

ORDINANCE NO. 19 - 97

AN ORDINANCE AUTHORIZING  
THE PURCHASE OF EASEMENTS

BE IT ORDAINED by the Council of the Village of Spencer, Medina County, Ohio, three-fourths (3/4) of its members concurring herein as follows:

1. The Mayor is hereby authorized and directed to purchase easements from James E. and Beverly L. Jones, David J. Nowak, Matthew J. and Carrie D. Arnold, and Wanda J. Borkowski. The respective easements are described more fully in "Exhibits A, B, C, and D" attached hereto and incorporated herein by reference.

2. Council hereby fixes the value of the easements to be a sum of Five Dollars (\$5.00) per lineal foot. The purchase price payable to James E. and Beverly L. Jones amounts to a sum of Seven Hundred Seventy-five and 00/100 Dollars (\$775.00). The purchase price payable to David J. Nowak amounts to a sum of Seven Hundred Seventy-five and 00/100 Dollars (\$775.00). The purchase price payable to Matthew J. and Carrie D. Arnold amounts to a sum of Six Hundred Sixty-four and 40/100 Dollars (\$664.40). The purchase price payable to Wanda J. Borkowski amounts to a sum of Eight Hundred Eighty-nine and 00/100 Dollars (\$889.00). The total purchase price for the subject easements amounts to a sum of Three Thousand One Hundred Three and 40/100 Dollars (\$3,103.40).

3. The Clerk is hereby authorized to pay the funds necessary to cover the purchase of the subject easements. The Village Solicitor is hereby authorized to do all things necessary to complete the purchase of the subject easements by the Village of Spencer.

4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare, and for the particular reason that the purchase of the easements is necessary for the improvement of Rainbow and Liberty Streets within the Spencer Village limits.

PASSED: December 17, 1997

  
\_\_\_\_\_  
GENE CLIFFORD, Mayor

ATTEST:

  
\_\_\_\_\_  
ROBIN M. COLEMAN, Clerk

EASEMENT

Sheet 1 of 3 Sheets

## KNOW ALL MEN BY THESE PRESENTS:

That JAMES E. & BEVERLY L. JONES, the Grantors, for and in consideration of the sum of Seven Hundred Seventy Five Dollars (\$775.00) 155 ft. x 5.00/ft.) and for other good and valuable considerations to be paid by THE VILLAGE OF SPENCER, 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, an easement for the right to construct, use, maintain and keep in repair a storm sewer, together with the necessary manholes, catch basins and drains, in upon and over certain real estate owned by the Grantors. The Grantors herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted, the easement to be maintained upon the following described parcel of land.

Situated in the Village of Spencer, County of Medina, State of Ohio and known as being part of subplot 45 in Spencer Heights Allotment in Spencer Township Lot 1, Section 13 being further bounded and described as follows:

Beginning at the northeast corner of subplot 45 of Spencer Heights Allotment recorded in Plat Volume 3, Page 38 of Medina County Records Plat Records, said point being in the west right-of-way of Liberty Street (53 feet wide), said point also being the principal place of beginning of the easement described herein;

Thence southerly 7.50 feet along the east line of said

Provided also that the Grantee shall have the permanent right of ingress to and egress from said parcel of land for the purpose of making inspection, maintenance, and repairs at any time.

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

And the said Grantors, for themselves and their heirs, assigns, executors and administrators, hereby covenant with the said Grantee, its successors and assigns, that they are the true and lawful owners of said premises, and they 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 the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that they will warrant and defend same against all claims of all persons whomsoever.

And for the consideration aforesaid, JAMES E. & BEVERLY L. JONES, hereby relinquish to said Grantee, his successors and assigns, all right and expectancy of Dower in the above described premises.

IN WITNESS WHEREOF, JAMES E. & BEVERLY L. JONES, have hereunto set their hands at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 1997.

Signed and sealed in the presence of:

\_\_\_\_\_

STATE OF OHIO )  
 ) SS:  
 \_\_\_\_\_ COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared the above named JAMES E. & BEVERLY L. JONES, who acknowledges that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

EASEMENT

Sheet 1 of 3 Sheets

**KNOW ALL MEN BY THESE PRESENTS:**

That DAVID J. NOWAK, the Grantor, for and in consideration of the sum of Seven Hundred Seventy Five Dollars (\$775.00) 155 ft. x 5.00/ft.) and for other good and valuable considerations to be paid by THE VILLAGE OF SPENCER, 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, an easement for the right to construct, use, maintain and keep in repair a storm sewer, together with the necessary manholes, catch basins and drains, in upon and over certain real estate owned by the Grantors. The Grantors herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted, the easement to be maintained upon the following described parcel of land.

Situated in the Village of Spencer, County of Medina, State of Ohio and known as being part of subplot 43 in Spencer Heights Allotment in Spencer Township Lot 1, Section 13 being further bounded and described as follows:

Beginning at the southeast corner of subplot 43 of Spencer Heights Allotment recorded in Plat Volume 3, Page 38 of Medina County Records Plat Records, said point being in the west right-of-way of Liberty Street (53 feet wide), said point also being the principal place of beginning of the easement described herein;

Thence westerly along the south line of said subplot 43

Provided also that the Grantee shall have the permanent right of ingress to and egress from said parcel of land for the purpose of making inspection, maintenance, and repairs at any time.

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

And the said Grantor, for himself and his heirs, assigns, executors and administrators, hereby covenant with the said Grantee, its successors and assigns, that they are the true and lawful owners of said premises, and they 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 the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that they will warrant and defend same against all claims of all persons whomsoever.

And for the consideration aforesaid, DAVID J. NOWAK, hereby relinquishes to said Grantee, his successors and assigns, all right and expectancy of Dower in the above described premises.

IN WITNESS WHEREOF, DAVID J. NOWAK, has hereunto set his hand at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 1997.

Signed and sealed in the presence of:

\_\_\_\_\_  
DAVID J. NOWAK

STATE OF OHIO            )  
                                  )    SS:  
\_\_\_\_\_ COUNTY)

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

EASEMENT

Sheet 1 of 3 Sheets

**KNOW ALL MEN BY THESE PRESENTS:**

That MATTHEW J. & CARRIE D. ARNOLD, the Grantors, for and in consideration of the sum of Six Hundred Sixty Four and 40/100 Dollars (\$664.40) 130.88 ft. x 5.00/ft.) and for other good and valuable considerations to be paid by THE VILLAGE OF SPENCER, 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, an easement for the right to construct, use, maintain and keep in repair a storm sewer, together with the necessary manholes, catch basins and drains, in upon and over certain real estate owned by the Grantors. The Grantors herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted, the easement to be maintained upon the following described parcel of land.

Situated in the Village of Spencer, County of Medina, State of Ohio and known as being part of subplot 6 in Stuart's Plat in Spencer Township Lot 1, Section 13 being further bounded and described as follows:

Beginning at the southeast corner of subplot 6 in Stuart's Plat as recorded in Plat Volume 7, Page 18 of Medina County Recorders Plat Records;

Thence northerly 51.88 feet along the east line of said subplot 6 to the principal place of beginning of the easement

Thence westerly 17.14 feet along the south line of said subplot 6 to a point;

Thence northerly 6.76 feet parallel to the east line of said subplot 6 to a point;

Thence northeasterly 108.91 feet to a point;

Thence easterly 15.21 feet parallel to the south line of said subplot 6 to a point in the east line of said subplot 6;

Thence southerly 15.00 feet along the east line of said subplot 6 to the principal place of beginning.

Provided also that the Grantee shall have the permanent right of ingress to and egress from said parcel of land for the purpose of making inspection, maintenance, and repairs at any time.

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

And the said Grantors, for themselves and their heirs, assigns, executors and administrators, hereby covenant with the said Grantee, its successors and assigns, that they are the true and lawful owners of said premises, and they 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 the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, and that they will warrant and defend same against all claims of all persons whomsoever.

And for the consideration aforesaid, MATTHEW J. &

IN WITNESS WHEREOF, MATTHEW J. & CARRIE D. ARNOLD, have hereunto set their hands at \_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 1997.

Signed and sealed in the presence of:

\_\_\_\_\_  
MATTHEW J. ARNOLD

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
CARRIE D. ARNOLD

\_\_\_\_\_  
Name Printed

STATE OF OHIO            )  
                                  )    SS:  
\_\_\_\_\_ COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared the above named MATTHEW J. & CARRIE D. ARNOLD, who acknowledges that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

EASEMENT

Sheet 1 of 3 Sheets

**KNOW ALL MEN BY THESE PRESENTS:**

That WANDA J. BORKOWSKI, the Grantor, for and in consideration of the sum of Eight Hundred Eighty Nine Dollars and 80/100 (\$889.80) (177.96 ft. x 5.00/ft.) and for other good and valuable considerations to be paid by THE VILLAGE OF SPENCER, 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, an easement for the right to construct, use, maintain and keep in repair a storm sewer, together with the necessary manholes, catch basins and drains, in upon and over certain real estate owned by the Grantor. The Grantor herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted, the easement to be maintained upon the following described parcel of land.

Situated in the Village of Spencer, County of Medina, State of Ohio and known as being part of subplot 7A in the replat of sublots 3-13 of Firestone-Bouthinon Allotment in Spencer Township Lot 1, Section 13 being further bounded and described as follows:

Beginning at the southeast corner of subplot 7A in the replat of sublots 3-13 of Firestone-Bouthinon Allotment as recorded in Plat Volume 23, Page 164 of Medina County Recorders Plat Records, said point being in the north right-of-way of Rainbow Street (40 feet wide), said point also being the principal place of beginning of the easement described herein;