

ORDINANCE NO. 168-86

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

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

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 The Church of The Redeemer 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: 17 November, 1986

ATTEST: Arlene K. Kokinda CLERK

APPROVED: 18 November, 1986

John A. Dick  
PRESIDENT OF COUNCIL

Herbert M. Dwyer  
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. 168-86 PASSED ON THE 17<sup>th</sup> DAY OF November, 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 MEN 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 The Church of The Redeemer, the Grantee, does hereby grant unto Grantee, its successors and assigns, an Easement and Right-of-Way on the premises described in Exhibit "B", attached hereto and incorporated herein, together with the rights and privileges hereinafter set forth.

The Easement described above does not give the Grantee the authority to construct or erect any type of structure thereon. The Easement being granted is for the specific purposes of ingress and egress.

Grantor reserves the right to use the Right-of Way area in ways not inconsistent with the use of the area by the Grantee. 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 18<sup>th</sup> day of November, 1986.

WITNESS:  
*Alex M. Zaleski*

THE CITY OF LORAIN, OHIO  
*Alex M. Olejko*  
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

LEGAL DEPARTMENT  
CITY OF LORAIN, OHIO  
EDWARD M. ZALESKI  
LAW DIRECTOR  
CITY HALL - 7TH FLOOR  
LORAIN, OHIO 44082-1883  
PHONE: (216) 244-8663

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 15<sup>th</sup> day of November, 1986.

Evelyn Vansant  
NOTARY PUBLIC

EVELYN VANSANT, Notary Public  
My commission expires 12-28-88

WITNESS:

Oliver A. Bokunda

CHURCH OF THE REDEEMER

R. J. Croyle

STATE OF OHIO            )  
                                  SS  
LORAIN COUNTY            )

Before me a Notary Public in and for said County and State, personally appeared RICHARD CROYLE, of The Church of The Redeemer, who acknowledged that he did sign the foregoing instrument on behalf of The Church of The Redeemer, and that the same is his free act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal at Lorain, Ohio this 18<sup>th</sup> day of November, 1986.

Evelyn Vansant  
NOTARY PUBLIC  
My commission expires 12-28-88

*Situated in the City of Lorain County of Lorain and State of Ohio and known as being lots numbers twenty-four (24) and twenty-six (26) in the Block number three (3) in Chamberlain, Mussey and Edison's Addition to the allotment made by Selah Chamberlain, Trustee, of Parts of great lots number three (3), four (4) and six (6) Black River Township, Lorain County, Ohio. Excepting therefrom forty eight (48) feet off from the northerly ends of said lots heretofore sold to Beulah Fix and the deed for same being now on record in the office of the Recorder of deeds of said County of Lorain, Ohio.*

**EXHIBIT "B"**