

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 077

By: Mayor Perciak and Mr. Daymut

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AN EASEMENT FOR STORM SEWER SYSTEM PURPOSES, A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES, AND A BILL OF SALE FOR VARIOUS IMPROVEMENTS, FOR REAL PROPERTY LOCATED ON WALNUT DRIVE, IN CONNECTION WITH THE WALNUT DRIVE DETENTION BASIN PROJECT, AND DECLARING AN EMERGENCY.
[Suleiman]**

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, a Temporary Easement for construction purposes, and a Bill of Sale for various improvements, for property located at 18046 Walnut Drive, which is owned by Mohammed S. Suleiman, and further identified as being part of Permanent Parcel No. 394-23-055 (Parcel 29 S, T), for the purposes of constructing, reconstructing, maintaining, operating and repairing a storm sewer system and appurtenances, for temporary construction purposes, and for various improvements, being replacement of a miscellaneous structure; 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, a Temporary Easement for construction purposes, and a Bill of Sale for the improvements, being replacement of a structure, across and upon portions of property owned by Mohammed S. Suleiman, located at 18046 Walnut Drive, and further known as being part of Permanent Parcel No. 394-23-055 (Parcel 29 S, T), and all as more fully set forth in Exhibits 1, 2 and 3 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, an executed Temporary Easement, and a Bill of Sale for the improvements by the City, and evidence of title satisfactory to the Law Director, the Clerk of Council is

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 - 077

Page 2

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 Mohammed S. Suleiman, married, the total amount of \$12,000.00 upon recordation of the aforesaid documents, representing the sum of \$7,000.00 for the Easement for storm sewer system purposes, and \$5,000.00 for the Temporary Easement (including all improvements) 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 P. Zuer
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: Therany Menele
Assistant Clerk of Council

ORD. No. 2017-077 Amended: _____
1st Rdg. 05/15/17 Ref: _____
2nd Rdg. suspended Ref: _____
3rd Rdg. suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 05/15/17. Defeated: _____

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Mohammed S. Suleiman, married, the Grantor(s) herein, in consideration of the sum of \$7,000.00, to be paid by the City of Strongsville, the Grantee herein, does 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): 29 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. 394-23-055

Prior Instrument Reference: General Warranty Deed, Instrument No. 201703010531, Cuyahoga County Recorder's Office.


And the said Grantor(s), for himself and his successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that he is the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and has 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) has 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) declines to repurchase the property; (B) Grantor(s) fails 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.

And, for the consideration hereinabove written, Nour Suleiman, the spouse of Mohammed S. Suleiman, hereby relinquishes to said Grantee, its successors and assigns, all rights and expectancies of Dower in the above described premises.

IN WITNESS WHEREOF Mohammed S. Suleiman has hereunto set his hand on the April day of 14, 20 17.

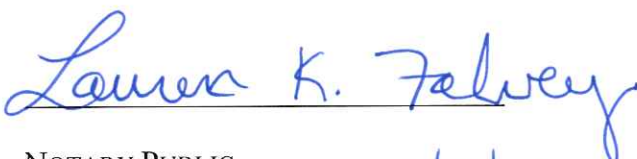


MOHAMMED S. SULEIMAN

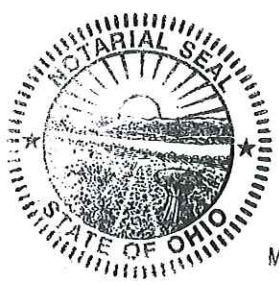
STATE OF OHIO, COUNTY OF Cuyahoga ss:

BE IT REMEMBERED, that on the 14th day of April, 20 17, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Mohammed S. Suleiman who acknowledged 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.



NOTARY PUBLIC
My Commission expires: 8/17/20



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

IN WITNESS WHEREOF Nour Suleiman has hereunto set her hand on the 20 day of April, 2017.

[Signature]
NOUR SULEIMAN

STATE OF OHIO, COUNTY OF Cuyahoga ss:

BE IT REMEMBERED, that on the 20 day of April, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Nour Suleiman, who acknowledged the foregoing instrument to be her 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.

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



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

CITY OF STRONGSVILLE

Thomas P. Perciak

Mayor Thomas P. Perciak

Date: May 16, 2017

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 16th 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

LKF

EXHIBIT A
LEGAL DESCRIPTION
Storm Sewer Easement - Parcel 29-S

Situate in the City of Strongsville, Cuyahoga County, State of Ohio, and being part of Sublot No. 29 in Drake Development Inc. Drake Estates Subdivision No. 4 of part of Strongsville Township Lot No. 62 as shown on the plat recorded in Map Volume 220 page 86 and re-recorded in Map Volume 227 page 91 of the map records of said County, said Sublot as conveyed to Property Renovation Group LLC by instrument as recorded in Instrument Number 201512160379 of the records of said county, and being more particularly bounded and described as follows:

Beginning for reference at the northeast corner of said Sublot, being in the west right of way line of Walnut Drive, (60'), said corner being the TRUE POINT OF BEGINNING;

PARCEL 29 - S

Thence with the east line of said Sublot and said west right of way line along the arc of a curve to the right 10.00 feet, said arc having a radius of 795.87 feet, a central angle of 00° 43' 12" and a chord bearing South 11° 52' 32" West 10.00 feet to a point;

Thence along a new line through said Sublot, parallel with and 10.00' south of the north line of said Sublot, North 78° 29' 07" West 186.87 feet to a point in the west line of said Sublot;

Thence with said west line North 24° 45' 23" East 10.27 feet to the northwest corner of said Sublot;

Thence with the north line of said Sublot South 78° 29' 07" East 184.58 feet to the TRUE POINT OF BEGINNING, containing 0.043 acres, (1857 SF), more or less, subject to all legal easements and restrictions of record.

This description is based upon a field survey performed by Atwell, LLC in May, 2016 for LJB Inc.

This description was prepared by LJB Inc. under the direction of Harry G. Herbst III, Registered Surveyor Number 6596.

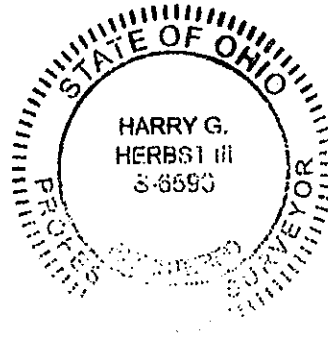
Evidence of occupation supports the monumentation found in the field and the property lines recited in this description.

PARCEL 29 - S cont'd

Grantor claims title through instrument of record Instrument Number 201512160379, Cuyahoga County records.

0.043 acres of the above described area is contained within Cuyahoga County Auditor's Permanent Parcel Number (PPN) 394-23-055.

Prepared by
LJB Inc.



By: Harry G. Herbst III
Harry G. Herbst III, Ohio PS No. 6596

10/13/2016
Date

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Mohammed S. Suleiman, married, the Grantor(s) herein, in consideration of the sum of \$5,000.00, to be paid by the City of Strongsville, the Grantee herein, does 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): 29 T

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. 394-23-055
Prior Instrument Reference: General Warranty Deed, Instrument No. 201703010531, 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.

And, for the consideration hereinabove written, Nour Suleiman, the spouse of Mohammed S. Suleiman, hereby relinquishes to said Grantee, its successors and assigns, all rights and expectancies of Dower in the above described premises.

IN WITNESS WHEREOF Mohammed S. Suleiman has hereunto set his hand on the April day of 14, 2017.




MOHAMMED S. SULEIMAN

STATE OF OHIO, COUNTY OF Cuyahoga ss:

BE IT REMEMBERED, that on the 14th day of April, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Mohammed S. Suleiman, who acknowledged 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.



NOTARY PUBLIC
My Commission expires: 8/17/20



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

IN WITNESS WHEREOF Nour Suleiman has hereunto set her hand on the 20 day of April, 2017.

[Signature]
NOUR SULEIMAN

STATE OF OHIO, COUNTY OF Cuyahoga ss:

BE IT REMEMBERED, that on the 20 day of April, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Nour Suleiman, who acknowledged the foregoing instrument to be her 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.

[Signature]
NOTARY PUBLIC
My Commission expires: 8/17/20



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

CITY OF STRONGSVILLE

Thomas P. Perciak

Mayor Thomas P. Perciak

Date: May 16, 2017

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 16th 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

My Commission expires: _____



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

This document was prepared by: the City of Strongsville

LKE

EXHIBIT A
LEGAL DESCRIPTION
Temporary Easement - Parcel 29-T

Situate in the City of Strongsville, Cuyahoga County, State of Ohio, and being part of Sublot No. 29 in Drake Development Inc. Drake Estates Subdivision No. 4 of part of Strongsville Township Lot No. 62 as shown on the plat recorded in Map Volume 220 page 86 and re-recorded in Map Volume 227 page 91 of the map records of said County, said Sublot as conveyed to Property Renovation Group LLC by instrument as recorded in Instrument Number 201512160379 of the records of said county, and being more particularly bounded and described as follows:

Beginning for reference at the northeast corner of said Sublot, being in the west right of way line of Walnut Drive, (60');

Thence with the east line of said Sublot and said west right of way line along the arc of a curve to the right 10.00 feet, said arc having a radius of 795.87 feet, a central angle of 00° 43' 12" and a chord bearing South 11° 52' 32" West 10.00 feet to the southeast corner of the permanent sewer easement and the TRUE POINT OF BEGINNING;

PARCEL 29 - T

Thence continuing with said lines along the arc of a curve to the right 10.00 feet, said arc having a radius of 795.87 feet, a central angle of 00° 43' 12" and a chord bearing South 12° 35' 44" West 10.00 feet to a point;

Thence through said Sublot for the following thirteen courses:

1. North 78° 29' 07" West 39.63 feet to a point;
2. North 14° 45' 01" East 3.03 feet to a point;
3. North 75° 14' 59" West 36.81 feet to a point;
4. North 14° 45' 01" East 1.41 feet to a point;
5. North 74° 34' 25" West 5.37 feet to a point;
6. South 14° 45' 01" West 1.47 feet to a point;
7. North 75° 14' 59" West 4.95 feet to a point;
8. South 14° 45' 01" West 5.69 feet to a point;

PARCEL 29 – T cont'd

9. North 78° 29' 07" West 73.63 feet to a point;
10. North 24° 32' 06" East 7.32 feet to a point;
11. North 65° 27' 44" West 8.67 feet to a point;
12. South 24° 32' 16" West 9.33 feet to a point;
13. North 78° 29' 07" West 19.68 feet to a point in the west line of said Sublot;

Thence with said west line North 24° 45' 23" East 10.27 feet to the southwest corner of said permanent sewer easement;

Thence with the south line of the permanent sewer easement South 78° 29' 07" East 186.87 feet to the TRUE POINT OF BEGINNING, containing 0.037 acres, (1594 SF), more or less, subject to all legal easements and restrictions of record.

This description is based upon a field survey performed by Atwell, LLC in May, 2016 for LJB Inc.

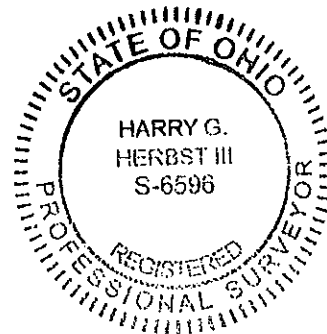
This description was prepared by LJB Inc. under the direction of Harry G. Herbst III, Registered Surveyor Number 6596.

Evidence of occupation supports the monumentation found in the field and the property lines recited in this description.

Grantor claims title through instrument of record Instrument Number 201512160379, Cuyahoga County records.

0.037 acres of the above described area is contained within Cuyahoga County Auditor's Permanent Parcel Number (PPN) 394-23-055.

Prepared by
LJB Inc.



By: Harry G. Herbst III 10/13/2016
Harry G. Herbst III, Ohio PS No. 6596 Date

Note: This easement will be in effect for a duration of 12 months from the date the city's contractor first enters the property.

**BILL OF SALE
(Structures) and/or
Miscellaneous Improvements**

This Contract made and entered into this 14th day of April, 2017 by Mohammed S. Suleiman, hereinafter called Owner and the City of Strongsville, hereinafter called the LPA, and is based on the following understanding: Situated on Parcel No.29 S, T, following described structure(s)/improvement(s) which, for the purpose of this Agreement, shall be considered to be real property, the same as if attached to the land:

LIST STRUCTURES/IMPROVEMENTS AND COMPENSATION FOR EACH
4-4" x 6" x 8" lumber.....\$32.00

It is mutually agreed and understood between the Owner and the LPA as follows:

1. The sum \$12,000.00 is the entire amount of money to be paid to Owner for the land and improvement.
2. The Owner is to remain in possession of the structure(s)/improvement(s) for a period of time after the execution of this Agreement, which period of time is set forth in paragraph three. The Owner shall keep any insurance policies in effect on the structure(s)/improvement(s) so long as he/she has possession of same, and the LPA shall be subrogated to any and all claims for damages to the buildings after title passes.
3. The Owner shall remain in possession of the structure(s)/improvement(s), and all attached fixtures and equipment, and shall protect and preserve the same as they now exist, and shall deliver peaceful unoccupied possession thereof to the LPA, it's employees or assigns at the closing or as directed by the LPA Projects Manager.
4. It is agreed that the following fixtures and/or equipment:
4-4" x 6" x 8" lumber or other items that are normally considered a part of, and add to the value of the structure(s), shall be delivered, by the owner, intact.
5. The Owner shall assign all rights of access to the structure(s)/improvement(s) to the LPA, thus granting the LPA the right to enter onto the land described herein, where the structure(s)/improvement(s) are located, to remove the structure(s)/improvement(s) in accordance with the plans on file and/or the purpose of removing materials from the structure(s) via the most direct and practical route to the nearest public highway or street.

C/R/S City of Strongsville-
Walnut Drive Detention
Basin

PARCEL 29 S, T
PID NO

IN WITNESS WHEREOF Mohammed S. Suleiman has hereto set his hand on 4-14-17.

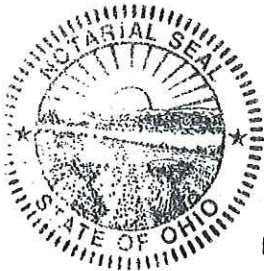
Grantor Signature: *M.S. Suleiman*
Name Printed Mohammed S. Suleiman

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 14th day of April, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Mohammed S. Suleiman 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.

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



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

C/R/S City of Strongsville-
Walnut Drive Detention
Basin

PARCEL 29 S, T
PID NO

CITY OF STRONGSVILLE

Thomas P. Perciak

Mayor Thomas P. Perciak

Date: May 16, 2017

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 16th 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: _____