

CITY OF BROOK PARK, OHIO

P/C 2-15-22 Spruce
CA 2-8-22
1st R 2-15-22
2nd R _____
3rd R _____
B/C _____

RESOLUTION NO: 3-2022

INTRODUCED BY: MAYOR ORCUTT

**A RESOLUTION APPROVING THE STORM WATER MANAGEMENT AND ACCESS
EASEMENT AGREEMENT, BETWEEN PAWUK REALTY LIMITED AND THE CITY OF
BROOK PARK, OHIO, AND DECLARING AN EMERGENCY**

WHEREAS, as a part of the settlement agreement by and between the City of Brook Park and Pawuk Realty, the City is authorized to enter into a stormwater management and access easement at 15300 Brookpark Road, Brook Park, Ohio 44142.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The storm water management and access easement agreement between Pawuk Realty Limited and the City of Brook Park is hereby authorized and approved by the Council of the City of Brook Park, attached hereto and incorporated herein as Exhibit "A".

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 of 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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to approve this storm water management and access easement agreement; therefore, provided this ordinance receives the affirmative vote of at least five (5) members elected to Council. It shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: February 15, 2022
As Amended

M. J. Keelie
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED: Edmund A. Smith
MAYOR

2/15/22
DATE

CERTIFICATE

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance (Resolution)

No. 3-2022
passed on the 15 day of February
2022 by said council.

Carol Johnson
Clerk of Council

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location: City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Rupple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing
Carol Johnson
CAROL JOHNSON
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

Rebecca A. Dineen
DIRECTOR OF LAW



STORMWATER MANAGEMENT AND ACCESS EASEMENT

Know All Men By These Present:

That **Pawuk Realty Limited** ("Grantor"), for and in consideration of the sum of ten dollars (\$10.00), and for other good and valuable considerations paid to the Grantor by **The City of Brook Park** ("Grantee"), does hereby declare and grant a perpetual storm water management and access easement for the purpose of granting access to the storm water management facilities and construction and repair of such facilities on Grantor's property described as Cuyahoga County P.P.N. 344-35-019 and more particularly described in Exhibit A attached hereto. Grantee's access over Grantor's real property is described as the Proposed Stormwater Easement which is depicted in Exhibit B (the "Storm Water Easement Area") attached hereto and incorporated herein by this reference.

Grantor, its successors and assigns are responsible for all inspections and maintenance of the storm water management facilities to maintain them in good condition and repair at its own cost. Grantee and its agents shall have the perpetual right to re-enter the Storm Water Easement Area to inspect all systems and perform any and all construction, repair, and maintenance to the Storm Water Easement Area at the Grantor's expense if the Grantor has not remedied the condition after being provided a thirty (30) day advanced written notice to cure.

This easement and the rights and obligations shall run with the land and shall be binding upon both parties and their respective heirs, personal representatives, successors in title and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this ____ day
of _____, 2022.

GRANTOR:
Pawuk Realty Limited

By: _____

Its: _____

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me this _____ date
of 2022 by _____ of Pawuk Realty Limited.

Notary Public

Approved by the Council of the City of Brook Park by ^{Resolution} Ordinance No. _____
3-2022 adopted this 15th day of February, 2022.

Carol Johnson
Clerk of Council

February 24, 2022
Date

The legal form and correctness of the within instrument is hereby approved this ____
day of _____, 2022.

[Signature]
City of Brook Park, Law Director

This instrument was prepared by:

Mark B. Marong, Esq.
Matty Henrikson & Greve, LLC
1001 Lakeside Ave., Ste 1410
Cleveland, Ohio 44114



Project No. 21-223
August 16, 2021

LEGAL DESCRIPTION
Stormwater Management Easement
15300 Brookpark Road
Brookpark, Ohio

Course No. 10: thence North $71^{\circ} 45' 48''$ West, 77.37 feet to a point;

Course No. 11: thence South $38^{\circ} 54' 36''$ West, 35.28 feet to a point;

Course No. 12: thence South $45^{\circ} 00' 06''$ West, 43.75 feet to a point;

Course No. 13: thence North $0^{\circ} 20' 49''$ East, 88.73 feet to a point;

Course No. 14: thence North $89^{\circ} 37' 57''$ West, 32.61 feet to a point;

Course No. 15: thence South $0^{\circ} 20' 49''$ West, 115.76 feet to a point;

Course No. 16: thence South $41^{\circ} 17' 31''$ West, 69.39 feet to a point;

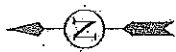
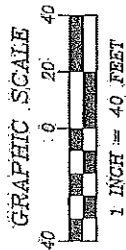
Course No. 17: thence South $0^{\circ} 18' 58''$ West, 41.43 feet to a point on the northerly right-of-way of Brookpark Road;

Course No. 18: thence North $88^{\circ} 19' 47''$ West, along the northerly right-of-way of Brookpark Road, 20.01 feet to the **PLACE OF BEGINNING**, containing **0.255 acres**, more or less, but subject to all highways, covenants, and easements of legal record as prepared in August 2021 by **McSteen Land Surveyors** under Project No. 21-223.

McSteen

LAND SURVEYORS

STORM WATER MANAGEMENT EASEMENT FOR 15300 BROOKPARK ROAD KNOWN AS BEING PART OF ORIGINAL ROCKPORT TOWNSHIP SECTION NO. 2, NOW SITUATED IN THE CITY OF BROOKPARK COUNTY OF CUYAHOGA - STATE OF OHIO



LEGEND

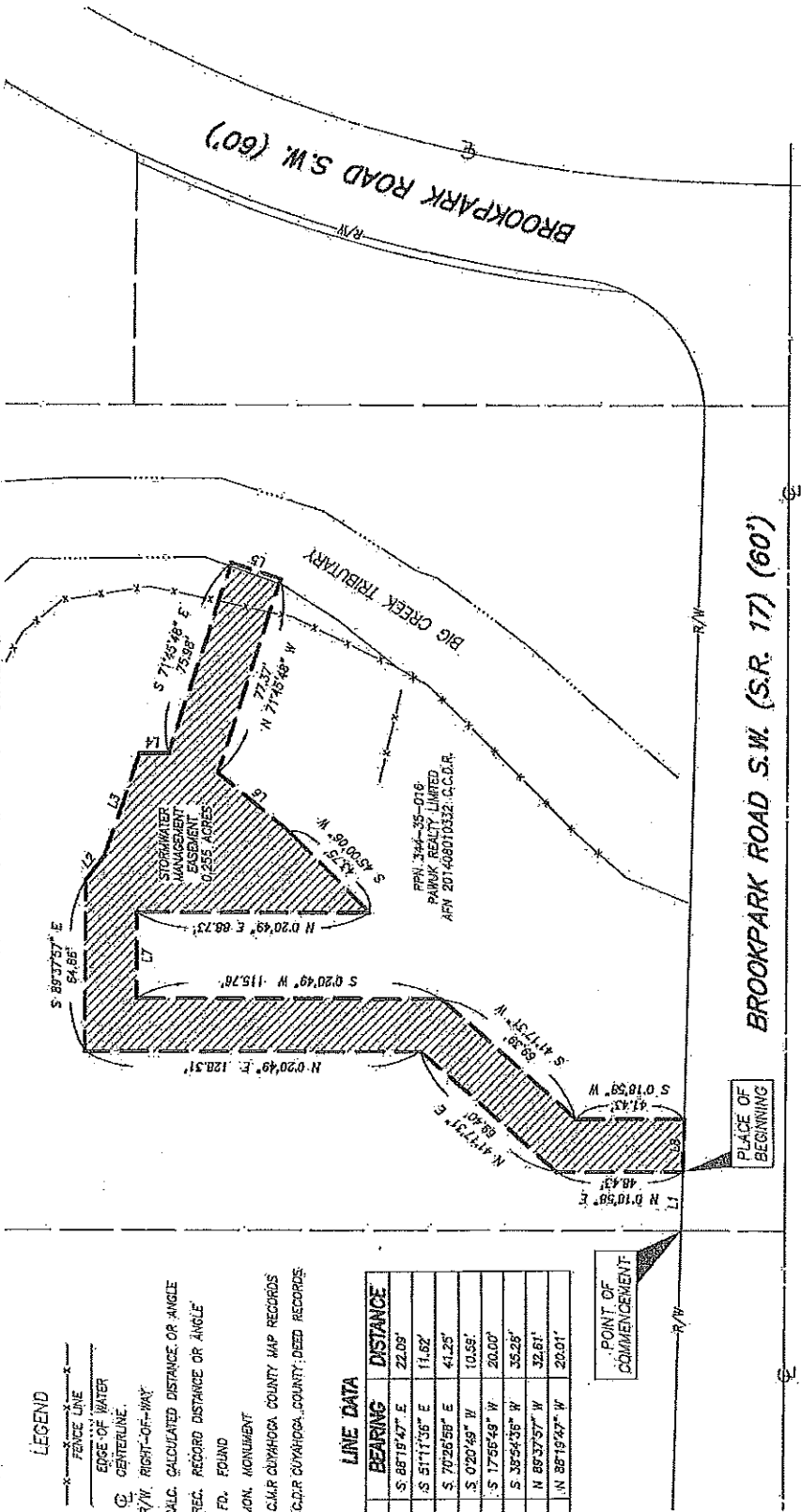
- FENCE LINE
- EDGE OF WATER
- CENTERLINE
- R/W RIGHT-OF-WAY
- CALC. CALCULATED DISTANCE OR ANGLE
- REC. RECORD DISTANCE OR ANGLE
- FD. FOUND
- MON. MONUMENT
- C.C.D.R. CUYAHOGA COUNTY MAP RECORDS
- C.C.D.R. CUYAHOGA COUNTY DEED RECORDS

LINE DATA

LINE	BEARING	DISTANCE
L1	S 88°19'47" E	22.09'
L2	S 51°11'36" E	11.62'
L3	S 70°26'56" E	41.25'
L4	S 0°20'49" W	10.58'
L5	S 17°56'49" W	20.00'
L6	S 38°54'36" W	35.28'
L7	N 89°37'57" W	32.61'
L8	N 88°19'47" W	20.01'

POINT OF COMMENCEMENT

PLACE OF BEGINNING



Job No.: 21-223
Date: August 16, 2021
Drawn By: TEE
©2021 McSteen & Associates, Inc.



Project No. 21-223
August 16, 2021

LEGAL DESCRIPTION
Stormwater Management Easement
15300 Brookpark Road
Brookpark, Ohio

Situated in the City of Brookpark, County of Cuyahoga, State of Ohio, being part of Original Rockport Township Section No. 2, and part of Cuyahoga County Auditor's Parcel Number 344-35-016 now or formerly owned by Pawuk Realty Limited, as recorded in AFN 201408010332 of Cuyahoga County Deed Records, and being more completely described as follows:

Commencing at the southwest corner of said Pawuk Realty Limited land, being on the northerly right-of-way line of Brookpark Road S.W. (State Route 17) (60 feet wide); thence South 88° 19' 47" East along the northerly right-of-way of Brookpark Road, 22.09 feet to a point and being the **PLACE OF BEGINNING** for the parcel herein described;

Course No. 1: thence North 0° 18' 58" East, 48.43 feet to a point;

Course No. 2: thence North 41° 17' 31" East, 69.40 feet to a point;

Course No. 3: thence North 0° 20' 49" East, 128.31 feet to a point;

Course No. 4: thence South 89° 37' 57" East, 64.66 feet to a point;

Course No. 5: thence South 51° 11' 36" East, 11.62 feet to a point;

Course No. 6: thence South 70° 26' 58" East, 41.25 feet to a point;

Course No. 7: thence South 0° 20' 49" West, 10.59 feet to a point;

Course No. 8: thence South 71° 45' 48" East, 75.98 feet to a point;

Course No. 9: thence South 17° 56' 49" West, 20.00 feet to a point;