

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 51 - 2016

6
7
8 AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A SANITARY
9 SEWER EASEMENT ON A PORTION OF CITY OWNED PARCEL NO.
10 3506494 TO THE COUNTY OF SUMMIT, OHIO, FOR THE PURPOSE
11 OF EXTENDING SANITARY SEWER SERVICE TO THE ENCLAVE AT
12 OLD MILL POND RESIDENTIAL SUBDIVISION, AND DECLARING AN
13 EMERGENCY.

14
15
16 WHEREAS, a new residential subdivision named The Enclave at Old Mill Pond is being
17 constructed on Bath Road; and

18
19 WHEREAS, in order to provide sanitary sewer service to the subdivision, the County of Summit,
20 Ohio, has requested an easement on a portion of City owned Parcel No. 3506494.

21
22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
23 Summit and State of Ohio, that:

24
25 Section 1. The Mayor is hereby authorized to grant an easement to the County of Summit, Ohio,
26 on a portion of City owned Parcel No. 3506494, as described in Exhibit A.

27
28 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
30 ordinances and resolutions not inconsistent herewith and which have not previously been repealed
31 are hereby ratified and confirmed.

32
33 Section 3. It is found and determined that all formal actions of this Council concerning and
34 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that
35 all deliberations of this Council and of any of its committees that resulted in such formal action were
36 in meetings open to the public, in compliance with all legal requirements including, to the extent
37 applicable, Chapter 107 of the Codified Ordinances.

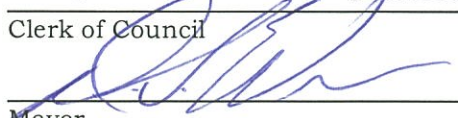
38
39 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
41 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the
42 members elected or appointed to Council, it shall take effect and be in force immediately upon its
43 passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest
44 period allowed by law.

45
46 Passed: 7-11-16

47 
48 _____
49 President of Council

50 
51 _____
52 Clerk of Council

53 Approved: 7-13-16

54 
55 _____
56 Mayor

A- Exhibit A

SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____, the GRANTOR, for and in consideration of certain good and valuable consideration and of One Dollar (\$1.00), the full receipt of all of which is hereby acknowledged, does hereby grant unto the County of Summit, Ohio, the GRANTEE, its successors and assigns forever, a perpetual easement and right-of-way for public sanitary sewer, manholes, force mains, and appurtenances on and over the following surveyed lands of the GRANTOR and as shown on Exhibit "A", together with the right and privilege to enter upon or over said land for purposes of construction, repair, maintenance, inspection and survey of said GRANTEE'S facilities and appurtenances.

LEGAL DESCRIPTION

Situated in the City/Township of _____, County of Summit, State of Ohio and as detailed in Exhibit "A", attached to and incorporated in this Sanitary Sewer Easement.

PARCEL NO. _____
ALT ID: _____

To have and hold said easement and right-of-way unto the said Grantee, its successors and assigns forever. The said Grantor(s), for itself, its heirs, executors and administrators, hereby covenants with the said Grantee, its successors and assigns, that it is the lawful owner of said premises and has full power to grant, bargain, sell, convey and release the same in the manner aforesaid and will warrant and defend the same against all claims.

{the remainder of this page is intentionally left blank with signatures to follow on the next 2 pages}

(GRANTOR)

By: _____

Print Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF OHIO)
) ss:
COUNTY OF SUMMIT)

Before me, a Notary Public, in and for said County, personally appeared _____(name)_____, _____(title)_____ of _____(Grantor)_____ who states he/she is duly authorized to execute the foregoing instrument, and that he/she acknowledges his/her signature to be his/her free act and deed on behalf of _____(Grantor)_____.

IN TESTIMONY WHEREOF, I have set my hand and official seal at _____, Ohio, this _____ day of _____, 20____.

NOTARY PUBLIC
Print Name: _____
My Commission Expires: _____

The County hereby accepts this EASEMENT and agrees to all the covenants, terms and conditions herein.

COUNTY OF SUMMIT
(GRANTEE)

By: _____
RUSSELL M. PRY, COUNTY EXECUTIVE

ACKNOWLEDGEMENT

STATE OF OHIO)
) ss:
COUNTY OF SUMMIT)

Before me, a Notary Public, in and for said County and State, personally appeared the above named Russell M. Pry, Executive, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed in his official capacity on behalf of the County of Summit.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Akron, Ohio this _____ day of _____, 20____.

NOTARY PUBLIC
Print Name _____
My Commission Expires: _____

This instrument prepared by:



Polaris Engineering & Surveying
34600 Chanion Road Suite D
Wiloughby Hills, Ohio 44094
Office: (440) 944-4433
Fax: (440) 944-3722

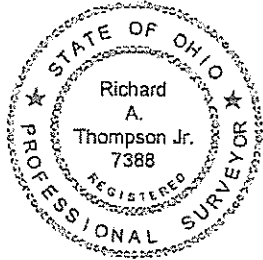
MONDAY, JUNE 13, 2016
LEGAL DESCRIPTION
OF A 25 FOOT OFFSITE SANITARY SEWER EASEMENT
P.P.N. 3506494 RECEPTION #56122035

SITUATED IN THE CITY OF CUYAHOGA FALLS, COUNTY OF SUMMIT AND STATE OF OHIO, AND KNOWN AS BEING PART OF ORIGINAL LOT 17, ORIGINAL NORTH HAMPTON TOWNSHIP 3, AND RANGE 11 OF THE CONNECTICUT WESTERN RESERVE;

BEGINNING AT A 5/8 INCH IRON PIN FOUND (ID. GBC) AT THE NORTHWESTERN CORNER OF LAND CONVEYED TO THE ENCLAVE AT OLD MILL POND, LLC, BY RECIPETION NUMBER 56184489 (PPN 35-06495);

THENCE NORTH 57° 10' 12" EAST 39.91 FEET ALONG THE NORTHWESTERLY LINE OF SAID ENCLAVE AT OLD MILL POND, LLC TO THE PRINCIPAL PLACE OF BEGINNING,

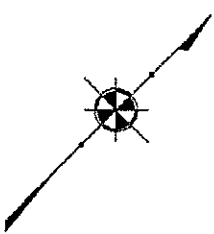
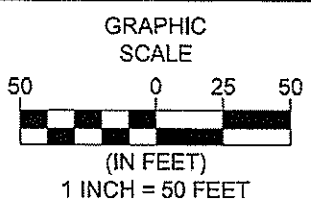
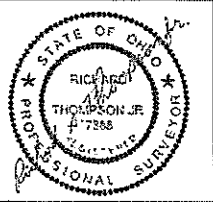
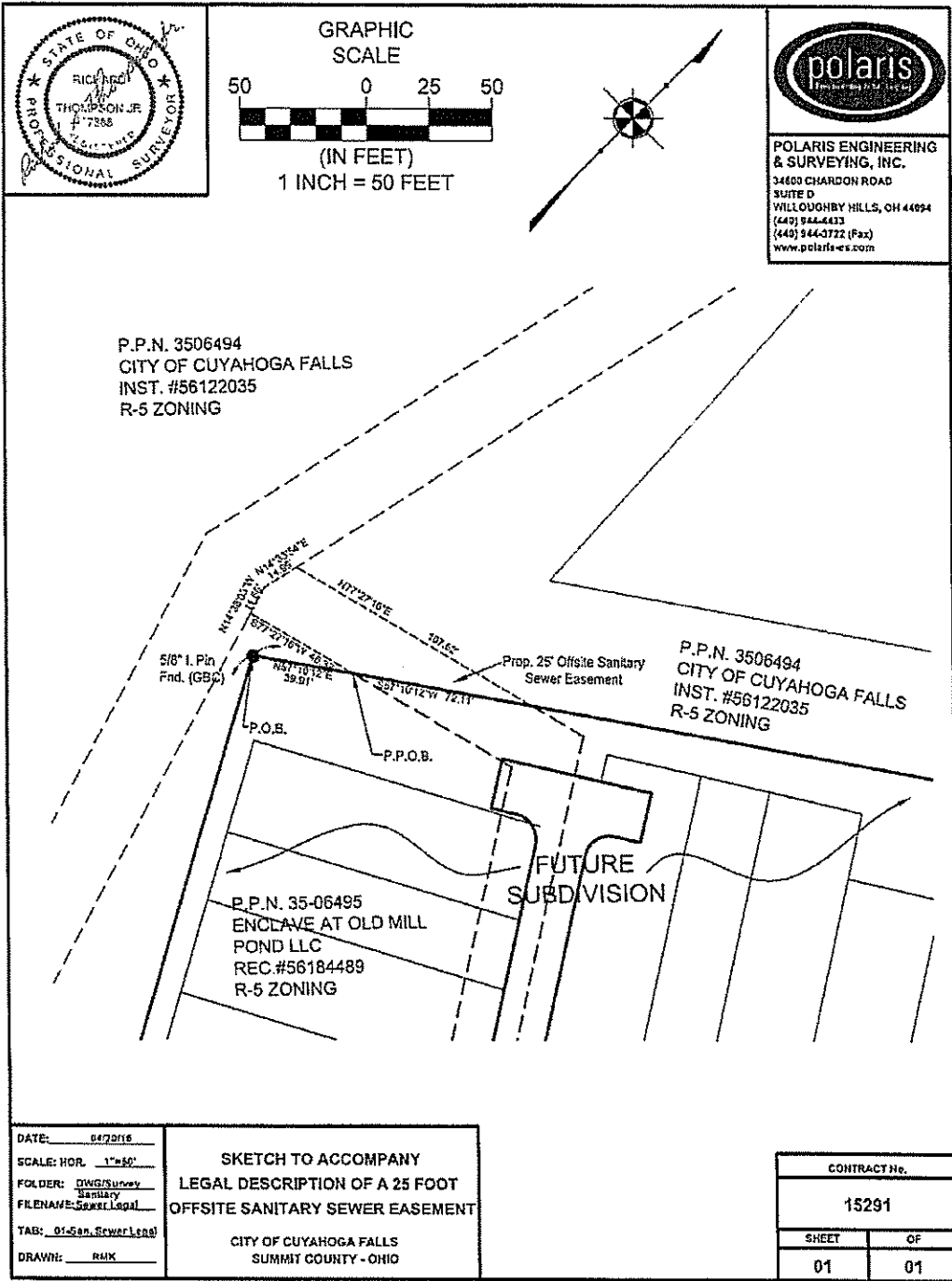
- COURSE 1 THENCE SOUTH 77° 27' 16" WEST, 46.35 FEET TO A THE EASTERLY LINE OF AN EXISTING SANITARY SEWER EASEMENT;
- COURSE 2 THENCE NORTH 14° 38' 03" WEST ALONG THE EASTERLY LINE OF SAID SANITARY SEWER EASEMENT, 11.66 FEET TO A POINT;
- COURSE 3 THENCE NORTH 14° 33' 54" EAST ALONG THE EASTERLY LINE OF SAID SANITARY SEWER EASEMENT, 14.99 FEET TO A POINT;
- COURSE 4 THENCE NORTH 77° 27' 16" EAST, 107.62 FEET TO THE NORTHWESTERLY LINE OF SAID ENCLAVE AT OLD MILL POND, LLC;
- COURSE 5 THENCE SOUTH 57° 10' 12" WEST ALONG THE NORTHWESTERLY LINE OF SAID ENCLAVE AT OLD MILL POND, LLC, 72.11 FEET TO THE PRINCIPAL PLACE OF BEGINNING, SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD AND CONTAINING 0.0452 ACRES OF LAND (1,968 S.F.) AS CALCULATED AS SURVEYED BY A FIELD SURVEY PERFORMED IN APRIL, 2016 BY RICHARD A. THOMPSON JR, PROFESSIONAL LAND SURVEYOR #7388, OF POLARIS ENGINEERING AND SURVEYING. BEARINGS REFER TO THE OHIO COORDINATE SYSTEM OF 1983 - NORTH ZONE - 1986 ADJUSTMENT.



Richard A. Thompson Jr.

RICHARD A. THOMPSON, JR. P.S. #7388 - 06/13/16

S:\2015 PROJECTS\15291 - PALMIERI BUILDERS INC - OLD MILL POND - CUYAHOGA FALLS
(CWS)\PROJECT SURVEYING INFO\SURVEY LEGAL DOCUMENTS\OFFSITE SANITARY LEGAL
DESCRIPTION.DOC



POLARIS ENGINEERING & SURVEYING, INC.
 34600 CHARDON ROAD
 SUITE D
 WILLOUGHBY HILLS, OH 44094
 (440) 944-4433
 (440) 944-3722 (Fax)
 www.polaris-es.com

P.P.N. 3506494
 CITY OF CUYAHOGA FALLS
 INST. #56122035
 R-5 ZONING

P.P.N. 3506494
 CITY OF CUYAHOGA FALLS
 INST. #56122035
 R-5 ZONING

P.P.N. 35-06495
 ENCLAVE AT OLD MILL
 POND LLC
 REC.#56184489
 R-5 ZONING

FUTURE
 SUBDIVISION

DATE: 04/20/16
 SCALE: HOR. 1"=50'
 FOLDER: DWG/Survey
 FILENAME: Sewer Legal
 TAB: 01-San_Sewer Legal
 DRAWN: RJK

SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION OF A 25 FOOT
 OFFSITE SANITARY SEWER EASEMENT
 CITY OF CUYAHOGA FALLS
 SUMMIT COUNTY - OHIO

CONTRACT No.	
15291	
SHEET	OF
01	01