

#323043

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LAW DIRECTOR

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION AND APPORTIONMENT PLAT OF PART OF COLONY DRIVE AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE COOIFIED ORDINANCES OF THE CITY OF AVON LAKE, OHIO.

CITY OF AVON LAKE
LAW DIRECTOR
Geoffrey R. Smith
GEOFFREY R. SMITH

CITY COUNCIL

THIS TO CERTIFY THAT THIS VACATION AND APPORTIONMENT PLAT OF PART OF COLONY DRIVE HAS BEEN ACCEPTED BY THE COUNCIL OF THE CITY OF AVON LAKE, LORAIN COUNTY, OHIO BY ORDINANCE NO. 1214 PASSED THIS 17 DAY OF October 1994.

CLERK OF COUNCIL
Kathleen Lynch
KATHLEEN LYNCH

OWNERS CERTIFICATE

I, WE THE UNDERSIGNED OWNERS OF LAND ADJACENT TO COLONY DRIVE, DO HEREBY ASSENT TO AND ADOPT THE VACATION AND APPORTIONMENT OF THE SAME, ACKNOWLEDGE THAT THE SAME WAS AT OUR REQUEST, AND AUTHORIZE ITS RECORDING.

Francis P. Chiaramonte III
FRANCIS P. CHIARAMONTE III
Jennifer M. Chiaramonte
JENNIFER M. CHIARAMONTE

NOTARY PUBLIC

COUNTY OF LORAIN, SS
STATE OF OHIO

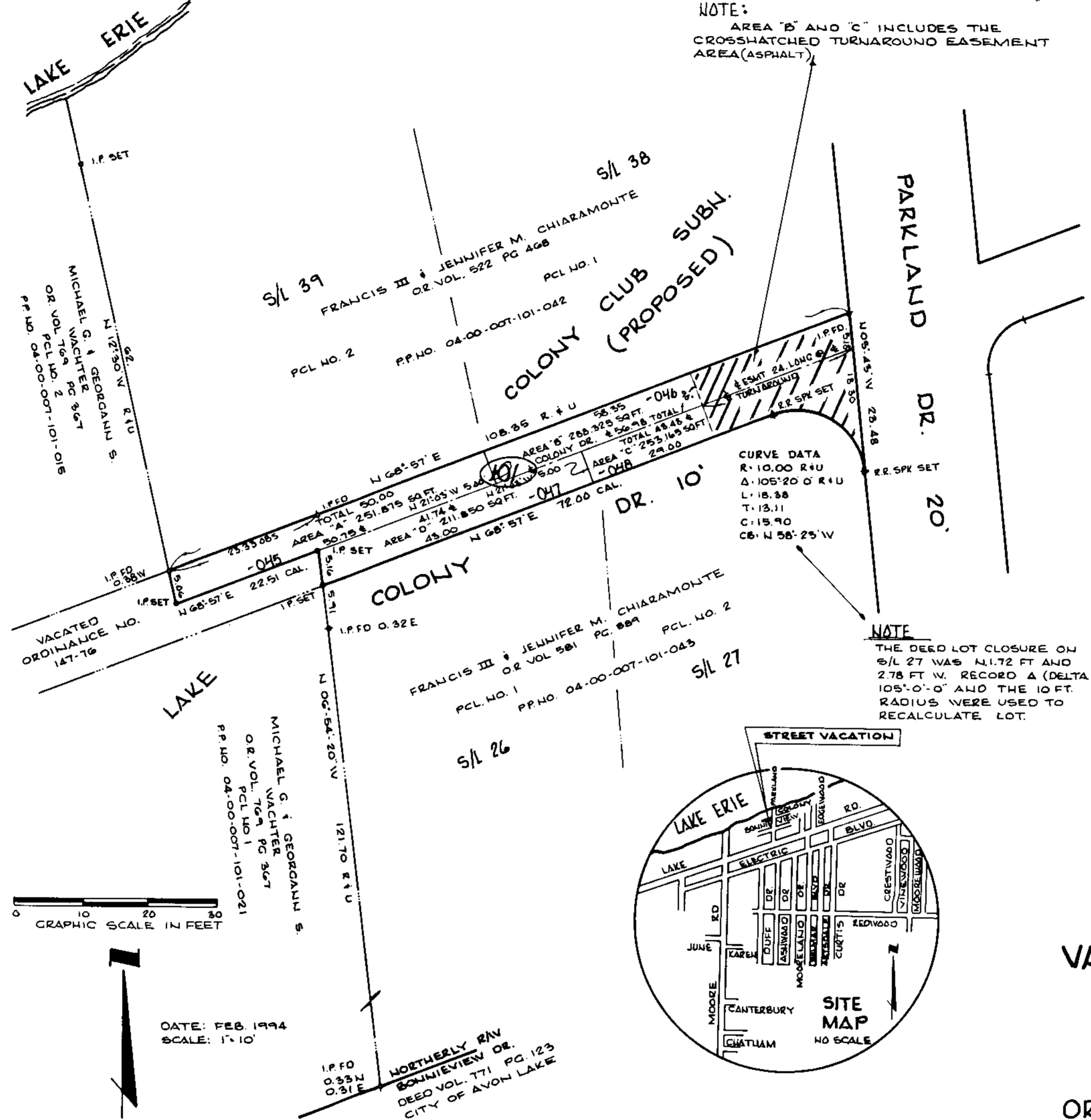
THIS IS TO CERTIFY THAT BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR FRANCIS P. CHIARAMONTE III AND JENNIFER M. CHIARAMONTE WHO ACKNOWLEDGED THAT THEY DID SIGN THIS FOREGOING PLAT AND THAT IT WAS THEIR OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE SET MY HAND AND OFFICAL SEAL THIS 3rd DAY OF JUNE 1994.

NOTARY PUBLIC
Kandi M. Baby
MY COMMISSION EXPIRES 10-16-97

PERPETUAL VACATION EASEMENT

FRANCIS AND JENNIFER CHIARAMONTE, HUSBAND AND WIFE, (GRANTORS), FOR THEMSELVES AND THEIR HEIRS, ASSIGNS, EXECUTORS, ADMINISTRATORS, AND SUCCESSORS, THE JOINT OWNERS OF THE HEREIN PLATTED LAND, HEREBY GRANT TO THE CITY OF AVON LAKE (GRANTEE), UPON THAT PORTION OF THE RIGHT-OF-WAY OF COLONY DR. WHOSE VACATION IS DEFINED BY THIS PLAT, AN EASEMENT, EXCEPTING UNTO GRANTEE, OF SAID RIGHT-OF-WAY FOR A TURNAROUND, AS DEFINED BY THIS PLAT, AND ALL UTILITIES, INCLUDING WATER, SANITARY AND STORM SEWERS, ELECTRIC, TELEPHONE, OR GAS LINES, AND FURTHER PROHIBITING THE RIGHT TO INSTALL ANY PERMANENT STRUCTURE, TREES OR LANDSCAPING, EXCEPT GRASS WITHIN THE BOUNDARIES OF SAID EASEMENT. GRANTEE SHALL HAVE THE RIGHT AT ALL TIMES, TO ENTER UPON SAID EASEMENT FOR PURPOSES INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REPLACE SAID UTILITIES TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS THERETO AND THEREFROM. GRANTEE SHALL NOT BE HELD LIABLE FOR REPAIR OR ANYTHING PLACED IN THE EASEMENT EXCEPT GRASS, AND EXCEPT FOR THAT PORTION OF SAID EASEMENT COVERED BY ASPHALT OR CONCRETE TO BE USED FOR THE TURNAROUND. GRANTEE AGREES TO INDEMNIFY AND HOLD HARMLESS GRANTEE FROM ANY AND ALL CLAIMS, EXPENSES AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES, INCURRED BY GRANTEE BY REASON OF THE OPERATION AND MAINTENANCE OF SAID PROPERTY, UNLESS SUCH ARE THE RESULTS OF WRONGDOING, MISCONDUCT OR NEGLIGENCE OF GRANTEE, UNLESS THE GRANTEE IS IMMUNE FROM LIABILITY PURSANT TO OHIO REVISED CODE, COMMON LAW, OR SUCH OTHER FEDERAL OR STATE LAW GIVING GRANTEE SAID IMMUNITY. GRANTEE SHALL RESTORE THE SURFACE OF PROPERTY TO A CONDITION EXISTING PRIOR TO BEING DISTURBED.

NOTE:
AREA "B" AND "C" INCLUDES THE CROSSHATCHED TURNAROUND EASEMENT AREA (ASPHALT)



SURVEYORS CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE PREPARED THIS FOREGOING PLAT OF THE VACATION OF PART OF COLONY DRIVE. MEASUREMENTS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF. BEARINGS USED ARE ASSUMED AND FOR PURPOSES OF DESCRIBING ANGLES ONLY. ALL OF WHICH I CERTIFY TO BE CORRECT.



Dane A. Haponek
DANE A. HAPONEK S-6211
REGISTERED SURVEYOR

ENGINEERS CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION AND APPORTIONMENT PLAT OF PART OF COLONY DRIVE, AND FIND THE BOUNDARIES OF THE VACATED LAND SUFFICIENTLY DEFINED.

CITY OF AVON LAKE
CITY ENGINEER
Waide M. Mertz
WAIDE M. MERTZ, P.E.

PLANNING COMMISSION

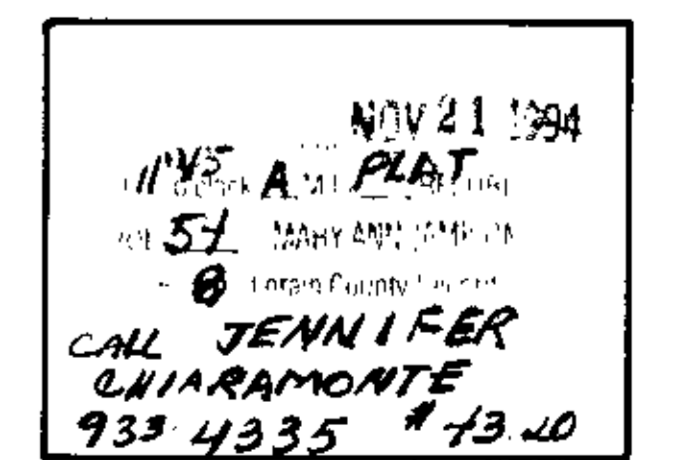
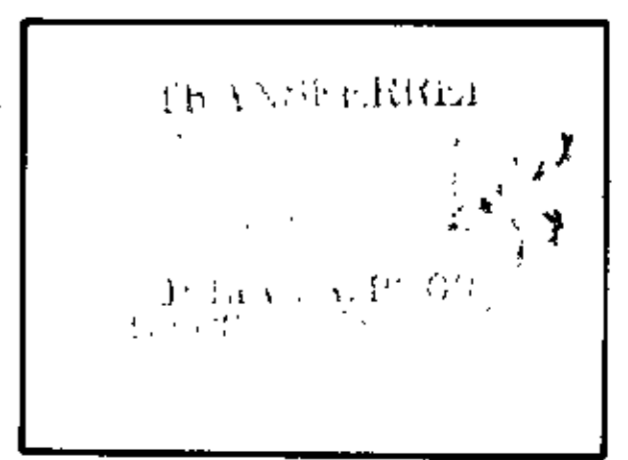
THIS IS TO CERTIFY THAT THIS VACATION AND APPORTIONMENT PLAT OF PART OF COLONY DRIVE HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE ON THIS 21st DAY OF DECEMBER 1993.

PLANNING COMMISSION
SECRETARY
Albert J. Dispenza Jr.
ALBERT J. DISPENZA JR.

VACATION AND APPORTIONMENT PLAT
OF PART OF
COLONY DRIVE
OF PART OF
ORIGINAL AVON TWP. SECTION NO. 7
CITY OF AVON LAKE COUNTY OF LORAIN
STATE OF OHIO

CHAIN AGREEMENT

THE CITY OF AVON LAKE (CITY) HEREBY GRANTS PERMISSION TO ANY CURRENT LAND OWNER (OWNER) TO ERECT AND EFFECT A CHAIN TO BE PLACED ACROSS THE VACATED PORTION OF COLONY DR. AS REPRESENTED BY THIS PLAT, AT A LOCATION TO BE DETERMINED BY MUTUAL AGREEMENT BETWEEN CITY AND OWNER, SAID CHAIN MAY BE PLACED ACROSS THE VACATED COLONY DR. FROM APRIL 1 TO NOVEMBER 30. THE COST OF PURCHASE, ERECTION, MAINTENANCE, REPAIR, AND ANY AND ALL OTHER COSTS OF SAID CHAIN SHALL BE THE SOLE RESPONSIBILITY OF OWNER. OWNER AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY AND ALL CLAIMS, EXPENSES, AND LIABILITIES, INCLUDING REASONABLE ATTORNEY FEES, INCURRED AS A RESULT OF INJURY TO OWNER OR ANY THIRD PARTY BECAUSE OF EXISTENCE OF SAID CHAIN AND SUPPORTING APPARATUS. THE CHAIN SHALL NOT AT ANY TIME OR IN ANY WAY BE LOCKED. THERE SHALL BE ATTACHED TO SAID CHAIN, AT ALL TIMES, A SIGN, WARNING OF ITS PRESENCE. THE SIZE, SHAPE, COLOR, MESSAGE, MATERIAL OF, PLACEMENT, AND OTHER FEATURES OF SAID SIGN SHALL BE APPROVED BY THE CITY.



LORAIN COUNTY AUDITOR LORAIN COUNTY RECORDER

PLAT REVISED 5/11/94

VACATION PLAT OF PART OF COLONY DRIVE