

**EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF
SANITARY SEWERS AND APPURTENANCES
PPN# 281-06-002**

KNOW ALL MEN BY THESE PRESENTS:

That **BRUCE A. & FONDA L. HOSTA**, the legal owners of PP #281-06-002 located at 25150 Water Street in the City of Olmsted Falls by deed dated July 12, 1996 and as recorded in Volume 96-06710, Page 36 of Cuyahoga County Deed Records and the GRANTORS herein, for certain considerations to their full satisfaction, do hereby give, grant, bargain and convey to the CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, the GRANTEE herein, the PERPETUAL EASEMENT for the purposes of permitting the GRANTEE to enter upon the aforesaid land of the GRANTORS for the installation and maintenance of sanitary sewers and appurtenances as a service to its residents and the GRANTORS, hereinafter mentioned in the easement premises described in Exhibits 'A' & 'B' referenced hereto attached and made a part hereof.

The GRANTEE does hereby restrict said premises within the limits of the above described PERPETUAL EASEMENT, the construction thereon of any buildings of a temporary or permanent type, equipment or other obstructions of the permanent type thereon, or otherwise interfering with the access to, installation, maintenance or repair of said sanitary sewer and appurtenances.

The GRANTORS do hereby reserve the right to the use of said premises within the limits of the above described PERPETUAL EASEMENT for purposes which are not herein expressly prohibited by, and are not inconsistent with, the easement and rights herein granted.

NOW THIS INDENTURE WITNESSETH: The GRANTOR shall be given by the GRANTEE financial compensation for said easement in the amount of seventy-five hundred dollars (\$7,500). In addition to said financial consideration the GRANTORS shall in further consideration of the right and privilege hereinafter given to said GRANTORS, their successors and assigns, for themselves, their heirs, successors and assigns, does hereby give, grant, bargain and convey to the aforesaid GRANTEE, the easement and perpetual right to enter upon the aforesaid property, or any part thereof, and to remove trees, when necessary, and in, under and through the aforesaid property to fill, grade and regrade, and to lay, construct, maintain operate and use, sewers, which may be public sewers, together with all

appurtenances thereto and also the right to enter upon said property or any part thereof at any time for any of the foregoing purposes and the doing of all things necessary or incident thereto.

It is a condition of this instrument that the GRANTEE shall restore the surface to a condition existing prior to being disturbed. The GRANTEE shall install various evergreen screening in and adjacent to the installation (including privet/pine/hemlock and other dense shrubs). The GRANTEE shall install a swale to maintain and provide for positive drainage to the existing catch basin. The GRANTEE shall replace the existing catch basin located within the westerly right-of-way of River Road approximately 80 feet from the proposed pump station. The GRANTEE shall restore the right-of-way ground cover with a mixture of seeding and light landscaping. The GRANTEE shall install the sanitary lateral connection for PP #281-06-002 on the River Road side of the property and extend it past the right-of-way to clear the existing 24" storm sewer crossing.

Bearings cited within the above descriptions are to an assumed meridian and are given to indicate direction only.

TO HAVE AND TO HOLD the above granted easement, rights and right-of-way and its appurtenances to said GRANTEE, and to its successors and assigns forever.

And the GRANTORS does for their heirs and assigns, covenant with the said GRANTEE, and its successors and assigns, that at and until the sealing of these presents, they are well seized of the above described premises as a good and indefeasible estate in fee simple and they have good right to bargain and grant in the same manner and form as above written, and that they will warrant and defend said premises with appurtenances thereunto belonging to the GRANTEE, its successors and assigns, against all lawful claims and demands what-so-ever for the purposes herein described.

The GRANTORS and other provisions of the Easement shall constitute a covenant running with the land for the benefit of the GRANTORS and GRANTEE and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto my hand this _____ day of _____, 20____.

GRANTORS:

BRUCE A. HOSTA

FONDA L. HOSTA

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State; personally appeared the above-named **BRUCE A. & FONDA L. HOSTA** who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

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

Notary Public

The legal form of this instrument is approved this _____ day of _____, 20____.

Law Director, City of Olmsted Falls, Cuyahoga County, Ohio

Approved by the City of Olmsted Falls, Cuyahoga County, Ohio.
Resolution No. _____, passed this _____ day of _____, 20____.

Clerk of Council, City of Olmsted Falls, Cuyahoga County, Ohio

Instrument Prepared by:
Andrew D. Bemer, Esq.
Law Director, City of Olmsted Falls
26100 Bagley Road
Olmsted Falls, Ohio 44138

EXHIBIT 'A'
EASEMENT INFORMATION

Owner: Bruce A. & Fonda L. Hosta
Municipality/County: Olmsted Falls, Cuyahoga County
Deed: Volume 96-06710/Page 36
Date: July 12, 1996
Permanent Parcel No.: 281-06-002
Subdivision/Sublot #: Plumb Creek Village Subdivision/Sublot #89+Vacated Street
Location: 25150 Water Street
Description:

LEGAL DESCRIPTION
PERPETUAL SANITARY EASEMENT
FROM & THRU BRUCEA. & FONDA L. HOSTA'S LAND - PP #281-06-002
FOR THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO
25150 WATER STREET
CITY OF OLMSTED FALLS
COUNTY OF CUYAHOGA, OHIO

Situated in the City of Olmsted Falls, County of Cuyahoga and State of Ohio and known as being a part of Original Olmsted Township, Lot #4, Tract #5 and being a **0.0152 acres (660sq.ft.) Perpetual Sanitary Easement** lying within a 0.45 acres (Auditor's) Sublot #89 as shown on the "Plumb Creek Village Subdivision" as recorded in Volume 1, Page 9 of Cuyahoga County Map Records together with the Vacated lands as shown on the "Vacation & Dedication of River Street" as recorded in Volume 112, Page 31 of Cuyahoga County Map Records as conveyed to Bruce A. & Fonda L. Hosta by deed dated July 12, 1996 as recorded in Volume 96-06710, Page 36 (PP #281-06-002) of Cuyahoga County Deed Records and further bounded and described as follows;

Beginning at the Northeasterly corner of said Sublot #89, Hosta's land (PP #281-06-002) on the Northwesterly sideline of River Road (60 feet wide) and being the Place of Beginning of the Premises herein intended to be described;

- Course 1** Thence **South 28°21'20" West**, along said Northwesterly sideline of River Road, a distance of **34.00 feet** to a point;
- Course 2** Thence **South 89°42'10" West**, parallel with and at a perpendicular distance of 15.00 South of the Northerly line of said Sublot #89, Hosta's land (PP #281-06-002), a distance of **14.010 feet** to a point;
- Course 3** Thence **North 00°17'50" West**, perpendicular to said Northerly line of Sublot #89, Hosta's land (PP #281-06-002), a distance of **30.00 feet** to a point thereon;

Course 4 Thence **North 89°42'10" East**, along said Northerly line of Sublot #89, Hosta's land (PP #281-06-002), a distance of **30.00 feet** to the Place of Beginning and containing **0.0152 acres (660 sq.ft.)** of land as calculated and described from Cuyahoga County Records by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd. in May, 2019, be the same, more or less;

Basis of Bearing for this legal description is **South 28°21'20" West** as the centerline of River Road (60 feet wide) as evidenced by monuments found and is the same as calculated and reproduced from Ohio State Plane Coordinate System North Zone by ties to the O.D.O.T VRS Network and are used to indicate angles only.

File #14093 Columbia & Cook Sanitary Sewer Project-Phase 5
Perpetual Sanitary Easement - PP #281-06-002 - S/L #89 - Hosta
June 3, 2019 (jaw)

S/L 91
P.P.#281-06-001

S/L 90



Scale: 1" = 30'

Basis of Bearing:
See Legal Description.

S/L 5
P.P.#281-06-021

S89°42'10" E
30.00'

P.O.B.

PERPETUAL SEWER
EASEMENT
0.0152 Ac.
(660 S.F.)

S28°21'20" W
34.00'

N00°17'50" E
30.00'

N89°42'10" W
14.01'

BRUCE A. & FONDA L. HOSTA
P.P.#281-06-002
25150 Water St.
Vol. 96-06710 Pg. 36
07/12/1996
(045 Ac.-Auditors)
S/L 89 & Vacated Street

R/W

RIVER RD. (60' WIDE)
R/W

WATER ST. (60' WIDE)

PERPETUAL SEWER EASMENT

25150 Water Street

City of Olmsted Falls, County of Cuyahoga, Ohio Exhibit 'B'

From: Bruce A. & Fonda L. Hosta
To: City of Olmsted Falls, Cuyahoga Co., Ohio



**CHAGRIN VALLEY
ENGINEERING, LTD.**
22900 FORBES ROAD, SUITE B P.O. 14493 430-1889
CLEVELAND, OHIO 44148 F.O. 14493 430-1889