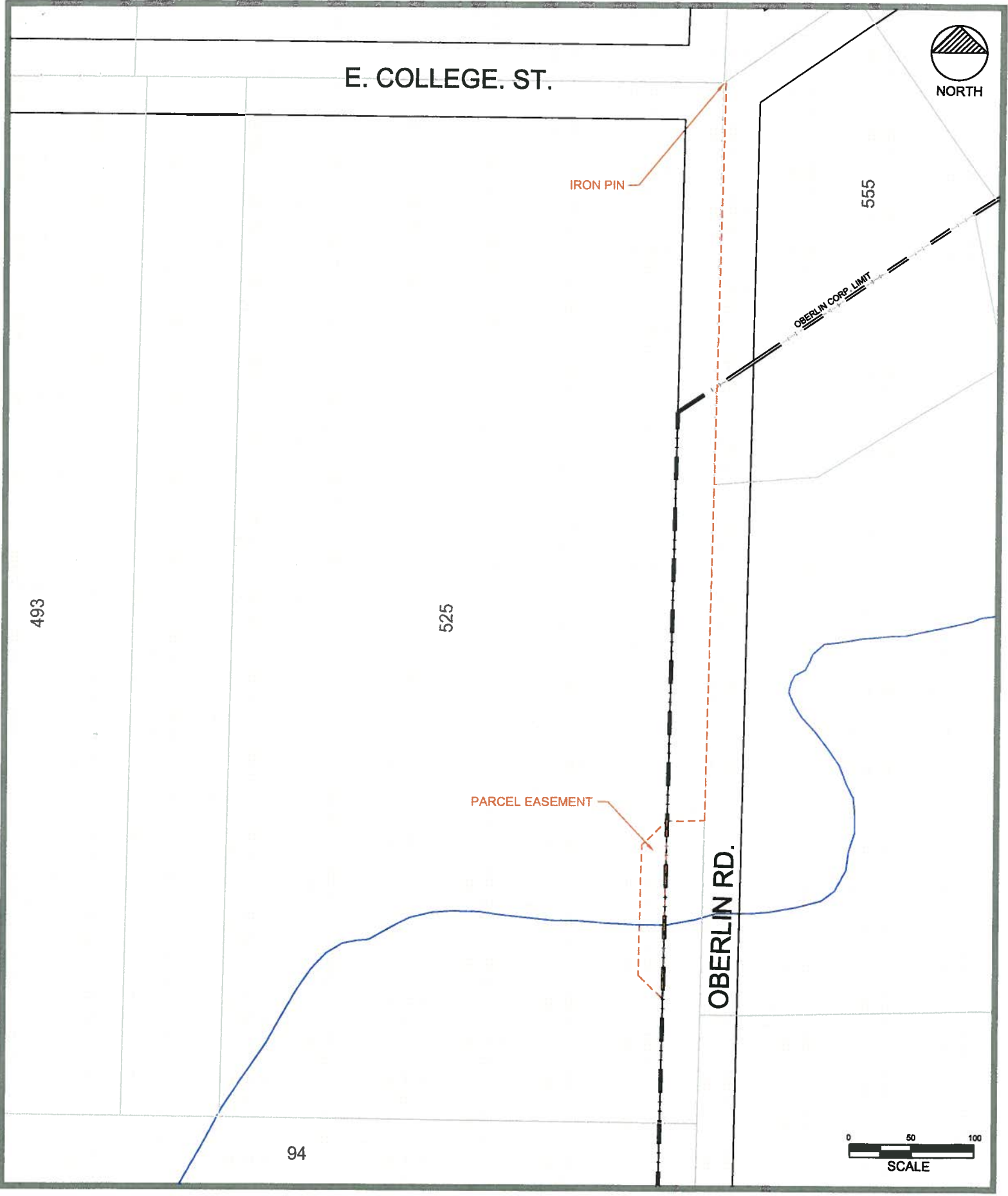
Sheryl A. Runals
Notary Public

Commission Expiration Date 5/1/2016

Sheryl A. Runals
Notary Public, State of Ohio
My Commission Expires 5/1/2016

This instrument prepared by:

City of Oberlin, Ohio
85 South Main Street
Oberlin, Ohio 44074



OBERLIN RD. WATERLINE EASEMENT
Instrument No. 1995-01261995
5/3/2012

ERIC R SEVERS CO LPA
5 SOUTH MAIN STREET
OBERLIN, OH 44074

EXHIBIT "B"