

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION
LORAIN COUNTY, OHIO

DOUGLAS ROTHGERY
CLERK OF COMMON PLEAS
LORAIN COUNTY

FILED
36 FEB 28 P 3: 03

CITY OF AVON LAKE

Plaintiff

CASE NO. 94560-85

vs.

JUDGE ADRIAN F. BETLESKI

NOEL ILG, et al

JUDGMENT ENTRY

Defendants

THIS MATTER came on for trial on the 8th day of January, 1986, the Plaintiff being present through its legal counsel and the substituted Defendant, H. R. Kopf, being present through his legal counsel, and no other parties or their legal counsel appearing on their behalf at such scheduled time.

It being represented to the Court that the owner of the property appropriated in this action has agreed with the Municipality of the City of Avon Lake, Lorain County, Ohio, upon the amount of compensation and damages due said owner by reason of said appropriation and has agreed to accept the amount of Thirty-four Thousand and no/100 Dollars (\$34,000.00) in full payment thereof, and does hereby release all claims for further compensation or damages resulting from the widening and improving of Avon-Belden Road or from the appropriation of said property, now, therefore,

In conformity with said agreement, it is hereby ordered, adjudged and decreed that the said Municipality of the City of Avon Lake, Lorain County, Ohio, shall deposit with the Clerk of this Court, a sum sufficient, to wit: One Thousand and Nine Hundred Sixty-five and no/100 Dollars (\$1,965.00), which when added to the original deposit herein of Thirty Two Thousand Thirty-five and no/100 Dollars (\$32,035.00) equals the total amount of the agreed settlement of Thirty-Four Thousand and no/100 Dollars (\$34,000.00), which shall be paid to the landowner hereinafter named, upon application to this Court, with no interest.

It is further ordered, adjudged and decreed that all right, title and interest in fee simple to the parcels of land known as Parcel No. 78 WD and 78 WD1, be and is duly vested in the Municipality of the City of Avon Lake, Lorain County, Ohio, said parcel being more particularly described as follows:

PARCEL NO. 78 WD

Commencing at the intersection of the centerline of State Route 83 (Avon Belden Road) and the centerline of Walker Road, said point being Station 153+77.70 in the centerline of a survey made by Richland Engineering Limited for the City of Avon Lake

I HEREBY CERTIFY THIS TO BE A TRUE AND
CERTIFIED COPY OF THE ORIGINAL ON FILE
IN THIS OFFICE.

BY Ronald J. Rothgery CLERK
Deputy DEPUTY

303-265

SEE # 16627 3/24/86

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for S. R. 83 (Avon Belden Road) said point also being in the line common to Sections 17 and 18, said point also being Station 131+21.45 in the centerline of Walker Road; thence South $89^{\circ} 56' 28''$ West along said section line and along the centerline of Walker Road, 96.50 feet to the southeast corner of the 0.37 acre tract of lands of the owner, said point being at Walker Road centerline Station 130+24.95, said point also being the true place of beginning; thence South $89^{\circ} 56' 28''$ West continuing along said section line and along the centerline of Walker Road and along the south line of lands of the owner, 94.92 feet (94.95 deed) to the southwest corner of the lands of the owner and said tract; said point being at Walker Road centerline Station 129+30.03; thence North $0^{\circ} 03' 32''$ West along the west line of the lands of the owner, 43 feet to a point in the north line of the present right of way of Walker Road, said point being 43 feet north of and at right angles to Walker Road centerline Station 129+30.03; thence North $89^{\circ} 56' 28''$ East along the north line of the present right of way of Walker Road, 95.20 feet to a point in the east line of the 0.37 acre tract of lands of the owner, said point being 43 feet north of and at right angles to Walker Road centerline Station 130+25.23; thence South $0^{\circ} 18' 30''$ West along the east line of the lands of the owner, 43 feet to the true place of beginning and containing 0.0937 acres, more or less, of which the present road occupies 0.0937 acres, more or less.

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PARCEL NO. 78 WD1

Commencing at the intersection of the centerline of State Route 83 (Avon Belden Road) and the centerline of Walker Road, said point being at Station 153+77.70 in the centerline of a survey made by Richland Engineering Limited for the City of Avon Lake for SR 83 (Avon Belden Road), said point also being in the line common to Sections 17 and 18, said point also being at Station 131+21.45 in the centerline of Walker Road; thence North $0^{\circ} 18' 30''$ East along the centerline of SR 83, 43 feet to the southeast corner of the lands of the owner, said point being at SR 83 centerline Station 154+20.70, said point also being 43 feet north of and at right angles to Walker Road centerline station 131+21.73, said point also being the true place of beginning; thence South $89^{\circ} 56' 28''$ West along the South line of the lands of the owner, 60 feet to a point in the north line of the present right of way of Walker Road, said point being 43 feet north of and at right angles to Walker Road centerline Station 130+61.73, said point also being 60 feet west of and at right angles to SR 83 centerline Station 154+20.32; thence North 45 degrees $07' 29''$ seconds East, 21.28 feet to a point 45 feet west of and at right angles to SR 83 centerline Station 154+35.41, said point also being 58 feet north of and at right angles to Walker Road centerline Station 130+76.82; thence North $0^{\circ} 18' 30''$ East, 74.16 feet to a point in the north line of the lands of the owner, said point being 45 feet west of and at right angles to SR 83 centerline Station 139+89.57; thence North $89^{\circ} 56' 28''$ seconds East along the north line of lands of the owner, 45 feet to the northeast corner thereof, said point being at SR 83 centerline station 155+09.86; thence South $0^{\circ} 18' 30''$ West along the centerline of SR 83 and along the east line of the lands of the owner, 89.16

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feet to the true place of beginning and containing 4125 square feet, more or less, of which the present road occupies 2675 square feet, more or less, net contains 1450 sq. ft., more or less. This description is based on a survey made by Richard D. Keller, Registered Surveyor No. 5648 in May 1981.

Parcel Nos. 78 WD and 78 WD1 are duly vested in the Municipality of the City of Avon Lake, Lorain County, Ohio, free and clear of all claims of the owner of said land and any person or persons having an interest therein, to wit:

<u>Name:</u>	<u>Place of Residence:</u>
Noel Ilg	228 Beck Road Avon Lake, Ohio
Frances Ilg	228 Beck Road Avon Lake, Ohio
H. R. Kopf	33334 Lake Road Avon Lake, Ohio
Citizens Federal Savings and Loan Association of Cleveland	2000 East Ninth Street Cleveland, Ohio
Court Club Avon Lake Associates	1505 Ohio Savings Plaza Cleveland, Ohio
Progressive Property Manage- ment Company, aka Progressive Property Management, aka Progressive Property Management Corporation	32730 Walker Road Avon Lake, Ohio
J. Grant Keys, Lorain County Treasurer	c/o County Administration Bldg., Elyria, Ohio

It is further ordered that a certified copy of this Entry be transmitted to the Lorain County Auditor for transfer on his real estate tax duplicate to said City, as exempt from future taxes as of the date of transfer, and to the Lorain County Recorder for recordation in the Lorain County Deed Records, and that an amount be withheld from the monies deposited in Court in payment of the agreed compensation amount from which the real estate taxes for said Parcel shall be paid in an amount pro-rated to the date of transfer by the Lorain County Auditor, and the balance, if any, to be distributed to the owner of said real property, H. R. Kopf.

It is further ordered that Parcel No. 78 T, described as follows:

PARCEL NO. 78T

Being a parcel of land situated in Lorain County, Ohio, City of Avon Lake, Avon Lake Township, Section 18, Town 7N, Range 16W and being located within the following described boundary thereof:

Beginning at a point in the west line of the lands of the owner where it is intersected by the north line of the present

right of way of Walker Road, said point being 43 feet north of and at right angles to Station 129+30.03 in the centerline of a survey made by Richland Engineering Limited for the City of Avon Lake on Walker Road thence North 0° 03' 32" West along the west line of lands of the owner 7 feet to a point 50 feet north of and at right angles to Walker Road centerline Station 129+30.03; thence North 89° 56' 28" East 44.97 feet to a point 50 feet north of and at right angles to Walker Road centerline Station 129+75; thence North 76° 09' 20" East 104.91 feet to a point in the west right of way line of S. R. 83 (Avon Belden Road) as established by Warranty Deed designated as Parcel No. 78 WD-1, said point being 45 feet west of and at right angles to S. R. 83 centerline Station 154+52.41, said point also being 75 feet north of and at right angles to Walker Road centerline Station 130+76.93; thence South 0° 18' 30" West along the west right of way line of S. R. 83 as established aforesaid, 17 feet to a point 45 feet west of and at right angles to S. R. 83 centerline Station 154.35.41, said point also being 58 feet north of and at right angles to Walker Road centerline Station 130+76.82; thence South 45° 07' 29" West along the west right of way line of S. R. 83 as established aforesaid, 21.28 feet to a point in the south line of the lands of the owner and in the north line of the present right of way line of Walker Road, said point being 60 feet west of and at right angles to S. R. 83 centerline Station 154+20.32, said point also being 43 feet north of Walker Road centerline Station 130+61.73; thence South 89° 56' 28" West along the south line of the lands of the owner and along the north line of the present right of way line of Walker Road, 131.70 feet to the place of beginning and contains 2185 sq. ft., more or less.

This description is based on a survey made by Richard D. Keller, Reg. Surveyor No. 5648 in May, 1981.

This instrument prepared by R. E. Giaimo, Regional Projects Manager, for the City of Avon Lake.

Grantor claims title by instrument(s) of record in D. B. 1308, Page 175, D.B. 1162, Page 951, D.B. 556, Page 332, D.B. 1162, Page 947, and D.B. 984, Page 808 of County Recorders Office.

Shall be subject to the right of the City of Avon Lake to temporarily use said parcel for one year from the date of filing of this entry for the purpose of construction of said highway improvement and for grading.

It is further ordered that the Municipality of the City of Avon Lake, Lorain County, Ohio, pay all Court costs herein accrued and that a record be made of these proceedings according to law.


Russell D. Provenza, Attorney for Plaintiff


Dale E. Barnard, Attorney for H. R. Kopf


Adrian A. Petlicki
Judge