

ORDINANCE NO. 3287

AN ORDINANCE GRANTING THE UNITED STATES GOVERNMENT AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF UTILITIES.

WHEREAS, THE UNITED STATES COAST GUARD RESERVATION LOCATED IN RIVERSIDE PARK, LORAIN, OHIO, HAS AN EXISTING EASEMENT GRANTED TO THE UNITED STATES GOVERNMENT BY THE CITY OF LORAIN, OHIO FOR PURPOSES OF INGRESS, EGRESS, AND FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES; AND

WHEREAS, THE SAID UNITED STATES COAST GUARD RESERVATION REQUIRES ADDITIONAL LANDS FOR THE PURPOSES OF EXPANDING THEIR UTILITIES.

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 IS HEREBY AUTHORIZED AND DIRECTED TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES GOVERNMENT ON BEHALF OF THE CITY OF LORAIN, OHIO FOR THE PURPOSES OF GRANTING THE UNITED STATES GOVERNMENT AN EASEMENT OF INGRESS AND EGRESS, AND FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES AS SET FORTH IN THE ATTACHED EASEMENT.

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 121.22, 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: 2 March, 1987
ATTEST: Arlene K. Kokinda CLERK
APPROVED: 3 March, 1987

[Signature]
PRESIDENT 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. 32-87 PASSED ON THE 2 DAY OF March, 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

EASEMENT

Know all men by these presents, that the City of Lorain, an Ohio Municipality, the Grantor, by virtue of Ordinance No. 32-87, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant unto the United States Government, the Grantee, its successors and assigns, an easement and right-of-way, with the rights and privileges hereinafter set forth, for purposes of ingress and egress and for purposes of construction and maintenance of utilities and described as follows:

Situated in the Township of Black River, County of Lorain, State of Ohio, and known as being a part of Original Black River Township, Lot No. 1, Tract No. 1, now within the Corporate Limits of the City of Lorain, and further known as being an easement or right-of-way granted to the United States Government (hereinafter known as the U.S. Coast Guard Reservation) for purposes of ingress and egress, construction and maintenance of utilities, and more definitely described as follows:

Beginning at an iron pin found set at the intersection of the northerly right-of-way line of Lakeside Avenue (60 feet in width; formerly known as Myrtle Street) and the southwesterly right-of-way line of Alabama Avenue (30 feet in width; formerly known as First Street);

Thence South $53^{\circ} 55' 16''$ East along the southwesterly right-of-way of Alabama Avenue, a distance of 54.47 feet to a point;

Thence South $68^{\circ} 27' 24''$ West, a distance of 127.63 feet to a point on the southeasterly boundary of the United States Coast Guard Reservation;

Thence North $13^{\circ} 01' 14''$ East along the southeasterly boundary of the United States Coast Guard Reservation, a distance of 15.09 feet to an iron pin found set;

Thence North $65^{\circ} 18' 36''$ West along the northerly boundary of the United States Coast Guard Reservation, a distance of 86.65 feet to a point and passing through an iron pin found set 52.85 feet therefrom;

Thence North $68^{\circ} 27' 24''$ East, a distance of 219.84 feet to a point;

Thence South $21^{\circ} 31' 36''$ East, a distance of 29.00 feet to a point on the northerly right-of-way line of Lakeside Avenue;

Thence South $68^{\circ} 27' 24''$ West along the northerly right-of-way line of Lakeside Avenue, a distance of 70.00 feet to the place of beginning, containing within said bounds 0.2611 of an acre of land.

This foregoing easement replaces the existing easement and right-of-way granted by the City of Lorain to the United States Government (known also as the United States Coast Guard Life Saving Station Reservation) March 8, 1910 and recorded in Volume _____, Page _____ of the Lorain County Record of Deeds. This foregoing easement is to be granted to the United States Government (known also as the United States Coast Guard Reservation) for the purpose of ingress and egress, and for the construction and maintenance of utilities. The Grantee shall repair or replace all fences, gates, walks, curbs, pavements, sewer lines, waterlines, ditches, landscaped areas etc. damaged or destroyed by it, or pay the grantor for all damages to fences, gates, walks, curbs, pavements, sewer lines, waterlines, ditches landscaped areas etc. on said premises caused by construction or maintenance of said utilities. The Grantor reserves the right to continued use of the land contained herein for ingress and egress, construction and maintenance of utilities, provided that such use does not interfere with or obstruct the rights herein granted.

TO HAVE AND TO HOLD the said easement, rights and right-of-way and its appurtenances to said Grantee, and to its successors and assigns, forever