

ORDINANCE NO. 54-87

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF LORAIN, OHIO TO EXECUTE THE EASEMENTS FOR HIGHWAY PURPOSES TO THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

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

- SECTION I. That the Service Director of the City of Lorain be and he is hereby authorized to execute the attached Easements for Highway Purposes, for Parcel Nos. 6 & 6A (21st Street Bridge), granting to the State of Ohio, an easement and right-of-way for public highway and road purposes in order to perform the necessary reconstruction and repair work on the bases of the bridge piers.
- 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 is hereby declared to be an emergency, the nature of the emergency being the immediate need to provide the necessary reconstruction and repairs to the bases of the bridge piers in order to prevent further erosion of said bases and the incurring of additional expenses for additional repairs, all for the safety, health and welfare of the City. Therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor, providing it receives the statutory requirements for passage, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 20 April, 1987
ATTEST: Arlene K. Kokinda, CLERK
APPROVED: 21 April, 1987

John P. Smith
PRESIDENT OF COUNCIL
James O. O'Leary
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. 54-87, PASSED ON THE 20 DAY OF April, 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

COPY

EASEMENT FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That _____

_____, the Grantor _____

for and in consideration of the sum of _____ Dollars (\$ _____) and for other good and valuable considerations to _____ paid by the State of Ohio (Hyw's), the Grantee, the receipt whereof is hereby acknowledged, do _____ hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement and right of way for public highway and road purposes with the following rights and privileges, in, upon and over the lands hereinafter described, situated in _____ Lorain _____ County, Ohio Black River Township, Section _____ Lot No. 93 Town _____ 7N _____ Range _____ 17W

City of Lorain

The rights herein granted to the Grantee include, without limitation as to the generality thereof, the right of the Grantee or its agents or assigns to enter upon this said right of way, at this time or at any time in the future, with all necessary men, vehicles, or equipment for the purpose of trimming, cutting or removing trees, shrubs, vines or such like growth within the right of way, and the grantor and his heirs and assigns shall have no further right of compensation; bounded and described as follows:

PARCEL NO. 6

Being a parcel of land lying on the _____ side of the centerline of a survey, made by the Department of Transportation, and recorded in Book _____ Page _____ of the records of _____ County and being located within the following described points in the boundary thereof.

Beginning at a point in the southerly line of the City Dock line where it is intersected by the east line of the present right of way of Henderson Drive (SR-611), said point being 33 feet east of and at right angles to Station 196+26.14 in the centerline of survey made for Henderson Drive (SR-611); thence North 1 degree 21 minutes 58 seconds East along said east right of way line 108.86 feet to a point being 33 feet east of and at right angles to centerline Station 197+35; thence South 88 degrees 38 minutes 02 seconds East 25 feet to a point being 58 feet east of and at right angles to centerline Station 197+35; thence South 1 degree 21 minutes 58 seconds West 104.74 feet to a point in the south line of lands of the owner, said point being 58 feet east of and at right angles to centerline Station 196+30.26; thence South 82 degrees 00 minutes 50 seconds West along south property line and Dock line 25.34 feet to the place of beginning and containing 0.06 acre more or less.

Owner claims title by instrument of record in Vol. 75, page 49 of the deed records of Lorain County, Ohio.

~~It is understood that the strip of land above described contains xxxxxxxxxxxx acres, more or less, including the present road which occupies xxxxxxxxxxxx acres more or less.~~

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plan on file in the Department of Transportation, Columbus, Ohio.

EASEMENT FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That _____
_____, the Grantor _____

for and in consideration of the sum of _____ Dollars (\$) and for other good and valuable considerations to _____ paid by the State of Ohio (Hyw's), the Grantee, the receipt whereof is hereby acknowledged, do _____ hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, a perpetual easement and right of way for public highway and road purposes with the following rights and priveleges, in, upon and over the lands hereinafter described, situated in Lorain County, Ohio Black River Township, ~~XXXXX~~ City of Lorain ~~Town~~ Lot No. 93 ~~Range~~ ~~XX~~

The rights herein granted to the Grantee include, without limitation as to the generality thereof, the right of the Grantee or its agents or assigns to enter upon this said right of way, at this time or at any time in the future, with all necessary men, vehicles, or equipment for the purpose of trimming, cutting or removing trees, shrubs, vines or such like growth within the right of way, and the grantor and his heirs and assigns shall have no further right of compensation; bounded and described as follows:

PARCEL NO. 6A

Being a parcel of land lying on the _____ side of the centerline of a survey, made by the Department of Transportation, and recorded in Book _____, Page _____, of the records of Lorain County and being located within the following described points in the boundary thereof.

Beginning at a point in the southerly line of the City Dock Line where it is intersected by the West line of the present right of way of Henderson Drive (SR-611), said point being 33 feet West of and at right angles to Station 196 + 15.28 in the centerline of survey made for Henderson Drive (SR-611); thence South 82° 00' 50" West along said South property line 25.34 feet to a point being 58 feet West of and at right angles to centerline Station 196 + 11.16; thence North 1° 21' 58" East 123.84 feet to a point being 58 feet West of and at right angles to centerline Station 197 + 35; thence South 88° 38' 02" East 25 feet to a point in the west line of Henderson Drive (SR-611), said point being 33 feet West of and at right angles to centerline Station 197 + 35; thence South 1° 21' 58 " West along said West right of way line 119.72 feet to the place of beginning and containing 0.07 acre, more or less.

Grantors claim title through instrument recorded in Volume 75, page 49 of the Lorain County Recorder's Office.

~~XXXXX~~ ~~It is understood that the strip of land above described contains~~ ~~XXXXXXXXXXXX~~ ~~acres more or less, including the~~ ~~present road which occupies~~ ~~XXXXXXXXXXXX~~ ~~acres more or less.~~

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans _____

ACKNOWLEDGEMENT

(Individual)

TO HAVE AND TO HOLD said easement and right-of-way unto the Grantee, its successors and assigns forever.

And the said Grantor _____ for itself and its heirs, executors, and administrators, hereby covenant s with the said Grantee, its successors and assigns that it XXXXX is the true and lawful owner _____ of said premises, and are lawfully seized of the same in fee simple, and have good right and full power, to grant, bargain, sell, convey and release the same in manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that it XXX will warrant and defend the same against all claims of all persons whomsoever.

And for the consideration aforesaid _____

_____ hereby relinquish _____ to said Grantee, its successors and assigns, all right and expectancy of Dower in the above described premises.

IN WITNESS WHEREOF _____

_____ have hereunto set _____ hand _____, the _____ day of _____, in the year of our Lord one thousand nine hundred and _____

CITY OF LORAIN

Signed and sealed in presence of:

BY: _____

BY: _____

STATE OF OHIO, COUNTY _____, ss. _____

BE IT REMEMBERED, That on this _____ day of _____, 19 _____, before me the subscriber, a Notary Public in and for said county, personally came the above named _____

and acknowledged the signing of the foregoing easement to be _____ voluntary act and deed. In testimony whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

My commission expires _____, 19 _____

This instrument prepared by _____ for the State of Ohio, Department of Transportation.

EASEMENT
FOR
HIGHWAY PURPOSES
FROM

City of Lorain

TO THE
STATE OF OHIO

R. 611 County Lorain

3.53

to. 6. 6A

19 _____, 19 _____

Auditor _____

19 _____, 19 _____

o'clock _____ M.

19 _____, 19 _____

County _____

Page _____

of Deeds, Vol. _____, Recorder.

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