

**AN ORDINANCE
GRANTING AN EASEMENT TO THE OHIO BELL
TELEPHONE COMPANY, d/b/a AT&T OHIO, FOR ACCESS
TO INSTALL AND MAINTAIN COMMERCIAL
COMMUNICATION FACILITIES ON CERTAIN VILLAGE
PROPERTY.**

WHEREAS, Council desires to grant a certain easement to the Ohio Bell Telephone Company, d/b/a AT&T Ohio, for the purpose of installing and maintaining commercial communications facilities on certain property owned by the Village of Chagrin Falls, which property is located on Bell Street, and known as Permanent Parcel No. 931-15-021.

**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 the purpose of constructing and maintaining facilities for the transmission of signals used in the provision of communication services is hereby granted to the Ohio Bell Telephone Company, d/b/a AT&T Ohio. A copy of said easement is appended hereto and incorporated herein by reference, provided that such easement may be amended as may be 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 shall take effect and be in force after the earliest period allowed by law.

PASSED: March 24, 2014



Council President

Submitted to the Mayor for
his approval on this

25 day of March, 2014

Approved by the Mayor

March 25, 2014




Mayor

ORDINANCE NO.: 2014- 18
INTRODUCED BY: MRS. EVANS

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I hereby certify that Ordinance No. 2014- 18 was duly enacted on the 24 day of March, 2014, 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

AT&T EASEMENT

For good and valuable considerations, receipt of which is hereby acknowledged, the undersigned **Village of Chagrin Falls, a municipal corporation (Grantor)** hereby grants and conveys to **The Ohio Bell Telephone Company dba AT&T Ohio, an Ohio Corporation, and its affiliates and licensees, successors and assigns (collectively "Grantees")** an easement in, under, over, upon and across the Easement Area (described below), for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to, equipment cabinets, support posts or pads, cables, wires, pedestals, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the Property (described below) and Easement Area to provide service to such facilities and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the easement granted herein.

The Property is legally described as:

Situated in the Village of Chagrin Falls, County of Cuyahoga and State of Ohio and known as being a part of Sublot 75 in Bliss & Mayhew's Subdivision of part of Original Orange Township Lot No. 18, Champion Tract as recorded in Volume 2 of Maps, Page 37 of Cuyahoga County Records and Volume 31, Page 1 of Cuyahoga County Deed Records. Property is further described as land conveyed to the Village of Chagrin Falls by deed dated December 29th, 2010 and recorded in AFN 201012290456 of Cuyahoga County Deed Records.

PPN 931-15-021

The Easement Area is legally described as:

See Exhibit "A", attached hereto,

The Ohio Bell Telephone dba AT&T Ohio shall indemnify and save harmless the owners of said property from any and all damages to said property or persons by reason of the location, construction, installation, or maintenance of said company's equipment on said property.

The Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Grantee hereby agrees to restore all property disturbed by its activities in use of the easement to the condition existing prior to the disturbance.

Grantee shall have the right to remove or trim such trees and brush in the Easement Area as is necessary to exercise the rights conveyed herein.

The Grantor shall not construct improvements in the Easement Area or change the finish grade of the Easement Area without the consent of the Grantee, which shall not be unreasonably withheld.

This Easement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

GRANTOR:

Thomas Brick

(Signature)

Thomas Brick

(Printed)

Mayor

(Title)

GRANTOR:

(Signature)

(Printed)

(Title)

STATE OF OHIO)
) SS
COUNTY OF)
 CUYAHOGA

I, the undersigned, a Notary Public in and for said county in the state aforesaid, DO HEREBY CERTIFY THAT, Thomas Brick, personally known to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as signed, sealed and delivered the said instrument as their free and voluntary act, for uses and purposes therein set forth, including the release and wavier of the right of homestead.

Given under my hand and notarial seal, this 26 day of March 2014.

Elizabeth L. DeBaggio
Notary Public

This document was drafted by the AT&T Legal Department,
225 W. Randolph Drive, Chicago, IL 60606.

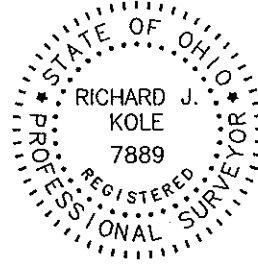
Return this document to: AT&T Attn: Terrance Little
13630 Lorain Ave 4th Floor Cleveland, Ohio 44111

ELIZABETH L. DEBAGGIO
NOTARY PUBLIC - STATE OF OHIO
Recorded in Geauga County
My commission expires Apr. 25, 2016


EXHIBIT "A"

TO AN EASEMENT DATED _____
 FROM
VILLAGE OF CHAGRIN FALLS
 TO
THE OHIO BELL TELEPHONE COMPANY
d/b/a AT&T OHIO, AN OHIO
CORPORATION

Prepared by:



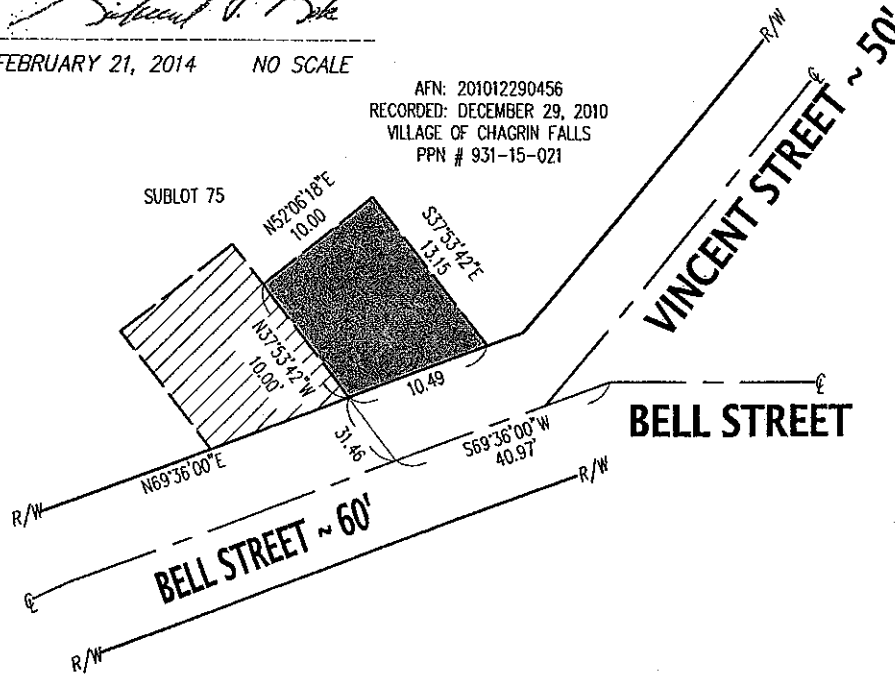
GPS
 N 41°25'56"
 W 81°23'21"

 INDICATES EXISTING OBT EASEMENT;
 VOLUME 177, PAGE 583

 INDICATES NEW OBT
 EXCLUSIVE EASEMENT

Richard J. Kole
 FEBRUARY 21, 2014 NO SCALE

AFN: 201012290456
 RECORDED: DECEMBER 29, 2010
 VILLAGE OF CHAGRIN FALLS
 PPN # 931-15-021



Situated in the Village of Chagrin Falls, County of Cuyahoga and State of Ohio and known as being a part of Sublot 75 in Bliss & Mayhew's Subdivision of part of Original Orange Township Lot No. 18, Champion Tract as recorded in Volume 2 of Maps, Page 37 of Cuyahoga County Records and Volume 31, Page 1 of Cuyahoga County Deed Records;
 Starting at an angle point in the centerline of Bell Street, 60 feet wide, thence South 69° 36' 00" West, along said centerline of Bell Street, 40.97 feet;
 thence North 37° 53' 42" West, 31.46 feet, to a point in the northerly line of Bell Street, said point also being the Principal Place of Beginning of the easement herein intended to be described;
 thence continuing North 37° 53' 42" East, 10.00 feet;
 thence North 52° 06' 18" East, 10.00 feet;
 thence South 37° 53' 42" East, 13.15 feet to a point in the northerly line of Bell Street;
 thence South 69° 36' 00" West, along said northerly line of Bell Street, 10.49 feet to the Principal Place of Beginning and containing 115.76 square feet (0.0027 acres) of land as described on February 21, 2014 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

AT&T Undertaking No. 9308483

File No. 14019 Excl.

R.M. KOLE & ASSOC. CORP. - 5316 RIDGE ROAD - PARMA, OHIO 44129 - 440.885.7137 - www.kolesurvey.com