

ORDINANCE NO. 117-86

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF LORAIN, OHIO TO ENTER INTO AN AGREEMENT GRANTING AN EASEMENT AND RIGHT-OF-WAY TO CENTRALBANC REALTY COMPANY.

WHEREAS, Council for the City of Lorain, Ohio has received a request from Centralbanc Realty Company to obtain an easement from the City of Lorain, Ohio as set forth in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, Council has determined that there is good cause for granting such easement and that such granted interests in the property are not needed for municipal purposes.

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

SECTION I. That the Mayor of the City of Lorain, Ohio, be and is hereby authorized to enter into an agreement granting to Centralbanc Realty Company an easement and right-of-way, together with the rights and privileges set forth in the EASEMENT AGREEMENT attached hereto and incorporated herein, marked as Exhibit "A" for purposes of constructing and maintaining building improvements thereon.

SECTION II. 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 121.11, Ohio Revised Code.

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

PASSED 21 July, 1986

ATTEST Arlene K. Kokinda CLERK

APPROVED 22 July, 1986

[Signature]  
RESIDENT OF COUNCIL

[Signature]  
MAYOR

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. 117-86 PASSED ON THE 21 DAY OF July, 1986 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

## EASEMENT AGREEMENT

KNOW ALL MEY BY THESE PRESENTS: The City of Lorain, Ohio, a municipal corporation without Charter, for and in consideration of the sum of One Dollar, (\$1.00), and other valuable consideration received to its full satisfaction of Centralbanc Realty Company, the Grantee, does hereby grant unto Grantee, its successors and assigns, an Easement and Right-of-Way, together with the rights and privileges hereinafter set forth for the construction and maintenance of building improvements over and across the following described premises:

Situated in the County of Lorain and State of Ohio. Being known as part of the Penfield Avenue Subdivision as recorded in volume 5 page 28 of the Lorain County Record of Plats and more definitely described as follows.

Beginning at the northwest corner of Sublot No. 17 of the Penfield Avenue Subdivision. Said point being in the easterly line of Broadway.

Thence North  $89^{\circ} 59' 30''$  West in the westerly extension of the north line of Sublot No. 17, a distance of 0.67 feet to a point.

Thence due South in a line parallel to and 0.67 feet distant westerly from the east line of Broadway, a distance of 51.00 feet to a point.

Thence South  $89^{\circ} 59' 30''$  East, a distance of 0.67 feet to the east line of Broadway.

Thence due North, in the east line of Broadway a distance of 51.00 feet to the place of beginning.

In addition to said Easement and Right-of-Way, the following rights are hereby granted to Centralbanc Realty Company, the Grantee: the right to inspect, operate, replace, repair, patrol, maintain and remove in, under, along and across said right-of-way, such usual fixtures and appurtenances that may, by Grantee, be deemed necessary or become necessary for and in connection with the facilities being constructed on the Right-of-Way.

Grantor reserves the right to use the Right-of-Way area in ways not inconsistent with the use of the area by the Grantee, subject to Grantee's rights enumerated herein. Grantor reserves the right to inspect, operate, repair, replace, patrol, maintain and remove, under and along said Right-of-Way, such underground lines, pipe conduits and other usual fixtures and appurtenances as may be necessary, or become necessary in connection with underground utilities maintained by Grantor under the Right-of-Way.

The Easement and rights herein granted are subject to equal rights of other utilities in that portion of the premises set forth above for utility purposes.

TO HAVE AND TO HOLD said Easement rights and Right-of-Way to Grantee,

its successors and assigns forever.

AND Grantor does for itself and its successors and assigns covenant that it is well and truly seized of the above described premises and has good right to grant the foregoing rights and privileges.

IN WITNESS WHEREOF, we have hereunto set our hands as of the \_\_\_\_\_ day of \_\_\_\_\_, 1986.

WITNESS

[Signature]  
Aris Meiser

THE CITY OF LORAIN, OHIO  
[Signature]  
ALEX M. OLEJKO, MAYOR

STATE OF OHIO )  
                          ) SS  
LORAIN COUNTY )

Before me a Notary Public in and for said County and State, personally appeared the above named Alex M. Olejko, Mayor of the City of Lorain, Ohio, who acknowledged that he did sign the foregoing instrument for and on behalf of the City of Lorain, by authority of an ordinance passed by the City Council of Lorain, Ohio, and that the same is his free act and deed and the free act and deed of the City of Lorain, Ohio.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lorain, Ohio, this 27th day of \_\_\_\_\_, 1986.

[Signature]  
NOTARY PUBLIC  
KIMBERLY J. HOSKIN  
NOTARY PUBLIC STATE OF OHIO  
MY COMMISSION EXPIRES 3-25-90

WITNESS

[Signature]  
Aris Meiser

CENTRALBANC REALTY COMPANY  
[Signature]

STATE OF OHIO )  
                          ) SS  
LORAIN COUNTY )

Before me a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, of The Centralbanc Realty Company, who acknowledged that he/she did sign the foregoing instrument on behalf of the Centralbanc Realty Company, and that the same is his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal  
at Lorain, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

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NOTARY PUBLIC