

**AN ORDINANCE
ACCEPTING EASEMENTS FOR CONSTRUCTION
PURPOSES FROM DENNIS L. MAROLD II, AND
DECLARING AN EMERGENCY.**

WHEREAS, Council desires to accept a temporary easement for the purpose of performing the work necessary to construct a headwall and grade for 12 months from the date of entry over certain property owned by Dennis L. Marold II, which property is located on Solon Road, being known as Permanent Parcel No. 932-24-014; and

WHEREAS, Council desires to accept a perpetual easement to construct and maintain storm sewer and drainage facilities over certain property owned by Dennis L. Marold II, which property is located on Solon Road, being known as Permanent Parcel No. 932-24-014.

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

SECTION 1. That a temporary easement for the purpose of performing the work necessary to construct a headwall and grade for 12 months from the date of entry and a perpetual easement to construct and maintain storm drainage facilities, granted by Dennis L. Marold II, be and are hereby accepted by the Village. Copies of said easements are appended hereto and incorporated herein by reference, provided that such easements 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 easements.

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 construction work thereon during this construction season; 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

ORDINANCE NO.: 2013- 03
INTRODUCED BY: MRS. EVANS

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this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: January 14, 2013



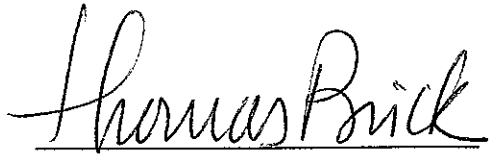
Council President

Submitted to the Mayor for
his approval on this

15 day of January, 2013

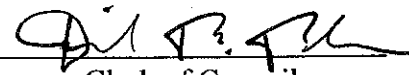
Approved by the Mayor

January 14, 2013



Mayor

I hereby certify that Ordinance No. 2013-03 was duly enacted on the 14 day of January, 2013, 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

JAN 07 2013

CUYAHOGA COUNTY FISCAL OFFICE

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Rev. 09/2009

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EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Dennis L. Marold II, the Grantor(s) herein, in consideration of the sum of \$1,050.00, to be paid by The 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): PPN 932-24-014

PERMANENT DRAINAGE EASEMENT

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Document No. 200204190788, 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 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.

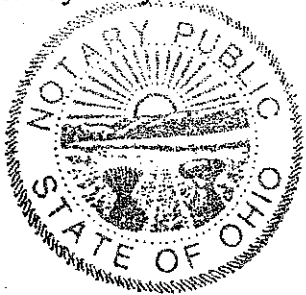
IN WITNESS WHEREOF Dennis L. Marold II have hereunto set his hand on the 1st
day of January, 2013.

[Signature]
DENNIS L. MAROLD II

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED that on the 4th day of January, 2013,
before me the subscriber, a Notary Public in and for said state and county, personally came the
above named Dennis L. Marold II, 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.



[Signature]
NOTARY PUBLIC

My Commission expires: February 25, 2017
ROBERT W. HINES II
Notary Public, State of Ohio
My Commission Expires
(Recorded in Lake County)

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

EXHIBIT A

**PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN STORM SEWER AND
DRAINAGE FACILITIES
IN THE NAME AND FOR THE USE OF THE
VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, OHIO**

A perpetual easement for the construction and maintenance of a storm sewer and related drainage facilities in, upon and over the within described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter.)

[Surveyor's description of the premises follows]

Situated in the Village of Chagrin Falls, County of Cuyahoga and State of Ohio and known as being part of Original Solon Township Lot No. 5, Tract No. 1, and bounded and described as follows:

Beginning in the existing northerly right of way line of Solon Road (60 feet wide) at an iron pin found (located 1.53 feet therefrom) marking the intersection with the easterly line of land conveyed to CG II Developers, LLC by instrument recorded in Document No. 201112020034 of the Cuyahoga County Records;

Thence North 60° 37' 14" East, along said existing northerly right of way line of Solon Road, 35.33 feet to the principal place of beginning;

Thence North 29° 22' 46" West, by a line which is perpendicular to said existing northerly right of way line of Solon Road, 25.00 feet to a point;

Thence North 60° 37' 14" East, parallel to said existing northerly right of way line of Solon Road, 60.00 feet to a point;

Thence South 29° 22' 46" East, perpendicular to said existing northerly right of way line of Solon Road, 25.00 feet to a point in said existing northerly right of way line of Solon Road;

Thence South 60° 37' 14" West, along said existing northerly right of way line of Solon Road, 60.00 feet to the principal place of beginning and containing 0.034 acres (1,500 square feet) of land as calculated and described in December, 2012 by CT Consultants, Inc. Registered Engineers and Surveyors.

Prior instrument reference as of the date this survey was prepared: Document No. 200204190788 of the Cuyahoga County Records.

Grantor reserves the right of ingress and egress to and from all residual areas.

The above described area is part of Cuyahoga County Auditor's Parcel No. 932-24-014.

Bearing contained herein are for project use only and are based on the County Regional Geodetic Survey (CRGS) Geodetic Monuments: Designation O.M. 0460 and O.M. 0998.

TRANSFER NOT REQUIRED

JAN 07 2013

CUYAHOGA COUNTY FISCAL OFFICE

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ODOT LPA RE 807
Rev. 09/2011

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TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: Dennis L. Marold II, the Grantor(s) herein, in consideration of the sum of \$450, to be paid by The Village of Chagrin Falls, 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): PPN 932-24-014

TEMPORARY CONSTRUCTION EASEMENT

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Document No. 200204190788 , 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, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF Dennis L. Marold II have hereunto set his hand on the 4th
day of January, 2013.

[Signature]
DENNIS L. MAROLD II

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED that on the 4th day of January, 2013,
before me the subscriber, a Notary Public in and for said state and county, personally came the
above named Dennis L. Marold II, 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.



[Signature]

NOTARY PUBLIC
My Commission expires:

ROBERT W. HIMES II
Notary Public, State of Ohio
My Commission Expires Dec 25, 2017
(Recorded in Lake County)

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

EXHIBIT A

TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO CONSTRUCT A HEADWALL AND GRADE FOR 12 MONTHS FROM THE DATE OF ENTRY BY THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, OHIO

[Surveyor's description of the premises follows]

Situated in the Village of Chagrin Falls, County of Cuyahoga and State of Ohio and known as being part of Original Solon Township Lot No. 5, Tract No. 1, and bounded and described as follows:

Beginning in the existing northerly right of way line of Solon Road (60 feet wide) at an iron pin found (located 1.53 feet therefrom) marking the intersection with the easterly line of land conveyed to CG II Developers, LLC by instrument recorded in Document No. 201112020034 of the Cuyahoga County Records;

Thence North 05° 37' 46" East, along said easterly line of land of CGII Developers, LLC, 38.24 feet to a point;

Thence North 60° 37' 14" East, by a line parallel to the existing northerly right of way line of Solon Road, and a distance of 35.00 feet by normal measure therefrom, 106.93 feet to a point;

Thence South 29° 22' 46" East, perpendicular to said existing northerly right of way line of Solon Road, 35.00 feet to a point in said existing northerly right of way line of Solon Road;

Thence South 60° 37' 14" West, along said existing northerly right of way line of Solon Road, 27.00 feet to a point;

Thence North 29° 22' 46" West, perpendicular to said existing northerly right of way line of Solon Road, 25.00 feet to a point;

Thence South 60° 37' 14" West, parallel to said existing northerly right of way line of Solon Road, 60.00 feet to a point;

Thence South 29° 22' 46" East, perpendicular to said existing northerly right of way line of Solon Road, 25.00 feet to a point in said existing northerly right of way line of Solon Road;

Thence South 60° 37' 14" West, along said existing northerly right of way line of Solon Road, 35.33 feet to the place of beginning and containing 0.058 acres (2,512 square feet) of land as calculated and described in December, 2012 by CT Consultants, Inc. Registered Engineers and Surveyors.

Prior instrument reference as of the date this survey was prepared: Document No. 200204190788 of the Cuyahoga County Records.

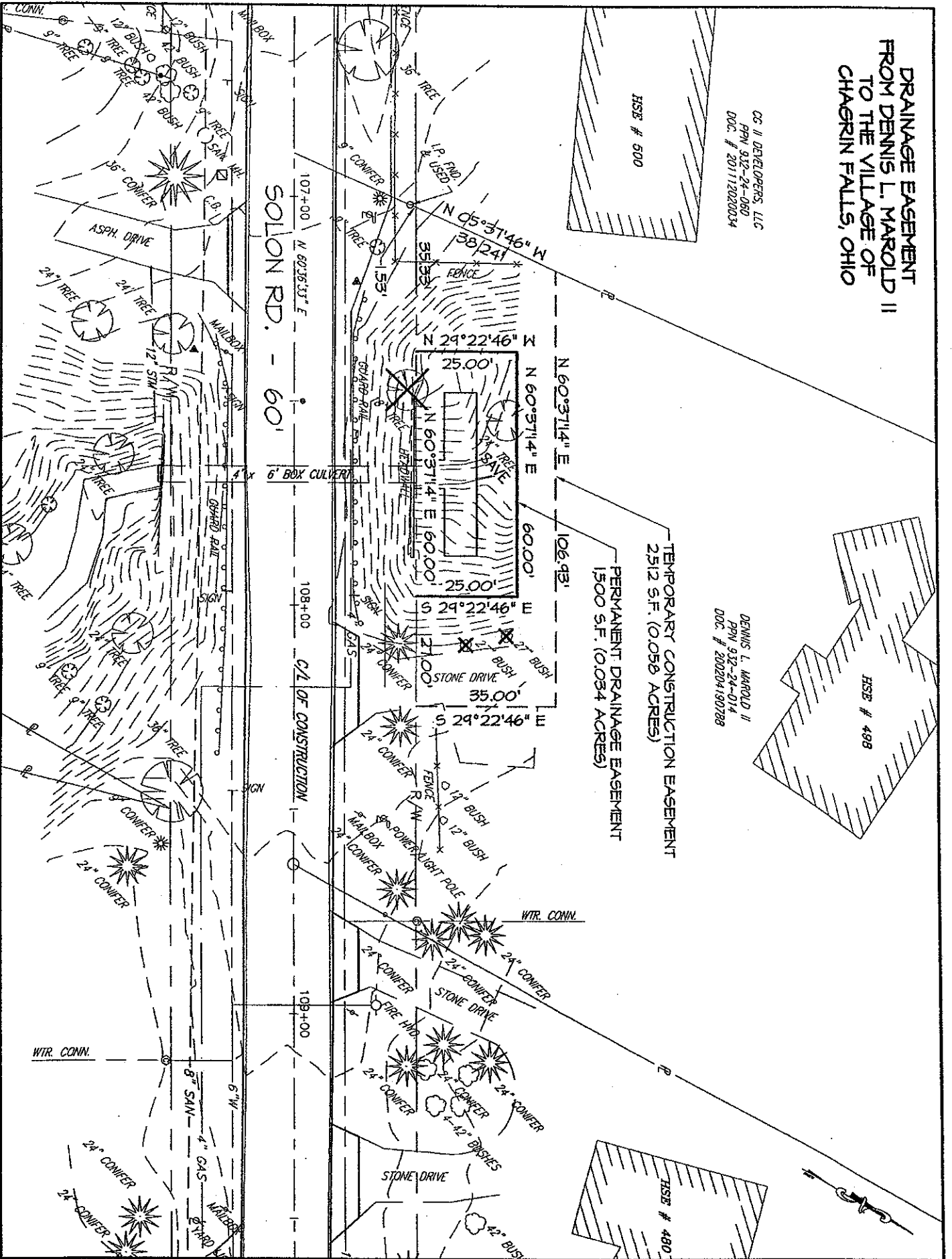
The above described area is part of Cuyahoga County Auditor's Parcel No. 932-24-014.

Bearing contained herein are for project use only and are based on the County Regional Geodetic Survey (CRGS) Geodetic Monuments: Designation O.M. 0460 and O.M. 0998.

**DRAINAGE EASEMENT
FROM DENNIS L. MAROLD II
TO THE VILLAGE OF
CHAQRIN FALLS, OHIO**

CG II DEVELOPERS, LLC
PPN 932-24-080
DOC. # 201112020034

DENNIS L. MAROLD II
PPN 932-24-014
DOC. # 200204190788



HSE # 500

HSE # 498

TEMPORARY CONSTRUCTION EASEMENT
2512 S.F. (0.058 ACRES)

PERMANENT DRAINAGE EASEMENT
1500 S.F. (0.034 ACRES)

HSE # 480

SOLON RD. - 60'

107+00 N 60°37'14" E

108+00

109+00

C/L OF CONSTRUCTION

25.00' N 60°37'14" E
60.00' N 60°37'14" E
25.00' E
25.00' S 29°22'46" E
60.00' S 29°22'46" E

N 60°37'14" E
106.93'

35.00' S 29°22'46" E
21.00' S 29°22'46" E

STONE DRIVE

WTR. CONN.

WTR. CONN.

8" SAN

4" GAS

MAILBOX

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