

**Village of Mantua, Ohio
RESOLUTION 2014-2**

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH
JAMES AND DEBORAH HAYLETT, AND DECLARING AN EMERGENCY.**

WHEREAS, James and Deborah Haylett have executed a Memorandum of Understanding (“MOU”), attached hereto and incorporated herein by reference as “Exhibit A”, expressing a commitment to execute an Easement in favor of the Village of Mantua relating to existing signage at the intersection of Canada Road and State Route 44; and

WHEREAS, in consideration of the commitment made by the Hayletts, this Council wishes to authorize the Mayor to execute the MOU, acknowledging the Hayletts’ commitment and stating that this Council will bring Ordinance 2013-100 to the floor for a vote.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring, that:

SECTION 1: This Council authorizes and directs the Mayor of the Village of Mantua to execute a Memorandum of Understanding with James and Deborah Haylett, in substantially the same form as set forth in “Exhibit A”, attached hereto and incorporated herein by reference.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 is hereby declared to be an emergency measure, in order that the Memorandum of Understanding may be executed at the earliest possible time, and for that reason this Resolution shall take effect immediately upon proper passage by the Council.

PASSED AS EMERGENCY, this 21st day of January, 2014.

Attest:

Linda Clark, Mayor

Jenny August, Clerk of Council

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Resolution was duly published by public posting at pre-designated posting places in the Village of Mantua.

Jenny August, Clerk of Council

Approved as to legal form:

Michele A. Stuck, Village Solicitor

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EXHIBIT A

**MEMORANDUM OF UNDERSTANDING
BETWEEN
JAMES E. HAYLETT, III AND DEBORAH HAYLETT
AND
THE VILLAGE OF MANTUA, OHIO**

WHEREAS, The Village of Mantua is the owner of an “orphan” parcel of land containing approximately 0.012 acres and located immediately northeast of the intersection of Canada Road and State Route 44 within the Village, and being part of Portage County Permanent Parcel No. 24-040-20-00-006-006 (the “Property”) as described in “Exhibit One”, attached hereto and incorporated herein by reference;

WHEREAS, In conjunction with Ohio Department of Transportation (ODOT) project number 82913, the Village is authorized to transfer said Property to ODOT, which may, at the completion of the project, dispose of the Property if it is no longer needed for ODOT purposes;

WHEREAS, The Village of Mantua has erected certain signage, partially upon this Property, for which it will require an easement if the Property is no longer under Village ownership and control;

WHEREAS, James E. Haylett, III and Deborah Haylett (“the Hayletts”) desire to obtain the Property from ODOT once it is no longer needed for project 82913;

WHEREAS, in order to provide assurances that the Village of Mantua signage located on the Property will be permitted to remain and be maintained in its present location, the Hayletts wish to enter this Memorandum of Understanding, expressing their commitment to execution of an Easement in favor of the Village of Mantua relating to the continued maintenance of the signage once the Property is transferred to the Hayletts.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and intending to be bound hereby, the parties hereto agree as follows:

1. By execution of this Memorandum of Understanding, the Hayletts do hereby agree to execute an Easement in favor of the Village of Mantua which will permit the continued placement and maintenance of existing Village of Mantua signage on permanent parcel numbers 24-040-20-00-006-006 and 24-041-40-00-015-000 at such time as the Property is transferred to the Hayletts.
2. Upon execution of this Memorandum of Understanding by the Hayletts, the Council of the Village of Mantua will proceed to consider and vote upon Ordinance 2013-100, authorizing the conveyance of the Property, to the Ohio Department of Transportation.

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IN WITNESS WHEREOF, the individuals executing this Agreement have set forth their signatures as and of the date set forth below.

James E. Haylett, III
4697 Canada Rd., P.O. Box 697
Mantua, OH 44255

Date

Deborah Haylett
4697 Canada Rd., P.O. Box 697
Mantua, OH 44255

Date

For the Village of Mantua

Linda S. Clark, Mayor
Village of Mantua
P.O. Box 775
Mantua, OH 44255

Date

Village of Mantua, Ohio
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EXHIBIT ONE

Situated in the Village of Mantua, County of Portage, State of Ohio and being part of Lot 41 in Mantua Township. Also being part of a tract of land conveyed to the Village of Mantua by File Number 200129163 of the records of Portage County, more fully bounded and described as follows:

Beginning at a 5/8" iron pipe found at the intersection of the centerline of Original Main St. and the centerline of right of way of Canada Road and also being at a property corner of said grantor, being at Sta. 1070+05.89 55.84 feet right of the centerline of right of way for State Route 44 recorded as Plat 27-2013 of the records of Portage County:

Thence N 14°46'38" E, 22.74 feet along the grantor's easterly property line and the centerline of Original Main St to a point on the northerly right of way line of Canada Road and the **TRUE PLACE OF BEGINNING** of the parcel herein described;

1. Thence N 89°50'12" W, along the northerly right of way of Canada Road, a distance of 17.40 feet to the easterly right of way of State Route 44;
2. Thence 72.13 feet along a curve to the left on the easterly right of way of State Route 44, having a radius of 2899.79 feet, a central angle of 1° 25' 30", a chord distance of 72.12 feet, and a chord bearing N 28° 16' 50" E to the centerline of Original Main St ;
3. Thence S 14°46'38" W, 65.74 feet along to the centerline of Original Main St, the grantor's easterly property line and the westerly property line of James E. III and Deborah Haylett as recorded in File No.200528163 of the records of Portage County, to the **TRUE PLACE OF BEGINNING**.

The above described area contains 0.012 acres, located within Portage County Auditor's Permanent Parcel Number 24-040-20-00-006-006.

The basis of bearings for this description is based on the Ohio State Plane Coordinate System NAD 83 (CORS07), North Zone (3401)

This description was prepared by John Messmore, of the State of Ohio, Department of Transportation, Registered Surveyor No. 8060.

This description is based on survey made by the State of Ohio, Department of Transportation under the direction and supervision of Peter A. Trivelli, Registered Surveyor No. 8031