

## TEMPORARY 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 said Grantee, City of North Ridgeville, Ohio, an Ohio Municipal Corporation, its successors and assigns, the temporary easement (herein called the "Easement"), subject to the reserved rights, set forth below, to exclusively occupy and use for purposes mentioned herein, upon and across certain lands as described in Exhibit A (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 portions of Permanent Parcel No. 04-00-013-000-568 (herein called the "Permanent Parcel") and with the Easement Area #4-T1 and #4-T2, further described in Exhibit A and Exhibit B, which is attached hereto and incorporated herein.

The Temporary 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 Temporary Easement Area which may interfere with the construction and installation of said public roadway, temporary roadway, sidewalk, curb and gutter, grading, earthen cuts, earthen fills, sewers, drainage systems, water mains or appurtenance thereto, and with the full right of access, ingress and egress, to and from the Temporary Easement Area and any adjoining public right of way for exercising any of the purposes of this Temporary Easement, including but not limited to vehicular and pedestrian traffic. Grantee and its successors and assigns, upon completion of any such construction and installation shall restore in kind, as near as possible, the surface of said premises 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 temporary easement premises for all purposes not inconsistent with the temporary 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 Temporary Easement Area and the grade or contour of the Temporary Easement Area shall not hereafter be substantially increased, decreased or otherwise changed or altered without written consent of the Grantee or its successors and assigns. All such reserved rights shall be subordinate to the rights herein granted.

The duration of the temporary easement herein granted to the Grantee is twenty-four (24) 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 interest granted herein is being acquired by the Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

**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, Ohio, 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 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 Avon  
36815 Detroit Road  
Avon, OH 44011  
(440) 934-7676  
(440) 934-7677- Facsimile

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**EXHIBIT 'A'**  
**TEMPORARY EASEMENT FOR CONSTRUCTION '4-T1'**

**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**  
**TEMPORARY CONSTRUCTION EASEMENT 4-T1**  
**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 **0.3113 acres (13,560 sq. ft.) Temporary Construction Easement 4-T1** located within a 2.6094 acres parcel (113,667 sq. ft.) as conveyed to the City of Avon by deed dated August 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 said centerline of right-of-way of Center Rd. and the **Place of Beginning** of the premises herein intended to be described;

- COURSE I** Thence **North 00° 08' 43" East** along said existing Easterly sideline of Center Rd., **57.42 feet** to a point 30.00 feet right of Station 65+03.45 of the centerline of right-of-way of Center Rd.;
- COURSE II** Thence **South 21° 35' 24" East**, **177.92 feet** to an angle point at 95.89 feet right of Station 63+38.17 of said centerline of right-of-way of Center Rd.;
- COURSE III** Thence **South 45° 28' 22" East**, **65.73 feet** to an angle point at 90.80 feet left of Station 23+43.76 of said centerline of right-of-way of Mills Rd.;
- COURSE IV** Thence **South 64° 51' 46" East**, **140.96 feet** to a point 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 24+70.93 of the centerline of right-of-way of Mills Rd.;
- COURSE V** Thence **South 89° 35' 06" West**, along said existing Northerly sideline set Permanent Parcel 04-00-013-000-080 Conveyed to the City of Avon as a Right-of-Way parcel **140.73 feet** to a 5/8" X 30" iron pin set (capped "D.F. Sheehy, S-7849") at 30.00 feet left of Station 23+30.20 of said centerline of right-of-way of Mills Rd.;

**COURSE VI** Thence **North 56° 42' 29" West**, along said existing Northeasterly line of proposed Permanent Easement for Right-of-Way 4-RW, **46.47 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 said centerline of right-of-way of Mills Rd.;

**COURSE VII** Thence **North 23° 55' 54" West**, **98.82 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 VIII** Thence **North 11° 38' 22" West**, **101.26 feet** the **Place of Beginning** containing a **0.3113 acres (13,560 sq. ft.) Temporary Construction Easement 4-T1** 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;

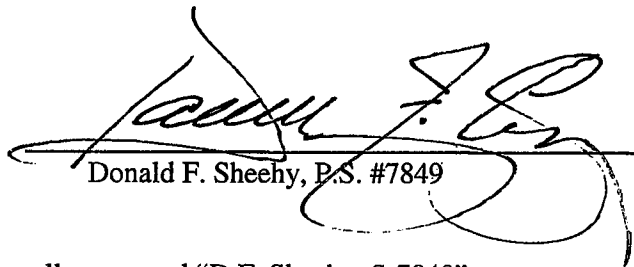
Basis of Bearing for this legal description is the centerline of Center Road (S.R. 83) (60') as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network using Station Garf.

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;

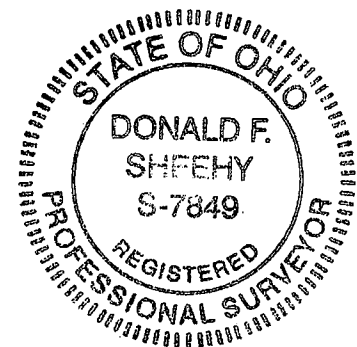
This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with the "Right-of-Way Plans for Mills Rd. and S.R. 83 Roundabout" as prepared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

March 1, 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"



**EXHIBIT 'A'**  
**TEMPORARY EASEMENT FOR CONSTRUCTION '4-T2'**

**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**  
**TEMPORARY CONSTRUCTION EASEMENT 4-T2**  
**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 **0.0027 acres (116 sq. ft.) Temporary Construction Easement 4-T2** located within a 2.6094 acres parcel (113,667 sq. ft.) as conveyed to the City of Avon by deed dated August 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 said centerline of right-of-way of Center Rd. and the **Place of Beginning** of the premises herein intended to be described;

**COURSE I** Thence **North 85° 49' 03" East, 59.58 feet** to a point on the Westerly line of parcel 04-00-013-000-200 as conveyed to Barbara G. Kirk & Tina M. Koran, point also being 33.92 feet left of Station 26+27.46 of said centerline of right-of-way of Mills Rd.;

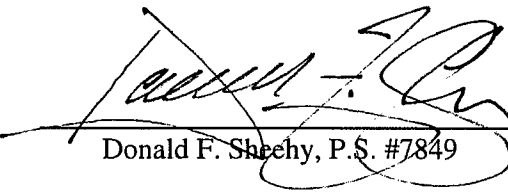
**COURSE II** Thence **South 00° 24' 54" East**, along said Westerly sideline of Kirk and Koran's land **3.92 feet** to the Southwesterly corner also the Northerly sideline of Permanent Parcel 04-00-013-900-005 Conveyed to the City of Avon as a Right-of-Way parcel, and witnessed by a 5/8" iron pin found (0.11'W/0.01'N), at 30.00 feet left of Station 26+27.46 of said centerline of right-of-way of Mills Rd.;

**COURSE III** Thence **South 89° 35' 06" West**, along said Northerly sideline of PP#04-00-013-900-005 conveyed to the City of Avon **59.45 feet** to the **Place of Beginning** containing a **0.0027 acres (116 sq. ft.) Temporary Construction Easement 4-T2** 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;

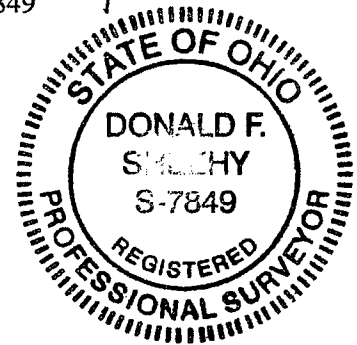
Basis of Bearing for this legal description is the centerline of Center Road (S.R. 83) (60') as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network using Station Garf.

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;

March 1, 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 NAD 83, NORTH ZONE BY TIES TO THE O.D.O.T. VRS NETWORK USING STATION GARF AND ARE TO INDICATE ANGLES ONLY. THE PROJECT COORDINATES (US SURVEY FEET) ARE RELATIVE TO STATE PLANE GRID COORDINATES (US SURVEY FEET) BY A PROJECT ADJUSTMENT FACTOR OF 0.999930. AS A PART OF THIS PROJECT I HAVE REESTABLISHED THE LOCATIONS OF THE EXISTING PROPERTY LINES AND CENTERLINE OF EXISTING ROADWAY (CENTERLINE, NET TAKE AND NET RESIDUE) AS WELL AS PREPARED THE LEGAL DESCRIPTIONS OF THE PROPOSED PROPERTY LINES, CALCULATED THE GROSS TAKE, PREPARED THE LEGAL DESCRIPTIONS OF THE PROPOSED CENTERLINE AND CORP LINE OF EXISTING ROADWAY (CENTERLINE, NET TAKE AND NET RESIDUE) AS WELL AS PREPARED THE LEGAL DESCRIPTIONS NECESSARY TO ACQUIRE THE PARCELS AS SHOWN HEREIN. ALL OF MY WORK (INCLUDING FIELD NOTES, FIELD SKETCHES AND CALCULATIONS) IN CONNECTION WITH THIS SURVEY COMPLY WITH THE OHIO SURVEYING 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.

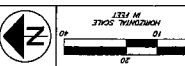
PP 04-00-130-000-148  
Center Rd.  
Thomas & Barbara Dumlaine

N 89°51'33" E 394.48'

DONALD F. SHEEHY, P.S. (OHIO) No. #1849



4  
PP 04-00-013-000-568  
Mills Rd. / City of Avon  
Doc # 20130479310

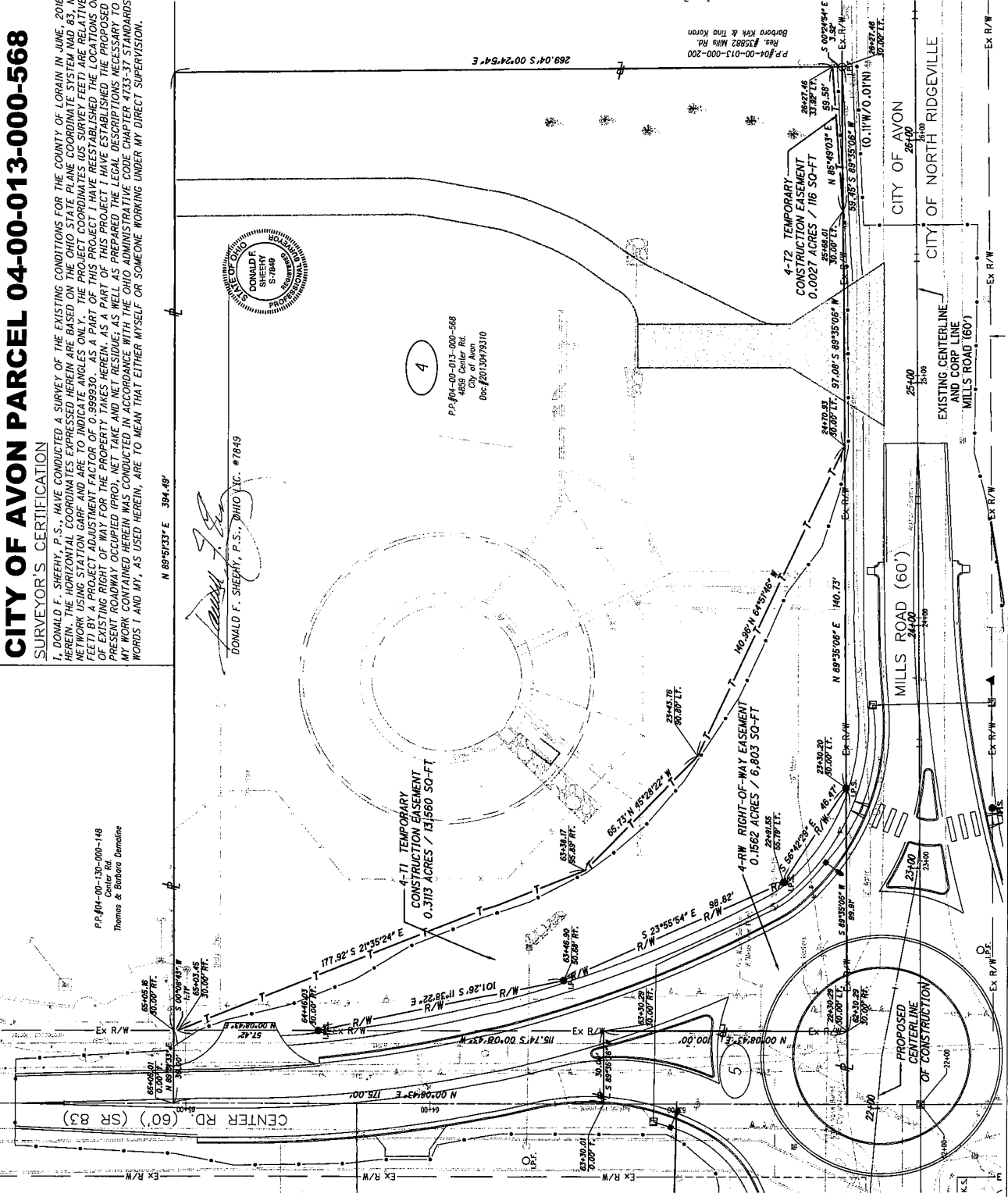


PLD 16220  
BAS. 16220  
D.F.S. 16220

# CITY OF AVON / CITY OF NORTH RIDGEVILLE MILLS RD. & S.R. 83 ROUNDABOUT

MILLS & SR 83

1 / 1



- ### 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 Eas. (Pr) ———— U
  - Utility Eas. (Ex) ————
  - Construction Limits ————
  - Edge of Pavement (Ex) ————
  - Edge of Pavement (Pr) ————

- Utility Pole
- Water Valve Box
- Light Pole
- Sign
- Survey Marker
- Iron Pin
- Chain Link Fence
- Water Meter
- Telephone Box
- Telephone Manhole
- Utility Trench Marker
- Gas Manhole
- Water Service Valve
- Water Valve Box
- Sanitary Manhole
- Manhole
- Electrical Box
- Exc. Manhole
- Tree or Bush Row
- Spot Elevation

- ### MONUMENT LEGEND
- EXISTING R/W MONUMENT BOX FOUND AS NOTED
  - PROPOSED R/W MONUMENT BOX SET WITH ID CAP\*
  - IRON PIN FOUND AS NOTED
  - IRON PIN FOUND W/ID CAP AS NOTED
  - IRON PIN SET W/ID CAP\*
  - P.K. MARK FOUND
  - P.K. MARK SET
  - S. 89°51'33" R/W PIN SET (CAPPED D.F. SHEET 5-7849)

| PARCEL NO. | OWNER (EXISTING ACREAGE)                 |
|------------|--|
| 1          | RALPH ERIC B. (0.8816 ACRES)             |
| 2          | KAREN SHOPS LTD (2.4733 ACRES)           |
| 3          | ALTEGARE INC (3.1492 ACRES)              |
| 4          | CITY OF AVON (2.6094 ACRES)              |
| 5          | CITY OF AVON (0.0690 ACRES)              |
| 6          | CITY OF AVON (1.0000 ACRES)              |
| 7          | CITY OF NORTH RIDGEVILLE (17.6000 ACRES) |

| REV | DATE     | DESCRIPTION            |
|-----|----------|------------------------|
| 1   | 07/07/17 | 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