

PERMANENT EASEMENT FOR THE WIDENING OF PUBLIC ROADWAYS

KNOW ALL MEN BY THESE PRESENTS:

That the **City of Avon, Ohio, the Grantor**, an Ohio Municipal Corporation for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by the Grantor, does hereby grant, bargain, sell, convey and release to the **Grantee, the City of Avon, Ohio**, an Ohio Municipal Corporation, its successors and assigns, the permanent right of way and easement (herein called the "Easement"), subject to the reserved rights, set forth below, for the purpose of the construction, installation, maintenance, use, operation, inspection, repair, replacement and removal of public roadways and related equipment, facilities and appurtenances thereto (the "Facilities") including such actions as making earthen cuts, making earthen fills, sloping embankments, constructing drives, access ways, sidewalks, permanent roadways, temporary roadways, drainage systems, sewers, installing utilities (whether overhead, underground or otherwise), if any, and providing working room and implementing any and all other construction items relating to the opening and widening of State Route 83 (Center Road) and Mills Road, together with any and all rights reasonably necessary or incidental thereto, (herein called the "Easement Area") of the Grantor situated in the City of Avon, County of Lorain and State of Ohio, and being known as a portion of Permanent Parcel No. 04-00-013-000-568 (herein called the "Permanent Parcel") and with the Easement Area #4-R/W, further described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein.

The Easement shall include the right, without liability therefor, subject to the reserved rights set forth below, to remove driveways, curbs, sidewalks, drainage structures, signals, trees, shrubs, lawns, seeded or sodded areas, fences or other physical improvements or obstructions within the Easement Area which may interfere with the installation, maintenance, repair or operation of said street, sidewalk, curb and gutter, signals or appurtenance thereto, and with the full right of access, ingress and egress, to and from the Easement Area and any adjoining public right of way for exercising any of the purposes of this Easement, including but not limited to vehicular and pedestrian traffic. Grantee and its successors and assigns, upon completion of any such installation, maintenance or repair shall restore in kind, as near as possible, the surface of the Easement Area and replace or repair said driveways, curbs, sidewalks, drainage structures, fences, shrubbery and the like to substantially the same condition as existed before any such work. Grantor and its successors and assigns, shall have the right to use the Easement Area for all purposes not inconsistent with the permanent easement rights herein granted. Grantor for itself and its successors and assigns, agree that no buildings, structures, or other impediment of any kind shall be placed or suffered to remain within the Easement Area and the grade or contour of the Easement Area shall not hereafter be substantially increased, decreased or otherwise changed or altered by Grantor without written consent of the Grantee or its successors and assigns. All such reserved rights shall be subordinate to the rights herein granted.

This conveyance is made by Grantor and accepted by Grantee subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements appearing of record in the Recorder of Deeds Office (or other such office having

jurisdiction of such documents) for Lorain County, Ohio, relative to the Easement Area and any and all actual locations of utility lines and any matters that would be shown by current and accurate surveys and inspections of the Easement Area.

Grantee agrees to maintain, care for, keep in good condition, repair, reconstruct and replace, as necessary, any and all improvements constructed in the Easement Area, and shall generally maintain the Easement Area in good order, condition and state of repair and in compliance with all laws, rules, regulations and ordinances.

TO HAVE AND TO HOLD the Easement unto the Grantee and its successors and assigns, forever.

IN WITNESS, WHEREOF, Grantor has hereunto set its hand this _____ day of _____, 2017.

City of Avon, Ohio

By: _____
Bryan K. Jensen, Mayor

STATE OF OHIO

COUNTY OF LORAIN

}
} **SS:**
}

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named City of Avon by and through its duly authorized Mayor, Bryan K. Jensen who acknowledged that he did sign the foregoing instrument with full authority to act on behalf of said municipal corporation and that the same is his free act and deed.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 2016.

Notary Public

[Document Continued on Next Page]

ACCEPTED BY AVON CITY COUNCIL VIA ORDINANCE: _____

DATE PASSED: _____

ORDINANCE PASSAGE ATTESTED By: _____
Craig L. Witherspoon, Council President, Date

STATE OF OHIO)
) SS:
COUNTY OF LORAIN)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named **Council President Craig L. Witherspoon**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and official seal, at _____, Ohio, this ____ day of _____, 2017.

Notary Public

APPROVED BY THE AVON MAYOR: _____
Bryan K. Jensen, Mayor Date

STATE OF OHIO)
) SS:
COUNTY OF LORAIN)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named **Mayor Bryan K. Jensen**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and official seal, at _____, Ohio, this ____ day of _____, 2017.

Notary Public

[Document Continued on Next Page]

Approved as to legal form by The City of Avon Law Director this _____ day of _____, 2017.

By: _____
John A. Gasior, Esq.
City of Avon Law Director

This instrument prepared by:
John A. Gasior, Esq.
Law Director - City of A von
36815 Detroit Road
Avon, OH 44011
(440) 934-7676
(440) 934-7677- Facsimile

REMAINDER OF PAGE INTENTIONALLY
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EXHIBIT 'A'
PERMANENT EASEMENT FOR RIGHT-OF-WAY '4-R/W'

Owner: City of Avon
Municipality/County: City of Avon, Lorain County
Deed: Doc. #2013-0479310
Date: September 18, 2013
Permanent Parcel No.: #04-00-013-000-568
Location: 4859 Center Road

LEGAL DESCRIPTION
PERMANENT EASEMENT FOR RIGHT-OF-WAY '4-R/W'
CITY OF AVON
COUNTY OF LORAIN, OHIO

Situated in the City of Avon, County of Lorain and State of Ohio and known as being a part of Original Avon Township Section Numbers 13 and being a **0.1562 acres (6,803 sq. ft.) Right of Way 4-R/W** located within a 2.6094 acres parcel (113,667 sq. ft.) as conveyed to the City of Avon by deed dated September 18, 2013 as recorded in Instrument Number #2013-0479310 (PP #04-00-013-000-568), all of Lorain County Deed Records along with a 'Consolidation Plat' Survey #47555 prepared Polaris Engineering & Surveying, Inc. September 18, 2013 and additional record plats of Lorain County Tax Map Records and further bounded and described as follows;

Beginning at a 5/8" X 30" iron pin set (capped "D.F. Sheehy, S-7849") on the existing Easterly sideline of Center Rd. (S.R. 83) (60'R/W) at 30.00 feet right of Station 64+46.03 of the centerline of right-of-way of Center Rd. and the **Place of Beginning** of the premises herein intended to be described;

- COURSE I** Thence **South 11° 38' 22" East, 101.26 feet** to a 5/8" X 30" iron pin set (capped "D.F. Sheehy, S-7849") at 50.68 feet right of Station 63+46.90 of said centerline of right-of-way of Center Rd.;
- COURSE II** Thence **South 23° 55' 54" East, 98.82 feet** to a 5/8" X 30" iron pin set (capped "D.F. Sheehy, S-7849") at 55.79 feet left of Station 22+91.55 of the centerline of right-of-way of Mills Rd. (60' R/W);
- COURSE III** Thence **South 56° 42' 29" East, 46.47 feet** to an iron pin set on the existing Northerly sideline of Permanent Parcel 04-00-013-900-005 Conveyed to the City of Avon as a Right-of-Way parcel, at 30.00 feet left of Station 23+30.20 of said centerline of right-of-way of Mills Rd.;
- COURSE IV** Thence **South 89° 35' 06" West, 99.91 feet** to a point at the Southeasterly corner of Permanent Parcel 04-00-013-000-080 Conveyed to the City of Avon as a Right-of-Way parcel, at 30.00 feet right of Station 62+30.29 of said centerline of right-of-way of Center Rd.;

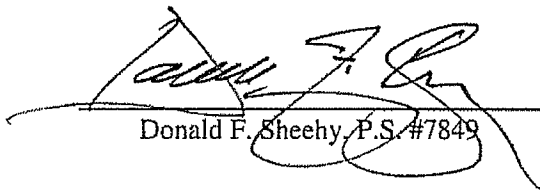
COURSE V Thence North 00° 08' 43" East, along the existing Easterly sideline of said Center Rd., passing the Northeasterly corner of Permanent Parcel 04-00-013-000-080 Conveyed to the City of Avon as a Right-of-Way parcel at 100.00 feet, continuing **225.74 feet** to the **Place of Beginning** containing a **0.1562 acres (6,803 sq. ft.) Right of Way 4-R/W** of land as calculated and described by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd., in February 2017, be the same more or less;

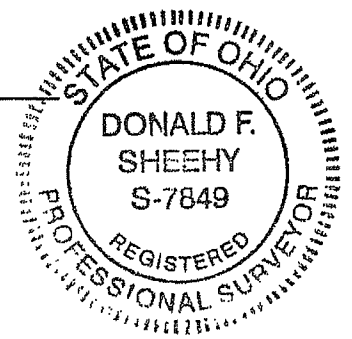
Basis of Bearing for this legal description is the centerline of Center Road (S.R. 83) (60') as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network using Station Garf.

The stations referred to herein are from the centerline of right-of-way of Center Road in the City Avon, Lorain County, Ohio, as shown on the Centerline Plat of the "Right-of-Way Plans for Mills Rd. and S.R. 83 Roundabout" as recorded in Volume _____, Page _____ of Lorain County Map Records as prepared by Chagrin Valley Engineering, Ltd. in 2017;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with the "Right-of-Way Plans for Mills Rd. and S.R. 83 Roundabout" as prepared by Chagrin Valley Engineering, Ltd. in 2017;

Feb. 7, 2017
Date:


Donald F. Sheehy, P.S. #7849



*5/8" iron pins set are 30" in length with a yellow capped "D.F. Sheehy, S-7849"

CITY OF AVON PARCEL 04-00-013-000-568

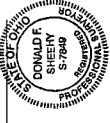
SURVEYOR'S CERTIFICATION

I, DONALD F. SHEEHY, P.S., HAVE CONDUCTED A SURVEY OF THE EXISTING CONDITIONS FOR THE COUNTY OF LORAIN IN JUNE, 2016. THE RESULTS OF THAT SURVEY ARE CONTAINED HEREIN. THE HORIZONTAL COORDINATES EXPRESSED HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM MAD 83, NORTH ZONE BY TIES TO THE O.D.O.T. VRS NETWORK USING STATION GARF, AND ARE TO INDICATE ANGLES ONLY. THE PROJECTIONS COORDINATES (US SURVEY FEET) ARE RELATIVE TO STATE PLANE GRID COORDINATES (US SURVEY FEET) BY A PROJECT ADJUSTMENT FACTOR OF 0.998930. AS A PART OF THIS PROJECT I HAVE REESTABLISHED THE LOCATIONS OF THE EXISTING PROPERTY LINES AND CENTERLINE OF THE EXISTING RIGHT OF WAY FOR THE PROPERTY TAKES HEREIN. AS A PART OF THIS PROJECT I HAVE ESTABLISHED THE PROPOSED PROPERTY LINES, CALCULATED THE GROSS TAKE, DEDUCTED IMPROV., NET TAKE AND NET RESIDUE, AS WELL AS PREPARED THE LEGAL DESCRIPTIONS NECESSARY TO ACCURE THE PARCELS AS SHOWN HEREIN. ALL OF MY WORK CONTAINED HEREIN, INCLUDING THE CONDEMNATION, IS CONSIDERED TO BE IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 STANDARDS FOR BOUNDARY SURVEYS UNLESS SO NOTED. THE WORDS I AND MY, AS USED HEREIN, ARE TO MEAN THAT EITHER MYSELF OR SOMEONE WORKING UNDER MY DIRECT SUPERVISION.

P.P. #04-00-130-000-148
Center Rd.
Thomas & Barbara Demaline

N 89°51'33" E 394.49'

DONALD F. SHEEHY, P.S., OHIO X.C. #7849



4
P.P. #04-00-013-000-568
Center Rd.
City of Avon
Doc. #20130479310

EXHIBIT 'B'

I, DONALD F. SHEEHY, P.S., HAVE CONDUCTED A SURVEY OF THE EXISTING CONDITIONS FOR THE COUNTY OF LORAIN IN JUNE, 2016. THE RESULTS OF THAT SURVEY ARE CONTAINED HEREIN. THE HORIZONTAL COORDINATES EXPRESSED HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM MAD 83, NORTH ZONE BY TIES TO THE O.D.O.T. VRS NETWORK USING STATION GARF, AND ARE TO INDICATE ANGLES ONLY. THE PROJECTIONS COORDINATES (US SURVEY FEET) ARE RELATIVE TO STATE PLANE GRID COORDINATES (US SURVEY FEET) BY A PROJECT ADJUSTMENT FACTOR OF 0.998930. AS A PART OF THIS PROJECT I HAVE REESTABLISHED THE LOCATIONS OF THE EXISTING PROPERTY LINES AND CENTERLINE OF THE EXISTING RIGHT OF WAY FOR THE PROPERTY TAKES HEREIN. AS A PART OF THIS PROJECT I HAVE ESTABLISHED THE PROPOSED PROPERTY LINES, CALCULATED THE GROSS TAKE, DEDUCTED IMPROV., NET TAKE AND NET RESIDUE, AS WELL AS PREPARED THE LEGAL DESCRIPTIONS NECESSARY TO ACCURE THE PARCELS AS SHOWN HEREIN. ALL OF MY WORK CONTAINED HEREIN, INCLUDING THE CONDEMNATION, IS CONSIDERED TO BE IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 STANDARDS FOR BOUNDARY SURVEYS UNLESS SO NOTED. THE WORDS I AND MY, AS USED HEREIN, ARE TO MEAN THAT EITHER MYSELF OR SOMEONE WORKING UNDER MY DIRECT SUPERVISION.

CONVENTIONAL SYMBOLS

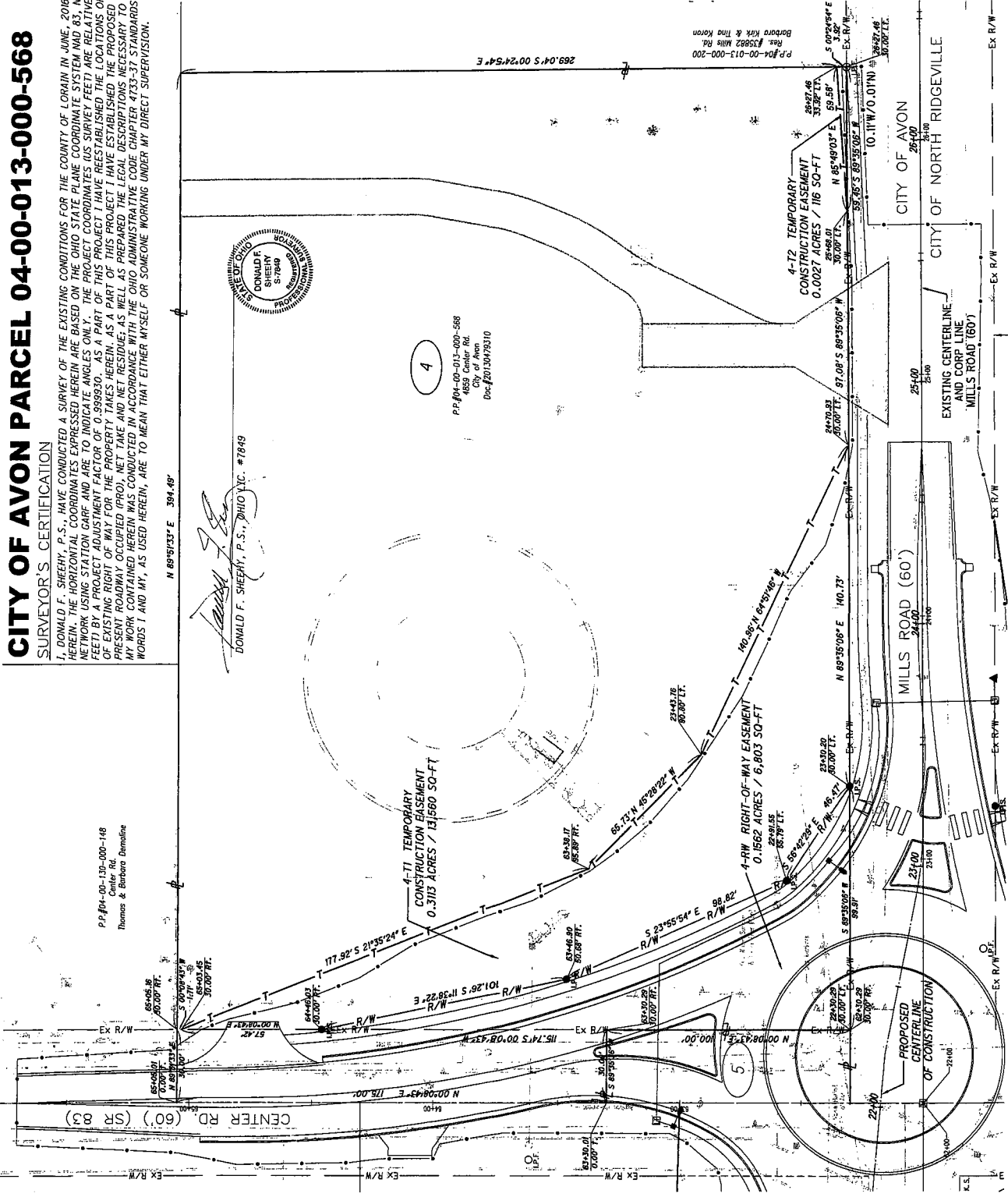
- Center Line ————
- Right of Way (EX) ———— Ex R/W
- Right of Way (PR) ———— R/W
- Property Line ————
- Temporary Right of Way ———— T
- Utility Easement (PR) ———— U
- Construction Limits ————
- Edge of Pavement (EX) ————
- Edge of Pavement (PR) ————

- Utility Pole
- Light Pole
- Sewer Manhole
- Water Valve Box
- Electric Meter
- Electric Box
- Telephone Box
- Telephone Manhole
- Utility Time Marker
- Iron Pin
- Iron Nail
- Cap
- Spot Elevation

MONUMENT LEGEND

- EXISTING R/W MONUMENT BOX FOUND AS NOTED
- PROPOSED R/W MONUMENT BOX SET WITH 10 CAP*
- IRON PIN FOUND AS NOTED
- IRON PIN FOUND W/10 CAP AS NOTED
- IRON PIN SET W/10 CAP*
- P.A.K. MAIL FOUND
- P.A.K. MAIL SET
- * 5.015-30" IRON PIN SET (CAPPED D.F. SHEEHY, 5/18/87)

PARCEL NO.	OWNER	EXISTING (ACREAGE)
1	RALPH LERIC B.	(0.8816 ACRES)
2	KAREN SHOPS LTD	(2.4733 ACRES)
3	AL LERCARE INC	(3.1492 ACRES)
4	CITY OF AVON	(2.2684 ACRES)
5	CITY OF AVON	(0.0680 ACRES)
6	CITY OF AVON	(11.0000 ACRES)
7	CITY OF NORTH RIDGEVILLE	(7.6000 ACRES)



CITY OF AVON PARCEL 04-00-013-000-568
MILLS RD. & S.R. 83 ROUNDABOUT
CITY OF AVON / CITY OF NORTH RIDGEVILLE
MILLS & SR 83
1 / 1
REV. DATE 02/07/17
REVISIONS OF EASEMENTS
REVIEW BY DONALD F. SHEEHY, P.S. 01/25/2017
OWNERSHIP VERIFIED BY JAMES A. WENDORF, P.S. 01/25/2017
DATE COMPLETED: 01/24/2017