

RESOLUTION NO.: 60-2010
INTRODUCED BY: Alexander

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
EASEMENT DOCUMENTS FOR PUBLIC SANITARY SEWER AND
STORM WATER FACILITIES OVER PRIVATE PROPERTIES ON
HILLTOP ROAD.**

WHEREAS, for appropriate consideration, the owners of certain properties located at 2541, 2543, 2545, 2547, and 2553 Hilltop Road within the City of Richmond Heights have agreed to grant certain easements upon their properties on Hilltop Road to the City for purposes of placement of a public sanitary sewer and storm water facilities;

WHEREAS, this Council desires to authorize and to accept the easements;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The Mayor be, and he is hereby, authorized to execute and accept five grants of easement from Eric Uchbar and Evenhuis Investco, LLC over Permanent Parcel Nos. 662-03-002, -003, -004, -011, and -012 for public sanitary sewer and storm water facilities in a form as generally set forth in Exhibit A attached hereto and incorporated herein.

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

EXHIBIT A TO RESOLUTION NO. 60-2010

GRANT OF EASEMENT

(Sanitary Sewer and Storm Water Facilities)

This Grant of Easement is by _____ (“Grantor”) to the **CITY OF RICHMOND HEIGHTS, OHIO**, a municipal corporation (“Grantee”).

W-I-T-N-E-S-S-E-T-H

WHEREAS, Grantor is the owner of certain land situated in the City of Richmond Heights, Cuyahoga County, Ohio, known as Permanent Parcel Number _____, and described in Exhibit “A” attached hereto and incorporated herein (hereinafter referred to as the “Premises”);

WHEREAS, Grantor desires to grant to Grantee an easement for the construction and maintenance of a certain sanitary sewer and storm water facilities located on the Premises.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration received to the full satisfaction of Grantor and in further consideration of covenants, promises and agreements set forth herein, the parties agree as follows:

1. Grantor, for itself, its heirs, personal representatives and assigns, does hereby, upon the terms and subject to the conditions set forth herein, give, grant and convey unto Grantee, its successors, legal representatives and assigns, a perpetual nonexclusive easement and

right of entry upon, under and across that portion of the Premises depicted in Exhibit “B” attached hereto and incorporated herein and more specifically described in Exhibit “C” attached hereto and incorporated herein (the “Easement Parcel”) for the purpose of permitting the Grantee and the Cuyahoga County Sanitary Engineer, or their agents, to enter upon the Easement Parcel to remove trees, if any, and to construct, install, maintain, operate, inspect, repair and replace a sanitary sewer and its appurtenances and storm water facilities.

2. Grantee shall, at its expense, upon installing, constructing, operating, inspecting, maintaining, repairing or replacing the sanitary sewer and/or storm water facilities, restore the surface of the Easement Parcel and replace and repair any driveway, curbs, sidewalks, fence, landscaping (except trees), lawns and the like to substantially the same condition as existed before any such work was performed.

3. Grantee agrees to defend and hold Grantor, its heirs, representatives and assigns, harmless from and against all actions, claims, damages, liabilities, expenses, judgments and liens occurring or arising by reason of use of the easement by Grantee, or arising in connection with or attributable to the construction, installation, operation, maintenance, repair or replacement of the sanitary sewers and/or storm water facilities.

4. Grantor shall not at any time construct any permanent or temporary building, structure or improvement on, over or under the Easement Parcel.

5. Grantor warrants and represents its has title in fee simple, in and to the Premises, and Grantor has all right and authority to grant this easement to Grantee.

6. This Agreement shall bind and inure to the benefit of the parties hereto, their respective successors, heirs, personal and legal representatives and assigns and all future owners of the Premises.

7. The easement herein granted shall run with the land.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand as of the date set forth above.

GRANTOR:

GRANTEE:

CITY OF RICHMOND HEIGHTS, OHIO

By: _____
Daniel J. Ursu, Mayor

Date: _____

Approved as to form:

R. Todd Hunt
Director of Law
City of Richmond Heights, Ohio

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named _____, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, this _____ day of _____, 20____.

NOTARY

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the ***City of Richmond Heights, Ohio, by Daniel J. Ursu, its Mayor***, who acknowledged that he did sign the foregoing instrument and that the same was his free act and deed as a City official and the free act and deed of the City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 2010.

NOTARY

THIS INSTRUMENT PREPARED BY:

R. Todd Hunt

Director of Law for the City of Richmond Heights, Ohio

Walter & Haverfield LLP

1301 East 9th Street, Suite 3500

Cleveland, Ohio 44114-1821

EXHIBIT A
OF GRANT OF EASEMENT
THE PREMISES

EXHIBIT B
OF GRANT OF EASEMENT
DEPICTION OF EASEMENT PARCEL

EXHIBIT C
OF GRANT OF EASEMENT
DESCRIPTION OF EASEMENT PARCEL