

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 076

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AN EASEMENT FOR STORM SEWER SYSTEM PURPOSES AND TEMPORARY EASEMENTS FOR CONSTRUCTION PURPOSES, FOR REAL PROPERTY LOCATED ON ~~WALNUT DRIVE~~ **DRAKE ROAD**, IN CONNECTION WITH THE WALNUT DRIVE DETENTION BASIN PROJECT, AND DECLARING AN EMERGENCY, **AS AMENDED**. [Cifelli]

WHEREAS, the City of Strongsville is in the process of making improvements to the City's storm water system for the Walnut Drive Detention Basin; and

WHEREAS, in order to construct a storm water system, including a storm water detention basin and appurtenances for the Walnut Drive Detention Basin Project, it is necessary to accept an Easement for storm sewer system purposes and Temporary Easements for construction purposes, for property located at ~~18403 Walnut Drive~~ **19819 Drake Road**, which is owned by Thomas B. Cifelli and Veronica M. Cifelli, and further identified as being part of Permanent Parcel No. 394-23-017 (Parcel 17 S, T-1, T-2), for the purposes of constructing, reconstructing, maintaining, operating and repairing a storm sewer system and appurtenances and for temporary construction purposes; and

WHEREAS, the City has had the subject property interests appraised, and the proposed purchase price does not exceed the appraised value.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1.** That the Mayor be and is hereby authorized and directed to enter into and accept an Easement for storm sewer system purposes and Temporary Easements for construction purposes, across and upon portions of property owned by Thomas B. Cifelli and Veronica M. Cifelli, located at ~~18403 Walnut Drive~~ **19819 Drake Road**, and further known as being part of Permanent Parcel No. 394-23-017 (Parcel 17 S, T-1, T-2), and all as more fully set forth in Exhibits 1 and 2 respectively, attached hereto and incorporated herein by reference, in connection with the Walnut Drive Detention Basin Project.

**Section 2.** That upon acceptance of said Easement for storm sewer system purposes and executed Temporary Easements by the City, and evidence of title satisfactory to the Law Director, the Clerk of Council is hereby directed to cause the said Easement and Temporary Easement documents to be recorded in the office of the Cuyahoga County Fiscal Officer.

**Section 3.** That the Director of Finance be and is hereby authorized and directed to pay to Thomas B. Cifelli and Veronica M. Cifelli, husband and wife, the total amount of \$16,180.00 upon recordation of the aforesaid documents, representing the sum of \$9,460.00 for the Easement for storm sewer system purposes, and \$6,720.00 for the Temporary Easements for construction purposes. Said funds have been appropriated and shall be paid from the Drainage Levy Fund.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 all legal requirements.

**Section 5.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to obtain the aforesaid easements in order to make improvements to the City's storm water system in connection with the Walnut Drive Detention Basin Project, for the proper development of lots and lands within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

Kenneth M. Dooner  
 President of Council

Approved: Thomas B. Cifelli  
 Mayor

Date Passed: May 15, 2017.

Date Approved: May 16, 2017.

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Short	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Christy Meherl  
 Assistant Clerk of Council

ORD. No. 2017-076 Amended: 05/15/17.  
 1st Rdg. 05/15/17. Ref: \_\_\_\_\_  
 2nd Rdg. suspended Ref: \_\_\_\_\_  
 3rd Rdg. suspended Ref: \_\_\_\_\_

Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 05/15/17 Defeated: \_\_\_\_\_  
As Amended.

## EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Thomas B. Cifelli and Veronica M. Cifelli, Husband and Wife, the Grantor(s) herein, in consideration of the sum of \$9,460.00, to be paid by the City of Strongsville, the Grantee herein, do hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 17 S

City of Strongsville-Walnut Drive Detention Basin

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Cuyahoga County Current Tax Parcel No. 394-23-017

Prior Instrument Reference: Warranty Deed with Survivorship Covenants, Instrument No. 200705300781, Cuyahoga County Recorder's Office.

And the said Grantor(s), for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner(s) of said premises, and 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, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, repair or maintenance of a storm sewer system.

In the event that the Grantee decides not to use the property conveyed herein for the above-stated purpose, the Grantor(s) have a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) decline to repurchase the property; (B) Grantor(s) fail to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF Thomas B. Cifelli and Veronica M. Cifelli have hereunto set their hands on the 17 day of May, 2017.

Thomas B. Cifelli  
Thomas B. Cifelli

Veronica M. Cifelli  
Veronica M. Cifelli

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 17 day of May, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Thomas B. Cifelli and Veronica M. Cifelli who acknowledged the foregoing instrument to be their voluntary acts and deeds.

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



Lauren K Falvey  
Notary Public  
State of Ohio  
Recorded in  
Lake County  
My Commission Expires 8/17/20

Lauren K. Falvey  
NOTARY PUBLIC  
My Commission expires: 8/17/20

CITY OF STRONGSVILLE

*Thomas P. Perciak*

Mayor Thomas P. Perciak

Date: May 18, 2017

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 18th day of May, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Mayor Thomas P. Perciak, who signed or acknowledged the signing of the foregoing instrument to be his voluntary act and deed.

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



NANCY M SIKORSKI  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
03-14-2019

*Nancy M. Sikorski*

NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

This document was prepared by: the City of Strongsville

### TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Thomas B. Cifelli and Veronica M. Cifelli, Husband and Wife, the Grantor(s) herein, in consideration of the sum of \$6,720.00, to be paid by the City of Strongsville, the Grantee herein, do hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 17 T-1, T-2

City of Strongsville-Walnut Drive Detention Basin

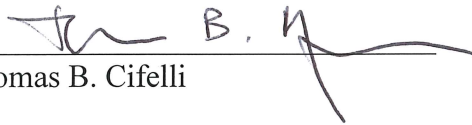
SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF  
Cuyahoga County Current Tax Parcel No. 394-23-017  
Prior Instrument Reference: Warranty Deed with Survivorship Covenants, Instrument No. 200705300781, Cuyahoga County Recorder's Office.

To have and to hold said temporary easement, 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 herein 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 interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, repair or maintenance of a storm sewer system.

IN WITNESS WHEREOF Thomas B. Cifelli and Veronica M. Cifelli have hereunto set their hands on the 17 day of May, 2017.

  
Thomas B. Cifelli

  
Veronica M. Cifelli

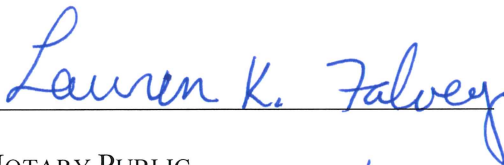
STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 17 day of May, 2017 before me the subscriber, a Notary Public in and for said state and county, personally came the above named Thomas B. Cifelli and Veronica M. Cifelli who acknowledged the foregoing instrument to be their voluntary acts and deeds.

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



Lauren K Falvey  
Notary Public  
State of Ohio  
Recorded in  
Lake County  
My Commission Expires 8/17/20

  
NOTARY PUBLIC  
My Commission expires: 8/17/20



CITY OF STRONGSVILLE

*Thomas P. Perciak*  
\_\_\_\_\_  
Mayor Thomas P. Perciak

Date: May 18, 2017

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 18th day of May, 2017,  
before me the subscriber, a Notary Public in and for said state and county, personally came the above  
named Mayor Thomas P. Perciak, who signed or acknowledged the signing of the foregoing instrument to  
be his voluntary act and deed.

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



NANCY M SIKORSKI  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
03-14-2019

*Nancy M. Sikorski*  
\_\_\_\_\_

NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

This document was prepared by: the City of Strongsville