

STATE OF OHIO
SS
LORAIN COUNTY

IN THE COURT OF COMMON PLEAS
CASE NO. 70923

PAUL J. MIKUS, ET AL

JOURNAL ENTRY

Plaintiffs

VS

PLANNING COMMISSION OF
THE CITY OF LORAIN, OHIO,
ET AL

Defendants

*Filed - March 14, 1967
Vol. of Journal 170 @ pg. 887.*

This day came the parties herein and settled the matters in controversy as follows:

1. That Defendant, Park Lane, Inc., shall convey to Plaintiffs a parcel of land 60 feet in width and approximately 150.11 feet deep, lying adjacent and Southerly to Sublot 11 of Hickory Hill Subdivision No. 1 from Washington Avenue Easterly to Plaintiffs' Westerly boundary line, provided that said parcel shall be restricted in use solely for street and utility purposes.

2. That the plat of Hickory Hill Subdivision No. 1 shall be amended to show the dedication of a storm sewer easement thereon 10 feet in width over the following portions of said lands:

- (a) Being a strip of land 10 feet in width lying Southwesterly and adjacent to the Southwesterly line of the City of Elyria water line easement on Sublots 6 and 7, Hickory Hill Subdivision No. 1, from Plaintiffs' Westerly boundary line to the Easterly line of Washington Avenue.
- (b) Being a strip of land 10 feet in width and lying Northerly and Northeasterly of the line of Kingsway Drive from Washington Avenue to Tower Boulevard.
- (c) In addition to the permanent easement to be granted on the plat described in (a) above, Defendants, Park Lane, Inc. and Park Development Corp., shall grant a construction easement 20 feet in width within the boundaries of the City of Elyria water line easement adjacent Northerly to the lands described in said paragraph (a) during the period of the construction of the storm sewer in the lands described in said Paragraph (a).

*Recorded
May 12, 1967
1:03 pm
W.D. File # 205, 333*

3. The storm sewer to be constructed in said easement in 2. above shall be at the sole cost of Plaintiffs, their heirs, and assigns, and other owners of lands benefited thereby, and said easements are conditioned that upon the construction of said storm sewer the maintenance and repair thereof, the surface of the land shall be returned to the conditions existing prior to the start of said construction.

4. The Defendants, Park Lane, Inc. and Park Development Corp., in order to provide a sanitary sewer outlet for Plaintiffs' lands, agree that the sanitary sewer mains to be constructed in Kingsway Drive and Washington Avenue shall be of sufficient size and depth to provide said sanitary sewer outlet for Plaintiffs' lands where the proposed street, in Paragraph No. 1 above intersects in Washington Avenue located approximately at the Southerly line of Sublot 11, Hickory Hill Subdivision No. 1. Further, that Plaintiffs have entered into an agreement to purchase Sublot No. 1 in Hickory Hill Subdivision No. 1 and when the sanitary sewer is constructed in Washington Avenue in front of said Sublot No. 1, a sanitary sewer stub shall be constructed from a manhole located approximately at the Northerly line of said Sublot No. 1 to the Easterly line of Washington Avenue for the purpose of providing a future outlet through Sublot No. 1 to Plaintiffs' presently owned lands. It is further agreed that in order to provide said sanitary sewer outlets that revisions of the engineering plans are required and that increased size of the sanitary sewer mains are required; that the additional costs are estimated to be \$1,965.30. Plaintiffs agree that when said sanitary sewer outlets are constructed they will deposit said sums with the construction escrow agent which amount shall be used to apply toward the construction

of said sanitary sewer mains.

5. Sublot No. 1 shall be restricted in use to single family residential and for street dedication and utility purposes, it being agreed that Plaintiffs may dedicate a portion of said Sublot No. 1 to provide an additional street outlet to their lands.

6. That the appeal and restraining order pending in this case shall be dismissed for the accomplishment of the aforesaid items and a separate agreement of the parties which are herewith approved and made a part of the judgment and order of this Court, and the court costs shall be borne one-half by Plaintiffs, and one-half by Defendants, Park Lane, Inc. and Park Development Corp.

IT IS THEREFORE ORDERED AND ADJUDGED by the Court that this action stands settled upon the terms aforesaid, and that the costs as assessed herein shall be paid one-half by Plaintiffs and one-half by Defendants, Park Lane, Inc. and Park Development Corp.

RECORD WAIVED.

Judge, Court of Common Pleas

APPROVED:

Plaintiffs-Appellants

Lorain City Planning Commission

By: Paul J. Mikus
Paul J. Mikus

By: _____
City Solicitor,
Lorain, Ohio

By: Helen B. Mikus
Helen B. Mikus

By: Nicholas R. Curci
Nicholas R. Curci,
Their Attorney

Defendants-Appellees

Park Lane, Inc. and
Park Development Corp.

By: Kenneth C. Hamister
Kenneth C. Hamister,
Christie & Hamister,
Attorneys for Defendants
Kenneth C. Hamister