

**AN ORDINANCE
ACCEPTING AN EASEMENT FOR ROADWAY PURPOSES
FROM MERRI E. NEWMAN, AND DECLARING AN
EMERGENCY.**

WHEREAS, Council desires to accept an easement for roadway purposes over certain property owned by Merri E. Newman, which property is located at the intersection of Bell Street with Cleveland Street.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That an easement for roadway purposes, granted by Merri E. Newman, be and is hereby accepted by the Village. A copy of said easement is appended hereto and incorporated herein by reference, provided that such easement may be amended as determined necessary by the Director of Law to protect the interests of the Village of Chagrin Falls. The Mayor may execute such further documentation and perform such additional actions as may be necessary to carry out the purposes of the easement.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may obtain access to the property to perform roadway work thereon; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: December 10, 2012



Council President

Submitted to the Mayor for
his approval on this


11 day of December, 2012

ORDINANCE NO.: 2012- 58
INTRODUCED BY: MRS. EVANS

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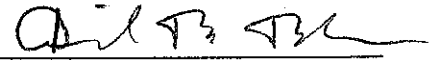
Approved by the Mayor

December 11, 2012



Mayor

I hereby certify that Ordinance No. 2012-58 was duly enacted on the 10 day of December, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

TRANSFER NOT REQUIRED

NOV 26 2012

CUYAHOGA COUNTY FISCAL OFFICE

CUYAHOGA COUNTY
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Rev. 09/2009

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LPA

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Merri E. Newman, the Grantor(s) herein, in consideration of the sum of \$3,451.50, to be paid by Village of Chagrin Falls, 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): 2SH

PID No. 88290


SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Document No. 200403110676, Cuyahoga County Recorder's Office.

And the said Grantor(s), for herself and her successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that she 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, reconstruction, widening, repair or maintenance of a public road.

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.

IN WITNESS WHEREOF Merri E. Newman have hereunto set her hand on the 20
day of November, 2012.



MERRI E. NEWMAN

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED that on the 20th day of November, 2012,
before me the subscriber, a Notary Public in and for said state and county, personally came the
above named Merri E. Newman, who signed or acknowledged the signing of 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.




NOTARY PUBLIC
My Commission expires: **ROBERT W. HIMES II**
Notary Public, State of Ohio
My Commission Expires 12/21/12
(Recorded in Lake County)

This document was prepared by: CT Consultants for The Village of Chagrin Falls

Exhibit "A"

**DESCRIPTION OF PERMANENT RIGHT-OF-WAY EASEMENT
FOR
MERRI E. NEWMAN**

Situated in the Village of Chagrin Falls, County of Cuyahoga, State of Ohio, and known as being a permanent Right-Of-Way easement over and through a part of Sublot 11 in Vincent's Subdivision, recorded in Volume 2, Page 37 of Cuyahoga County Deed Records and is bounded and described as follows.

Beginning in the westerly line of Cleveland Street, 60 feet in width, at its intersection with the northerly line of Bell Street, 60 feet in width as shown by said plat;

COURSE I Thence North $70^{\circ}05'36''$ West along said northerly line of Bell Street a distance of 12.00 feet to a point;

COURSE II Thence North $41^{\circ}14'09''$ East a distance of 8.73 feet to a point in the aforesaid westerly line of Cleveland Street;

COURSE III Thence South $27^{\circ}26'06''$ East along said westerly line of Cleveland Street a distance of 12.00 feet to the point of beginning and containing 0.001 acres (49 square feet) of land as calculated and described in November, 2011 by CT Consultants, Inc.;

MERRI E. NEWMEN, grantor(s) herein, claim(s) title by or through instrument dated March 11, 2004 and recorded in AFN Number 200403110676 of the Cuyahoga County Records;

Bearings contained herein are based upon the North American Datum of 1983 (NAD83(CORS)).

The above described easement burdens a portion of property designated as Cuyahoga County Auditor's Permanent Parcel No. 931-18-008.

EXHIBIT "B"
EASEMENT FROM MERRI E. NEWMAN
(PPN: 931-18-008)

217 Bell Street
ELIZABETH SCALABRINO

MERRI E. NEWMAN
PPN 931-18-008
223 Bell Street
APN: 200403110676
MAR 11th, 2004

BELL STREET (60')

CLEVELAND STREET (60')

8.73'
N41°14'09"E
12.00'
N70°05'36"W
527°26'06"R
12.00'
49 sq. ft.
0.001 acres



BEARINGS ARE
BASED UPON
NAD83-CORS WITH A
SCALE FACTOR OF
1.0000808264.

CT Consultants