

ORDINANCE NO. 2010-05

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN EMERGENCY ORDINANCE
AUTHORIZING AND DIRECTING THE MAYOR
TO ENTER INTO AN EASEMENT FOR WATER METER VAULT
NECESSARY AS IT RELATES TO THE
CONSTRUCTION OF THE
MAYFIELD VILLAGE POLICE STATION**

WHEREAS, in coordination with the construction of the new Mayfield Village Police Station, a water meter vault must be installed; and

WHEREAS, the City of Cleveland has requested that they be granted an easement for the water meter vault in accordance with the terms and conditions set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Village wishes to enter into an easement agreement for the water meter vault.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. The Mayor is authorized and directed to enter into an easement for a water meter vault with the City of Cleveland, Division of Water pursuant to the terms and conditions set forth in the easement which is attached hereto and incorporated herein by reference as Exhibit "A".

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield Village, Ohio. It shall, therefore, take effect immediately upon the passage by the

EASEMENT FOR WATER METER VAULT

KNOW ALL MEN BY THESE PRESENTS THAT **MAYFIELD VILLAGE**, an Ohio municipal corporation, herein for consideration of the sum of one dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby give, grant, bargain and convey to the **CITY OF CLEVELAND**, an Ohio municipal corporation, the Grantee herein, the right-of-way and easement for the purpose hereinafter mentioned, the following premises, to-wit: See Exhibit "A" attached hereto and incorporated herein containing the legal description of water vault easement, known as a portion of permanent parcel number 831-13-011.

The Grantor conveys the right and easement to enter upon said premises and to install, repair and maintain therein the water meter, also to turn off the water of any service or main, or to do any other thing that may be necessary or advisable in the judgment of said Grantee, its successors or assigns, in order to maintain or operate said meter in accordance with the ordinances, rules and regulations for the management of said Grantee now in force or that may hereafter be adopted.

The Grantor further in consideration of the acceptance of the easement above mentioned, by the Grantee, does hereby agree to pay the entire cost of installing and maintaining a water meter vault and appurtenances within the above described easement, constructed and maintained

in accordance with the provisions, rules, regulations and requirements of the Grantee, its successors or assigns.

Whenever the Grantor is notified by the Grantee that the water meter vault or its appurtenances are in need of maintenance, said maintenance shall be performed by the Grantor. In the event the Grantor fails to perform said maintenance within a reasonable period of time as determined by the Grantee, the Grantee reserves the right to perform said maintenance and charge the expense thereof to the Grantor.

The Grantor hereby restricts said premises within the limits of the above described easement against the construction thereon of any buildings of a temporary or a permanent type, excepting any sidewalks and/or pavements.

TO HAVE AND TO HOLD THE above described easement and right-of-way for the purpose above mentioned unto said Grantee forever.

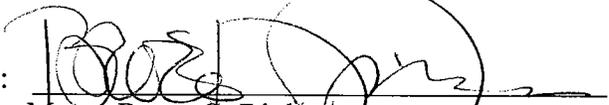
It is the intent of this conveyance that neither the filing of this deed or conveyance, its acceptance by the Grantee nor any other circumstances shall be construed as a dedication of or as an agreement by the Grantee to accept for dedication the premises herein described for public use as a street.

It is agreed that whatever party is named in this instrument there shall be intended and included in each case that party, his or her heirs, administrators, successors and/or assigns.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 19 day of January, 2010.

GRANTOR:

Mayfield Village, Ohio

By: 
Mayor Bruce G. Rinker

By: 
William Buckholtz, President of Council

This instrument prepared by:

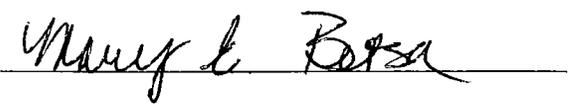


Diane A. Calta, Esq.
JOSEPH W. DIEMERT, JR. & ASSOCIATES CO., L.P.A.
1360 S.O.M. Center Road
Cleveland, Ohio 44124-2189
(440) 442-6800

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above named Grantor Mayor Bruce G. Rinker and President of Council William Buckholtz who acknowledged that the signing of the foregoing instrument in my presence was a free and duly authorized act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19 day of January, 2010.



Mary E. Betsa
NOTARY PUBLIC
State of Ohio
My Commission Expires 1/3/11

The City of Cleveland by its Director of Public Utilities does hereby accept the grant of easement this ____ day of _____, 2010 as authorized by Codified Ordinance Section 129.20.

City of Cleveland

By: _____
Director of Public Utilities

The legal form and correctness of the within instrument are hereby approved.

Assistant Director of Law, City of Cleveland

Exhibit A
Legal Description
of
Water Vault Easement
PPN 831-13-011

Situated in the Village of Mayfield, County of Cuyahoga and State of Ohio and known as being part of Original Mayfield Township Lot No. 35, Tract 1; and bounded and described as follows:

Beginning on the westerly line of S.O.M. Center Road, originally 60 feet wide, at the southeasterly corner of land conveyed to Dean Properties, Inc. by deed dated January 10, 1929 and recorded in Volume 3942, Page 125 of Cuyahoga County Deed Records;

Thence South $0^{\circ}38'56''$ West, along the westerly line of said S.O.M. Center Road, a distance of 51.28 feet to an angle point therein;

Thence continuing South $04^{\circ}53'19''$ East, along the Westerly line of said S.O.M. Center Road, a distance of 10.00 feet to the PRINCIPAL PLACE OF BEGINNING;

Course 1 Thence South $04^{\circ}53'19''$ East, along the westerly line of said S.O.M. Center Road, a distance of 15.00 feet to a point;

Course 2 Thence South $85^{\circ}06'41''$ West, perpendicular to the westerly line of said S.O.M. Center Road, a distance of 35.00 feet to a point;

Course 3 Thence North $04^{\circ}53'19''$ West, parallel with the westerly line of said S.O.M. Center Road, a distance of 15.00 feet to a point;

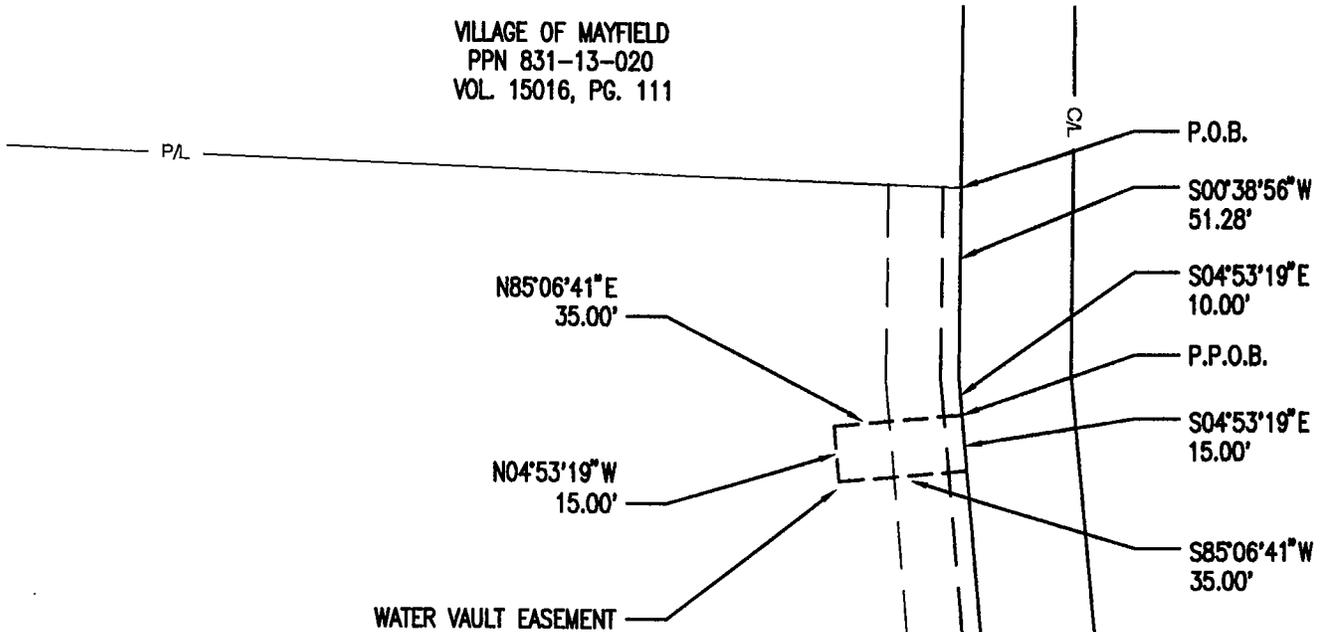
Course 4 Thence North $85^{\circ}06'41''$ East, perpendicular to the westerly line of said S.O.M. Center Road, a distance of 35.00 feet to the principal place of beginning.

Containing within said bounds 525 square feet (0.01205 of an acre) of land be the same more or less but subject to all legal highways and easements.

The above intends to describe a portion of a parcel of land (currently known as Cuyahoga County P.P.N. 831-13-011) described in a deed to The Village of Mayfield, recorded in Volume 12312, Page 725 of the Cuyahoga County Deed Records.

**WATER VAULT EASEMENT DESCRIPTION EXHIBIT
VILLAGE OF MAYFIELD, COUNTY OF CUYAHOGA, STATE OF OHIO**

VILLAGE OF MAYFIELD
PPN 831-13-020
VOL. 15016, PG. 111



WATER VAULT EASEMENT

VILLAGE OF MAYFIELD
PPN 831-13-011
VOL. 12312, PG. 725
PART OF O.L. 35

20' Right-of-Way
Vol. 12312, Page 787

R/W

5' Utility Easement
SOM Center Imp. Plans

S.O.M. CENTER ROAD (width varies)
S04°53'19"E

P/L

SALLY J. PHILLIPS, ETAL
PPN 831-13-009
AFN 200208200270



SCALE: 1"=50'
DATE: 01/11/10