

ORDINANCE NO. 100-87

AN ORDINANCE GRANTING THE OHIO EDISON COMPANY UPON CITY LANDS CERTAIN EASEMENT RIGHTS.

WHEREAS, the Ohio Edison Company provides lines for the distribution of electric current and the operation of telephone and telegraph lines in the City of Lorain, Ohio; and

WHEREAS, it is convenient for the inhabitants of the City of Lorain to grant Ohio Edison Company an easement in and upon public lands for the aforesaid purposes.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL, OF THE CITY OF LORAIN STATE OF OHIO:

SECTION I. That the Council of the City of Lorain, Ohio hereby finds and determines that the easement from the City of Lorain, Ohio to the Ohio Edison Company as attached hereto as Exhibit "A" is in the interests of the public health, safety and welfare.

SECTION II. That the Director of Public Service is hereby authorized to enter into an easement agreement as provided in Exhibit "A" and upon the terms and conditions as provided therein.

SECTION III. That payments by Ohio Edison Company for the easement shall be deposited in and accounted by the City's General Fund.

SECTION IV. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION V. That this ordinance shall be in force and take effect after the earliest period allowed by law.

PASSED: 20 July, 1987

ATTEST Arlene K. Kokinda CLERK

[Signature]
PRESIDENT OF COUNCIL
[Signature]
MAYOR

APPROVED: 21 July, 1987

I, ARLENE K. KOKINDA, CLERK OF COUNCIL OF THE CITY OF LORAIN, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE COPY OF ORDINANCE/RESOLUTION NO. 100-87 PASSED ON THE 20 DAY OF July, 1987 BY SAID COUNCIL AND TAKEN FROM THE RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COUNCIL.
10-1-87 Arlene K. Kokinda
DATE CLERK OF COUNCIL

KNOW ALL MEN BY THESE PRESENTS:

That The City of Lorain, a Municipal Corporation.....
 the Grantor(s), for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, received to^{its}..... full satisfaction of Ohio Edison Company, an Ohio corporation, the Grantee, do(es) hereby grant unto Grantee, its successors and assigns, an easement and right of way, together with the rights and privileges hereinafter set forth, for lines for the distribution of electric current and the operation of telephone and telegraph lines in, under and across the following described premises:

Being part of Sublot Nos. 46, 47 and 48 of Durand's Plat of Charleston as shown in Volume "F", Page 420 and Volume "J" Page 446 of Lorain County Deed Records, and being part of O.L. 5 of Tract 1 in the Township of Black River, in the City of Lorain, County of Lorain and State of Ohio; and further being part of the property claimed by the Grantor by virtue of an instrument recorded in Volume 114, Page 83, Lorain County Deed Records.

Said easement and right of way is further described as being a strip of land ten (10) feet in width, five (5) feet on each side of a centerline which shall commence at a point on the North line of West Erie Avenue approximately thirty (30) feet East of the East line of City Hall Place; thence said centerline shall run in a General Northerly direction at an angle of approximately seventy-three degrees (73°) from the North line of West Erie Avenue for a distance of approximately one hundred and forty (140) feet to the first angle point where it shall angle to the right approximately one hundred and seven degrees (107°); thence said centerline shall run in a General Easterly direction for a distance of approximately one hundred and seventy (170) feet to the second angle point where it shall angle to the right approximately sixty-six degrees (66°); thence said centerline shall run in a General Southeasterly direction for a distance of approximately thirty (30) feet to its termination point.

P. P. 02-01-005-101-006; -007; & -008

In addition to said easement and right of way, the following rights are hereby granted to Ohio Edison Company:

- (1) To install, construct, inspect, operate, replace, repair, patrol, maintain and remove in, under and along said right of way across said premises such cables, wires, pipe, conduits, service pedestals, above-surface and sub-surface transformers, transformer pads, service hand-holes and other usual fixtures and appurtenances as may by Grantee be deemed necessary or become necessary for or in connection with the underground distribution of electric current and the operation of telephone and telegraph lines;
- (2) To enter and pass on, over and across any part of said lot(s) when reasonably necessary for access to and from said right of way, and to use the premises parallel to and adjoining the boundaries of said right of way for piling dirt and for the operation of apparatus, appliances and equipment in exercising any of its rights enumerated herein;
- (3) To trim, cut and remove at any and all times any trees, limbs, roots, underbrush or other obstructions within or near said right of way which may in the judgment of the Grantee interfere with, limit access to or endanger transformers, service pedestals, cables or their appurtenances, or their efficient operation;
- (4) To install, construct, inspect, operate, replace, repair, patrol, maintain and remove in, under and along said right of way and within the street limits cables, wires, pipe, conduits, street light standards and other usual fixtures and appurtenances as may by Grantee be deemed necessary or become necessary for or in connection with the operation of street lights.