

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 094

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR STORM SEWER SYSTEM PURPOSES FROM PEARL EAST PARK HOME OWNER'S ASSOCIATION, IN CONNECTION WITH THE CHERRY STONE DRAINAGE PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Strongsville will be undertaking improvements to the storm sewer system in the Cherry Stone Lane and Admiralty Drive areas of the City to alleviate flooding conditions; and

WHEREAS, in order to further this project, it is necessary to obtain a Grant of Easement for Storm Sewer System Purposes from the Pearl East Park Home Owner's Association fka Pearl East Home Owners Association, Inc., on properties known as being Permanent Parcel Nos. 397-18-030; 397-18-023; 397-25-045; 397-25-088 and 397-25-009; and

WHEREAS, pursuant to Article IV, Section 5(g) of the City Charter, at its meeting of May 25, 2017, the Planning Commission of the City of Strongsville gave a favorable recommendation on obtaining the easement.

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

Section 1. That the Council hereby authorizes the Mayor to accept a Grant of Easement from Pearl East Park Home Owner's Association fka Pearl East Home Owners Association, Inc. for the purposes of constructing, maintaining, operating, repairing and/or reconstructing the storm sewer system and appurtenances within, across, through and under the property located in the Pearl East Park Subdivision and further known as Permanent Parcel Nos. 397-18-030; 397-18-023; 397-25-045; 397-25-088 and 397-25-009, as more fully set forth in Exhibit "1", attached hereto and made a part hereof by reference.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid easement to be recorded in the office of the Cuyahoga County Fiscal Officer after its execution and upon receipt of evidence of title satisfactory to the Law Director.

Section 3. 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.

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PAGE 2

Section 4. 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 easement in order to improve the storm sewer drainage system of 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 A. Bauer
Mayor

Date Passed: June 7, 2017

Date Approved: June 7, 2017

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daymut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dooner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Southworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: Dianne Pientka
Clerk of Council

ORD. No. 2017-094 Amended: _____
1st Rdg. 06-05-17 Ref: _____
2nd Rdg. 06-07-17 Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 06-07-17 Defeated: _____

**GRANT OF EASEMENT
FOR
STORM SEWER SYSTEM PURPOSES**

This Easement Grant is made between **PEARL EAST PARK HOME OWNER'S ASSOCIATION fka PEARL EAST HOME OWNERS ASSOCIATION, INC.**, P.O. Box 361374, Strongsville, Ohio 44136, who with its successors and assigns, are herein jointly called "Grantor," and the **CITY OF STRONGSVILLE**, a municipal corporation, organized and existing under the laws of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, which with its successors and assigns is herein called "Grantee."

WHEREAS, the Grantor is the owner in fee simple of certain real estate located in the City of Strongsville, Ohio and known as Permanent Parcel Nos. 397-18-030; 397-18-023; 397-25-045; 397-25-088 and 397-25-009, the legal descriptions of which are attached as Exhibit A; and

WHEREAS, the Grantor wishes to grant and the Grantee wishes to accept an Easement for the purposes of constructing, maintaining, operating, repairing and/or reconstructing the storm sewer system within, across, through and under the Premises described and reflected in Exhibit B, attached hereto and incorporated herein by reference. The Easement area is hereinafter referred to as the "Property" or the "Premises."

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged, the following grants, agreements, and covenants are made:

The Grantor, on behalf of itself and its legal representatives, successors and assigns, hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual Easement and right to enter upon the Premises described in Exhibit B, attached hereto and incorporated herein by reference, and to remove and/or replace trees or other items above and below the ground where necessary for the purposes of constructing, maintaining, operating, repairing and/or reconstructing a storm sewer system and appurtenances connected therewith, and to make all repairs to

such storm sewer system connected therewith, that in the opinion of the proper local authorities of the City of Strongsville, its successors or assigns, may be necessary or advisable, in order to maintain or operate said storm sewer system and appurtenances in accordance with the ordinances, rules and regulations for the management and protection of such systems of said City of Strongsville, now in force or that may hereafter be adopted.

The Grantor and Grantee further agree, in consideration of the acceptance of the Easement above-mentioned by the City of Strongsville that the said storm sewer system and appurtenances shall become the property of the City of Strongsville, its successors or assigns.

Grantor acknowledges and agrees that Grantee shall not be obligated to maintain landscaping and/or lawn areas within the easement area. Neither Grantor nor its legal representatives, successors or assigns will construct or place on the Easement area any temporary or permanent structures or anything else that may interfere with the storm sewer system.

The Grantor hereby restricts said Premises within the limits of the above-described Easement against the construction thereon of any temporary or permanent structures.

The Grantor agrees to keep the Premises free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantee's access to or maintenance of the storm sewer system. Grantor further agrees to make no alterations to the Premises which would increase or reduce the depth of the storm sewer system, or in any way accelerate or retard the storm water drainage.

If the Grantor desires to alter the Premises in any way other than is expressly permitted herein, it must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantor shall, at its own expense, relocate or reconstruct all or any portion of the storm sewer system which is affected by such alteration and, where necessary, grant a new easement of not less than the width of this Easement under the same terms and conditions as herein provided. The relocated or reconstructed storm sewer system and appurtenances shall, upon completion and approval by the Grantee, become the property of the City of Strongsville.

If the Grantor violates any of the provisions of this Easement, the Grantee, at the expense of the Grantor, may enter upon the Premises and make such alterations as are necessary to bring the Premises into compliance with the provisions of this Easement.

The Grantor hereby reserves the right to use the Premises for such use as is not expressly prohibited by or inconsistent with the terms of this Easement.

The Grantor covenants with the Grantee that it is well-seized of the Premises as a good and indefeasible estate in fee simple, and has the right to grant and convey the

Property in the manner and form above written. The Grantor further covenants that it will warrant and defend the Property with the appurtenances thereunto belonging to the City of Strongsville against all lawful claims and demands whatsoever for the purposes described herein, including all liens and encumbrances whatsoever.

This Grant of Easement shall inure to the benefit of any person, firm or corporation who the City of Strongsville, its successors and assigns, shall authorize to undertake the performance of work within the purpose of this Easement.

The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, and that no changes in this Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto or their appropriate successors and assigns in accordance with law.

This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors and assigns.

The individuals executing this Grant of Easement on behalf of the Grantor and Grantee each hereby warrant and represent that they have been and are on the date of this Grant of Easement duly authorized by all necessary and appropriate action of their principals to execute this Grant of Easement.

TO HAVE AND TO HOLD the above-granted Easement, right-of-way, storm sewer system and appurtenances for the purposes above-mentioned, unto the City of Strongsville, forever.

IN WITNESS WHEREOF, this instrument is executed this 7 day of June, 2017.

"GRANTOR"

**PEARL EAST PARK HOME OWNER'S
ASSOCIATION fka PEARL EAST HOME
OWNERS ASSOCIATION, INC.**

By: [Signature]

Its: Trustee PEP - HOA

"GRANTEE"

CITY OF STRONGSVILLE

By: [Signature]

Thomas P. Perciak

Its: Mayor

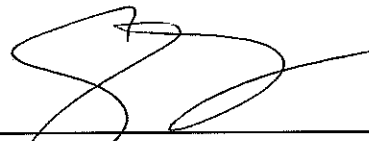
STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **PEARL EAST PARK HOME OWNER'S ASSOCIATION fka PEARL EAST HOME OWNERS ASSOCIATION, INC.**, by Amber Rakas, its Trustee, who acknowledged that he/she did sign the foregoing instrument and that the same is his/her free and voluntary act and deed, and the free act and deed of said organization.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Strongsville, Ohio, this 19 day of May, 2017.



SUZANNE STEPHENS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 4/7/2022

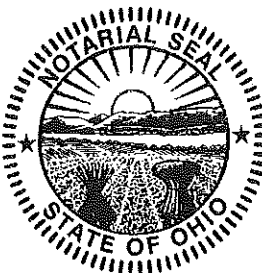


Notary Public

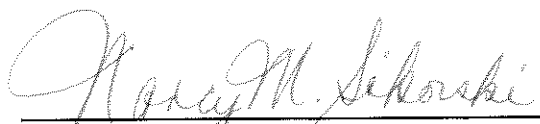
STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared **THE CITY OF STRONGSVILLE**, by Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed as an officer thereof, and the free act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this 7th day of June, 2017.



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



Notary Public

B120

WARRANTY DEED - (No. 18(a))

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1124093

Know all Men by these Presents:

That SUNRISE DEVELOPMENT CO. (sometimes incorrectly written as SUNRISE DEVELOPMENT COMPANY)a Corporation incorporated under the laws of the State of Ohio CHICAGO TITLE INSURANCE CO. ESCROW # 5219
who claim 5 title by or through instrument recorded in Volume 224 of Maps, Page 110 and assigns, the following described premises situated in the City of Strongsville County of Cuyahoga and State of Ohio:Recorder's Office, for the consideration of Ten and 00/100 Dollars (\$ 10.00) received to its full satisfaction of PEARL EAST HOME OWNERS ASSOCIATION, INC., the Grantee,whose TAX MAILING ADDRESS will be c/o Daniel Dale, Secretary, 19084 Windward Way, Strongsville, Ohio 44136do give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, the following described premises situated in the City of Strongsville County of Cuyahoga and State of Ohio:

And known as being Blocks "A", "B", "C", "D", "E", "F", "R" and "S" in Pearl East Resubdivision No. 1 of part of Original Strongsville Township Lots Nos. 41, 42, 59 and 60 as shown by the recorded plat in Volume 224 of Maps, Pages 110 and 111 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

PARCEL NO. 397-18-16, 15, 20, 23, 35
CONVEYANCE IS IN COMPLIANCE WITH SEC. 319.202 O.R.C.
PAID

DEC 28 1984

Conveyance Fee 10- Receipt No. 172386
TYPE ARM'S LENGTH YES () NO ()
J. TIMOTHY McCORMACK, County Auditor By RP DeputyRECORDED THIS DATE
BENNY L. BARNARD
CLERK
DEC 28 4 15 PM '84THOMAS L. LITTELL, P.S.
COUNTY CLERK
TAX MAP DIVISION

DECEMBER 28, 1984

EXHIBIT A

Deed
10.00
397
325
U & TITLE AGENCY, INC.
87-622
Recor

0515110

VOL. 87-7966 PAGE 1

WARRANTY DEED - No. 102A

The Ohio Legal Blank Co. Cleveland
Publishers and Dealers Since 1893

Know all Men by these Presents

That, **RALPH VICTOR CONSTRUCTION, INC.,** an Ohio Corporation
the Grantor
who claim title by or through instrument, recorded in Volume 87-7966 Page 1,
County Recorder's Office, for the consideration of
-----TEN----- Dollars (\$ 10.00)
received to full satisfaction of
PEARL EAST HOME OWNERS ASSOCIATION, INC.
the Grantee,
whose TAX MAILING ADDRESS will be
do

Give, Grant, Bargain, Sell and Convey unto the said Grantee, its
heirs and assigns, the following described premises, situated in the City of
Strongsville, County of Cuyahoga and State of Ohio:
and known as being Block "T" and Block "U" in Pearl East Subdivision No. 2 of part
of Original Strongsville Lot Nos. 41 and 60, as shown by the recorded plat in Volume
237, Page 64 of Cuyahoga County Records, as appears by said plat, be the same
more or less, but subject to all legal highways.

P.P. Nos. 397-23-9 (cap & more land)
Block "U" 397-25-9 PG-85/Block U
Block "T" 397-25-8 P7-85/Block T

PARCEL NO. _____
OWNER'S ID IN COMPLIANCE WITH S.B. 310.022 O.R.C.
PAID
DEC 17 1987 64500
Computation _____ Receipts _____
TYPE _____ AMOUNT _____ VER () NO ()
I, THOMAS J. NEFF, P.E., P.S., County Auditor

J. Timothy McCracken
COUNTY AUDITOR

THOMAS J. NEFF P.E., P.S.
COUNTY AUDITOR
TAX MAP DIVISION

EXHIBIT A

be the same more or less, but subject to all legal highways.

**EASEMENT DESCRIPTION
BLOCKS "C", "R" AND A PORTION OF BLOCK "S"
PEARL EAST RESUBDIVISION NO. 1**

Situated in the State of Ohio, County of Cuyahoga, City of Strongsville, being all of Blocks "C" and "R" and a portion of Block "S" as named and delineated on the record plat of "Pearl East Resubdivision No. 1" a subdivision of record in Volume 227, Page 120 and conveyed to the Pearl East Home Owners Association, Inc. by deed of record in Volume 84-6172, Page 17, (all records herein of the Recorder's Office, Cuyahoga County, Ohio), being bounded and more particularly described as follows:

Beginning at the northwesterly corner of Lot 69 of said "Pearl East Resubdivision No. 1" on the southerly right-of-way line of Admiralty Drive (varies in width) a common corner to said Block "R";

Thence the following courses and distances along the line of Block "R"

1. South 06°12'54" East, a distance of 92.20 feet, to the southwesterly corner of Lot 69;
2. South 18°44'35" East, a distance of 352.00 feet, to the southwesterly corner of Lot 64;
3. North 89°36'18" East, a distance of 143.01 feet, to the southeasterly corner of Lot 64 on the westerly right-of-way of Windward Way (60 feet in width);
4. along an arc of a curve to the right having a central angle of 06°32'28", a radius of 528.95 feet, an arc length of 60.39 feet, with a chord bearing of South 08°11'37" East, and a chord length of 60.35 feet, to the northeasterly corner of Lot 63;
5. South 89°36'18" West, a distance of 148.35 feet, to the northwesterly corner of said Lot 63;

Thence South 00°23'42" East, a distance of 300.00 feet, continuing along Block "R" and a portion of Block "S" to the southwesterly corner of Lot 60;

Thence South 89°36'18" West, a distance of 35.11 feet, across Block "S" to a point on the westerly line of said Block "S";

Thence North 00°37'12" West, a distance of 253.52 feet, along the westerly line of said Block "S" to the northwesterly corner of Block "S" on the southerly line of Block "R";

Thence South 88°31'28" West, a distance of 386.99 feet, along the southerly lines of said Block "R" and Block "C" to the southwesterly corner of said Block "C";

Thence the following courses and distances along the lines of Block "C";

1. North 00°37'12" West, a distance of 352.74 feet, to the southwesterly corner of Lot 72;
2. North 88°35'14" East, a distance of 227.63 feet, to the southeasterly corner of Lot 70;
3. North 01°24'46" West, a distance of 158.38 feet, to the northeasterly corner of said Lot 70 on the southerly right-of-way of Admiralty Drive;

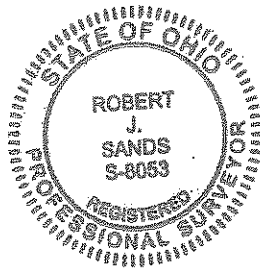
Thence the following courses and distances along the southerly right-of-way of Admiralty Drive:

1. With an arc of a curve to the left having a central angle of 04°35'12", a radius of 340.00 feet, an arc length of 27.22 feet, with a chord bearing of North 73°33'01" East, and a chord length of 27.21 feet, to a point of tangency;

EXHIBIT B

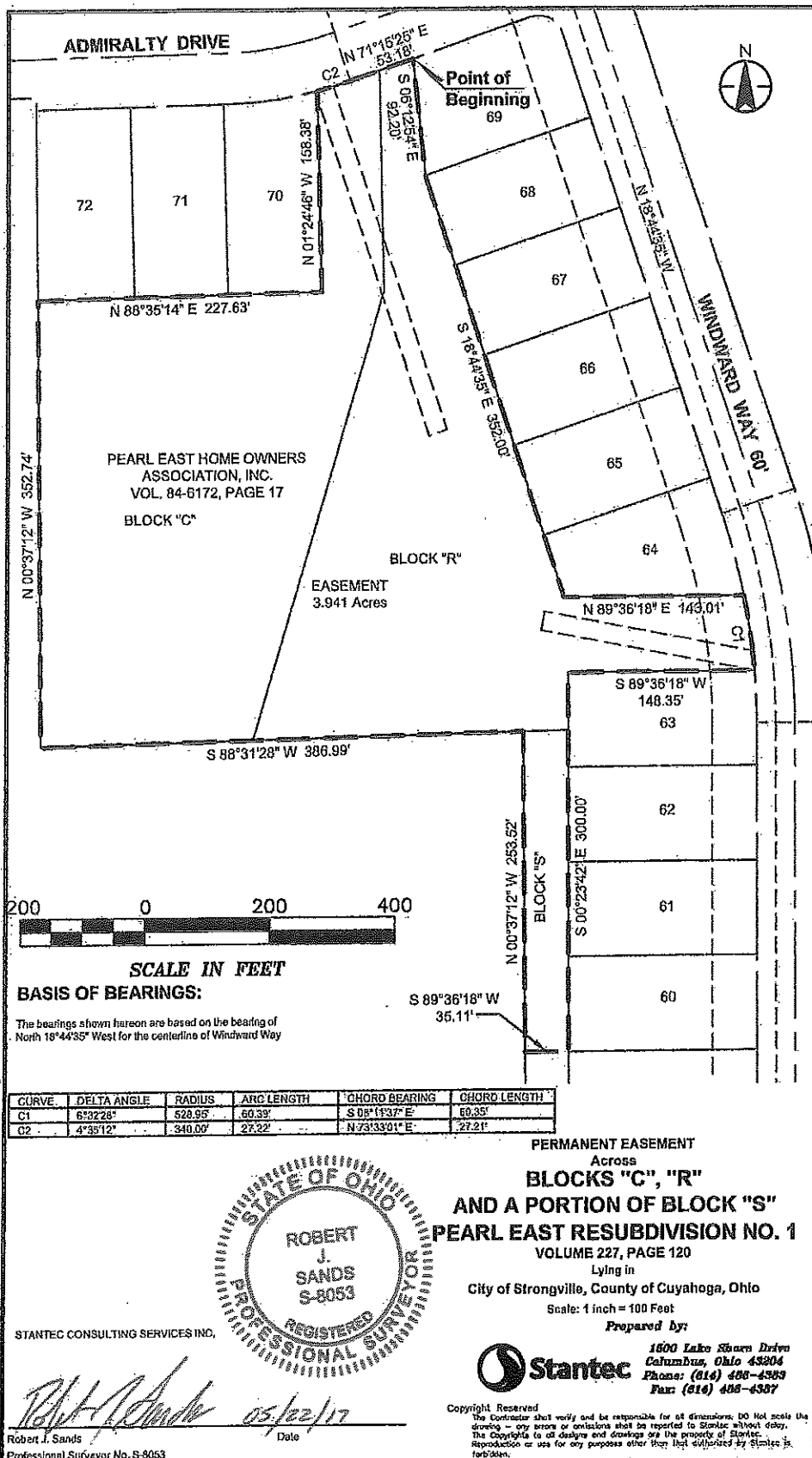
2. North $71^{\circ}15'25''$ East, a distance of 53.18 feet, to the **Point of Beginning**, containing 3.941 acres, more or less.

The bearings shown hereon are based on the bearing of North $18^{\circ}44'35''$ West for the centerline of Windward Way.



Stantec Consulting Services Inc.

Robert J. Sands 05/22/17
Robert J. Sands Date
Professional Surveyor No. S-8053



**EASEMENT DESCRIPTION
A PORTION BLOCK "T"
PEARL EAST SUBDIVISION NO. 2**

Situated in the State of Ohio, County of Cuyahoga, City of Strongsville, being a portion of Block "T" as named and delineated on the record plat of "Pearl East Subdivision No. 2" a subdivision of record in Volume 237, Page 64 and conveyed to the Pearl East Home Owners Association, Inc. by deed of record in Volume 87-7986, Page 1, (all records herein of the Recorder's Office, Cuyahoga County, Ohio), being bounded and more particularly described as follows:

Beginning at the northwesterly corner of Lot 40 of said "Pearl East Subdivision No. 2", a common corner to Block "T";

Thence the following courses and distances along easterly lines of Block "T":

1. South 18°19'08" West, a distance of 155.24 feet, to the southwesterly corner of Lot 39, a common corner to Lot 38 of said "Pearl East Subdivision No. 2";
2. South 00°13'33" West, a distance of 29.82 feet, to a point;

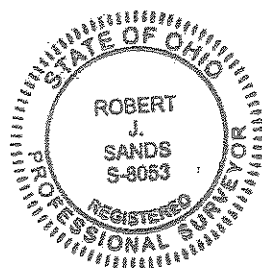
Thence North 56°45'02" West, a distance of 35.92 feet, across Block "T" to a point on the westerly line of said Block "T";

Thence North 00°37'12" West, a distance of 155.76 feet, along the westerly line of said Block "T" to the northwesterly corner of said Block "T" a common corner to Block "S";

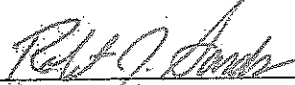
Thence North 86°43'43" East, a distance of 76.74 feet, along the line common to Block "T" and "S" to the common corner to Lots 56 and 57 of said "Pearl East Subdivision No. 1";

Thence South 56°45'02" East, a distance of 4.81 feet, along the line common to Block "T" and Lot 56 to the **Point of Beginning**, containing 0.202 acres, more or less.

The bearings shown hereon are based on the bearing of North 33°14'58" East for the centerline of Cherry Stone Lane.

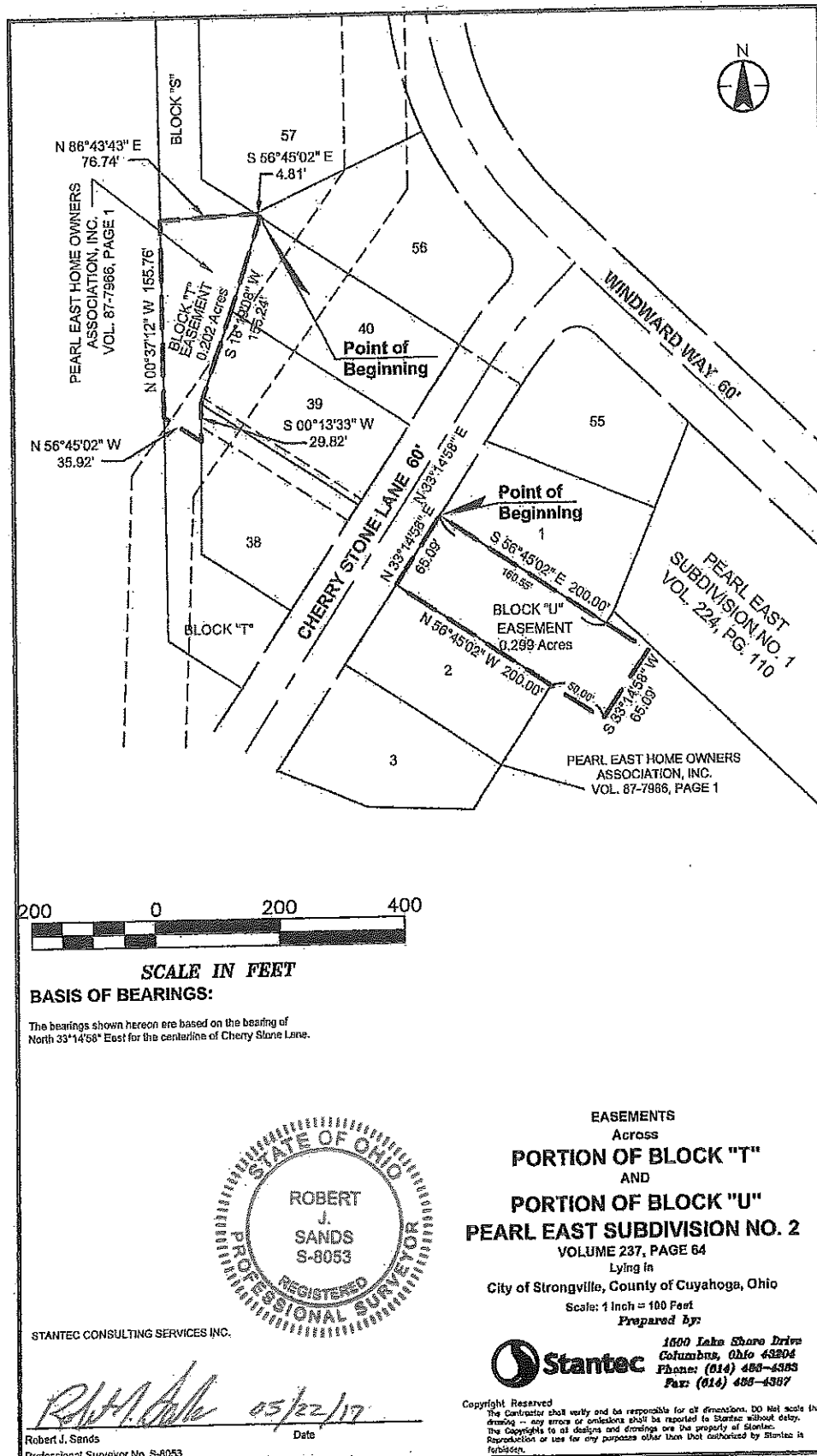


Stantec Consulting Services Inc.

 05/22/17
Robert J. Sands Date
Professional Surveyor No. S-8053

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EXHIBIT B



**EASEMENT DESCRIPTION
A PORTION BLOCK "U"
PEARL EAST SUBDIVISION NO. 2**

Situated in the State of Ohio, County of Cuyahoga, City of Strongsville, being a portion of Block "U" as named and delineated on the record plat of "Pearl East Subdivision No. 2" a subdivision of record in Volume 237, Page 64 and conveyed to the Pearl East Home Owners Association, Inc. by deed of record in Volume 87-7966, Page 1, (all records herein of the Recorder's Office, Cuyahoga County, Ohio), being bounded and more particularly described as follows:

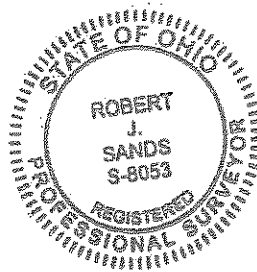
Beginning at the southwesterly corner of Lot 1 on the easterly right-of-way line of Cherry Stone Lane (60 feet in width) a common corner to Block "U" of said "Pearl East Subdivision No. 2";

Thence the following courses and distances along and across Block "U":

1. South 56°45'02" East, a distance of 200.00 feet, passing the southeasterly corner of Lot 1 at 160.55 feet to a point;
2. South 33°14'58" West, a distance of 65.09 feet, to a point;
3. North 56°45'02" West, a distance of 200.00 feet, to the northwesterly corner of Lot 2 on the easterly right-of-way of Cherry Stone Lane, passing the northeasterly corner of Lot 2 at 50.00 feet;

Thence North 33°14'58" East, a distance of 65.09 feet, along the easterly right-of-way line of Cherry Stone Lane to the **Point of Beginning**, containing 0.299 acres, more or less.

The bearings shown hereon are based on the bearing of North 33°14'58" East for the centerline of Cherry Stone Lane.

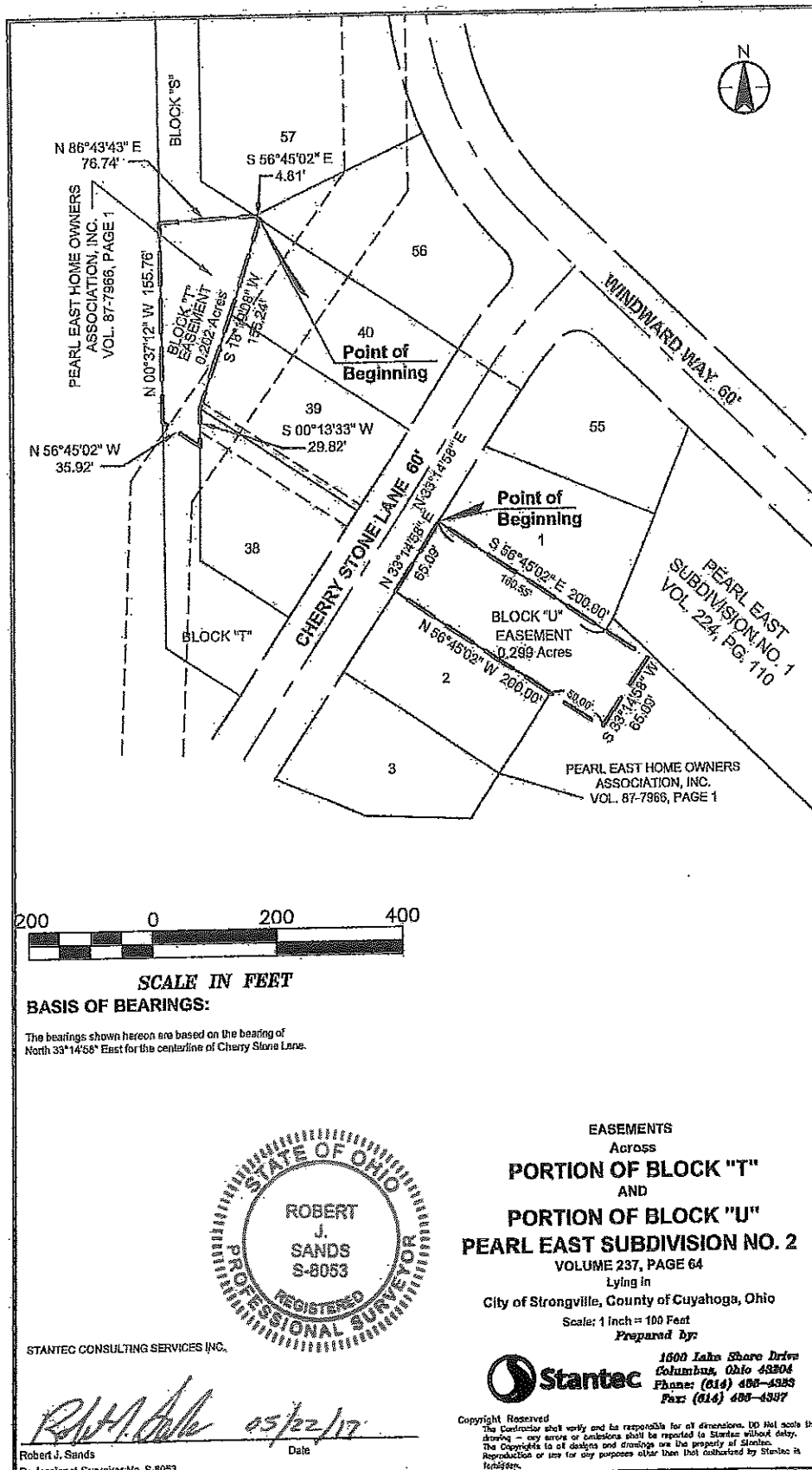


Stantec Consulting Services Inc.

Robert J. Sands 05/22/17
Robert J. Sands Date
Professional Surveyor No. S-8053

U:\173409109\survey\descriptions\173409109 Block U Esmt.doc

EXHIBIT B



MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: May 26, 2017

Please be advised that at its meeting of May 25, 2017, the Strongsville Planning Commission gave Favorable Recommendation the following;

Accept a storm sewer easement from Pearl East Park Home Owners Association for the expansion of a storm sewer retention basin over PPN's 397-18-030, 397-18-023, 397-25-045, 397-25-088 and 397-25-009.