

Doc ID: 022700920005 Type: OFF
 Kind: EASEMENT/RIGHT OF WAY
 Recorded: 02/02/2021 at 02:26:08 PM
 Fee Amt: \$58.00 Page 1 of 5
 Lorain County, Ohio
 Mike Doran County Recorder
 File **2021-0801250**

PERMANENT RIGHT OF WAY EASEMENT FOR THE EXTENSION OF PEAR STREET, PUBLIC UTILITIES AND ALL APPURTENANCES THERETO

KNOW ALL MEN BY THESE PRESENTS:

That **JEROME R. POTASH AND MARGARET L. POTASH**, husband and wife, the Grantors, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by the Grantors, does hereby grant, bargain, sell, convey and release to the **CITY OF AVON, OHIO**, an Ohio Municipal Corporation, the Grantee, its successors and assigns, the permanent right of way and easement to locate, relocate, extend, construct, reconstruct, operate, repair and maintain a local public street known as Pear Street, together with curb and gutter, storm sewers, sanitary sewers and waterlines within and along the Property owned by the Grantors, together with all appurtenances thereto, as determined by Grantee, its successors and assigns, to be necessary for the extension and/or widening of the public roadway (Pear Street) and appurtenances thereto in, upon and across Grantors aforementioned land which is situated in the City of Avon, County of Lorain and State of Ohio, and further described in Exhibit A, which is attached hereto and incorporated herein.

Said easement rights granted herein shall include the right, without liability therefor, to remove driveways, curbs, sidewalks, drainage structures, trees, shrubs, lawns, seeded or sodded areas, fences or other physical improvements or obstructions within said easement premises which may interfere with the installation, maintenance, repair or operation of a future public street, curb and gutter, storm sewer, sanitary sewer, waterlines and appurtenance thereto, and with the full right of access, ingress and egress, to and from any of the within described premises, for exercising any of the purposes of this right of way and easement grant, including but not limited to vehicular and pedestrian traffic.

Until such time as the City (Grantee), or its successors and assigns, shall improve the right of way with the construction of a public roadway for vehicular and pedestrian traffic, it shall be the responsibility of the Grantors, their successors and assigns, to maintain the easement area. If the City does decide in the future to install any public improvements, the Grantors and their successors and assigns, agree to be assessed their proportionate share of the cost of said public improvements per the Ohio Revised Code.

Upon completion of any such installation, maintenance or repair of public improvements, the City shall restore in kind, as near as possible, the surface of said premises and replace or repair said driveways, curbs, sidewalks, drainage structures, and the like to substantially the same condition as existed before any such work was undertaken, but no obstructions whether natural or otherwise, fences, trees, shrubbery or other similar plantings shall be replaced or restored. No obstructions, whether natural or otherwise, such as fences trees, shrubbery or similar plantings shall be constructed, planted or permitted to grow within the permanent right of way and easement premises without the prior written consent of the City (Grantee), its successors and assigns.

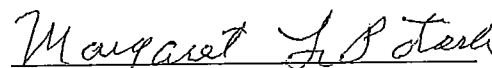
The Grantors, their successors and assigns, shall have the right to use the permanent easement premises for all purposes not inconsistent with the permanent easement rights herein granted. Said Grantors, for themselves, their successors and assigns, further agree that no impediment of any kind shall be placed or suffered to remain within the permanent easement premises and the grade or contour of the aforesaid permanent easement premises shall not hereafter be substantially increased, decreased or otherwise changed or altered without the prior written consent of the City (Grantee), its successors and assigns. All such reserved rights shall be subordinate to the rights herein granted.

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

IN WITNESS WHEREOF, JEROME R. POTASH AND MARGARET L. POTASH
Grantors, have hereunto set their hands this 29th day of 2021.

GRANTORS


JEROME R. POTASH


MARGARET L. POTASH

STATE OF OHIO)
)ss.
COUNTY OF LORAIN)

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named JEROME R. POTASH, who acknowledges that he did sign the foregoing instrument and that the same was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Avon,
Ohio on this 29th day of January, 2021.

Tyra Lehmann
Notary Public



TYRA LEHMANN
Notary Public, State of Ohio
My Commission Expires 10/25/2021

STATE OF OHIO)
)ss.
COUNTY OF LORAIN)

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the
above-named MARGARET L. POTASH, who acknowledges that she did sign the foregoing
instrument and that the same was her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Avon,
Ohio on this 29th day of January, 2021.



TYRA LEHMANN
Notary Public, State of Ohio
My Commission Expires 10/25/2021

Tyra Lehmann
Notary Public

This instrument prepared by:
John A. Gasior, Law Director
City of Avon, Ohio
36815 Detroit Road
Avon, Ohio 44011
(440) 934-7676

EXHIBIT A

Situated in the City of Avon, County of Lorain, State of Ohio, known as being part of Original Avon Township Section Number 27, as described in a deed to Jerome R. & Margaret L. Potash as recorded in O.R. Volume 936, Page 279 of the Lorain County Deed Records and further described as follows:

Commencing at magnetic nail set at the intersection of the centerline of Nagel Road (60 feet) with the centerline of Detroit Road (66 feet);

Thence North $80^{\circ} 51' 19''$ East, along the centerline of said Detroit Road, a distance of 450.84 feet to a point in the northeasterly corner of a parcel of land described in a deed to Michael J. Morahan, Sr. as recorded in Instrument Number 2013-0448434 of the Lorain County Deed Records;

Thence South $00^{\circ} 38' 55''$ West, along the easterly line of said Michael J. Morahan, Sr. parcel and along the easterly line of parcels of land described in a deed to Mary G. Morahan, Trustee, as recorded in Instrument Number 2008-0257458 of the Lorain County Deed Records, passing through a 5/8-inch iron rebar set at 33.49 feet and a 5/8-inch iron rebar set at 612.47 feet, an overall distance of 792.47 feet to a 5/8-inch iron rebar found in concrete in the easterly line of a parcel of land described in a deed to Brittany M. Hansel as recorded in Instrument Number 2017-0628830 of the Lorain County Deed Records and the True Place of Beginning of land herein described;

Course 1: Thence South $89^{\circ} 21' 05''$ East, a distance of 148.61 feet to a point in the westerly line of a parcel of land described in a deed to Jennifer J. McMinn & Cynthia S. Uehlein as recorded in Instrument Number 2014-0520498 of the Lorain County Deed Records;

Course 2: Thence South $00^{\circ} 14' 37''$ East, along the westerly line of said McMinn & Uehlein parcel, passing through a 5/8-inch iron rebar set at 30.00 feet, an overall distance of 60.00 feet to a point;

Course 3: Thence North $89^{\circ} 21' 05''$ West, a distance of 149.54 feet to a point in the northeasterly corner of a parcel of land described in a deed to Michael S. James as recorded in Instrument Number 2005-0085736 of the Lorain County Plat Records;

Course 4: Thence North $00^{\circ} 38' 55''$ East, along the easterly line of said Pear Street, passing through a 5/8-inch iron rebar set at 30.00 feet, an overall distance of 60.00 feet to a True Place of Beginning.

Containing within said bounds 0.2053 of an acre of land, be the same more or less, but subject to all legal highways and easements of record as surveyed by Michael C. Bramhall, P.S. 8073 for Bramhall Engineering & Surveying Company in May 2020. All bearings are intended to describe angles only. The basis of bearings used was a portion of the centerline of Detroit Road, which was assumed to be North 80° 51' 19" East.

The above intends to describe a portion of Lorain County Auditor's Permanent Parcel Number 04-00-027-102-062 for an easement to the City of Avon.

All rebar set are 5/8-inch by 30 inches in length with yellow cap stamped "BRAMHALL 8073".

OLD REPUBLIC NATIONAL TITLE
INSURANCE CO
160 CLEVELAND STREET
ELYRIA, OH 44035

SPPLITTING 0.5748 ACRES FROM PARCEL #04-00-027-102-063 (NAGEL) AND 0.1023 ACRES FROM PARCEL # 04-00-027-102-062 (POTASH) TO FORM A NEW PARCEL OF LAND BEING 0.6773 ACRES OF LAND TOGETHER WITH A ROADWAY EASEMENT BEING GRANTED TO THE CITY OF AVON BEING 60' WIDE AS SHOWN HEREON AND CONTAINING 0.2053 ACRES OF LAND.



PRE-SPLIT AND CONSOLIDATION SUMMARY

REMAINDER "C"	POST-SPLIT SUMMARY

REMAINDER "C"	POST-CONSOLIDATION SUMMARY -N.Y.S.-
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LEGEND

MAGNETIC NAIL SET

5/8" x 30" IRON REBAR WITH
CAP STAMPED "BRAMHALL
#073" SET

IRON PIN/PIPE FOUND
AS INDICATED

MONUMENT BOX WITH IRON
PIN/PIPE FOUND AS INDICATED

RECORD INFORMATION

MEASURED INFORMATION

CALCULATED INFORMATION

USED INFORMATION

CALCULATED FROM RECORD
INFORMATION

Notes:

GRAPHIC SCALE



(IN FEET)

SCALE: 1" = 50'

SHEET
1 OF 1

JOB NO.
20-5321

NOT APPROVED / ☐ REJECTED
BY THE CITY ENGINEER OF AVDN, OHIO
[Signature] **RYAN E. CUMMINS, PE, CPESQ**
THE ORIGINAL FOR A RETENTION AND RECORD QUALITY
WILL BE KEPT IN THE OFFICE OF THE CITY ENGINEER OF AVDN, OHIO
FOR A PERIOD OF 10 YEARS. THE ORIGINAL FOR A RETENTION AND RECORD QUALITY
WILL BE KEPT IN THE OFFICE OF THE CITY ENGINEER OF AVDN, OHIO
FOR A PERIOD OF 10 YEARS.

APPROVED
PLANNING COMMISSION
DATE 1.27.202
AVON, OHIO
By *[Signature]*
for *[Signature]*

SURVEYOR'S CERTIFICATE:
THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF
4733-37 OF THE OHIO ADMINISTRATIVE
BOUNDARY SURVEYS

REFERENCES:

- 1. LAMON COUNTY TAX MAP RECORDS.
- 2. LAMON COUNTY DEED RECORDS FOR SUBJECT, ADJOINING PARCELS.
- 3. LAMON COUNTY DEED RECORDS FOR BUILDING CONSTRUCTION, LLC BY BARNETT CONSULTING GROUP.
- 4. BOUNDARY & ASSEMBLY MAP PREPARED BY SWENEN & ASSOCIATES, L.L.C. DATED FEBRUARY 12, 2014.
- 5. PARCEL SPLIT PREPARED BY AUGHNIGHT & ASSOCIATES DATED MAY 14, 1976.
- 6. SURVEY FOR ALTON A. WAGNER PREPARED BY J.W. WAGNER & ASSOCIATES DATED OCTOBER 31, 1951.
- 7. SURVEY FOR ALTON A. WAGNER PREPARED BY T.M. LAMONIN DATED JULY 20, 1934.

BRAMHALL
ENGINEERING AND SURVEYING COMPANY
801 MOORE ROAD
AVON, OHIO 44011
(440) 934-7878
(440) 934-7879 FAX

DRAWN BY:	JE
CHECKED BY:	AMK



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ELI/PAIDS

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