

Village of Mantua, Ohio
ORDINANCE 2020-19

**AN ORDINANCE ACCEPTING AN EASEMENT AND PUBLIC RIGHT OF WAY
FROM COMPASS REALTY LLC AND DECLARING AN EMERGENCY.**

WHEREAS, in furtherance of the Orchard Street Widening Project, Compass Realty LLC has granted the Village an Easement for Construction of Public Roadway and Dedication of Public Right of Way, which this Council desires to formally accept.

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

SECTION 1: The Council of the Village of Mantua hereby accepts for the purpose of executing the Orchard Street Widening Project, the Easement for Construction of Public Roadway and Dedication of Public Right of Way, attached hereto as "Exhibit A" and incorporated herein by reference.

SECTION 2: The Clerk-Treasurer is hereby authorized and directed to file the herein described document with the office of the Portage County Recorder and to pay any associated costs.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 4: This Ordinance is hereby declared to be an emergency measure, effective immediately upon passage by Council and execution by Mayor, to enable the Village to file this document with the Portage County Recorder's Office at the earliest opportunity.

PASSED AS EMERGENCY this 21st day of April, 2020.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the ____ day of April, 2020.

Jenny August, Clerk-Treasurer

Approved as to legal form:

Michele Stuck, Solicitor

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“Exhibit A”

PERMANENT EASEMENT FOR
CONSTRUCTION OF PUBLIC ROADWAY
VILLAGE OF MANTUA, PORTAGE COUNTY, OHIO
AND PUBLIC RIGHT OF WAY

PERMANENT PARCEL NUMBER
24-041-40-00-007-000

KNOW ALL MEN BY THESE PRESENTS, that Compass Realty, LLC, the Grantor herein, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does grant and release to the Village of Mantua, an Ohio Municipal Corporation, its successors and assigns, an easement for construction and maintenance of public roadway and a dedication of permanent public right of way, together with the rights and privileges hereinafter set forth, in, upon, over and across the following described premises:

Situated in the Village of Mantua, County of Portage, and State of Ohio and known as being an easement for highway purposes over, through, and upon a part of Original Mantua Lot No. 41 and more particularly being a part of Darwin Atwater’s 1st Addition to the Village of Mantua recorded in Plat Book No. 2, Page 49 of Portage County Records and is bounded and described as follows:

Beginning in the westerly line Main Street, 60 feet in width, where the same is intersected by the southerly line of Orchard Street, 50 feet in width, as shown on said plat of Darwin Atwater’s 1st Addition to the Village of Mantua;

COURSE I Thence South 4°30’00” West along said westerly line of Main Street a distance of 42.81 feet to the point at the beginning of a curve therein;

COURSE II Thence northwesterly on the arc of said curve and deflecting to the LEFT (said curve having a radius of 40.00 feet, and included angle of 93°53’13”, and a chord which bears North 42°26’36” West and is 58.45 feet in length) a distance of 65.55 feet to its point of tangency on the aforesaid southerly line of Orchard Street;

COURSE III Thence South 89°23’13” East along said southerly line of Orchard Street a distance of 42.81 feet to the Point of Beginning and containing 401 Square Feet of land as calculated and described from deed record in April, 2020 by CT Consultants, Inc.

Bearings herein are based upon those contained in description of Parcel No. 4 of lands recorded in Instrument No. 201117797 of Portage County Records.

The above described easement area burdens a larger parcel of land currently designated as Portage County Auditor’s Permanent Parcel No. 24-041-40-00-007-000.

Compass Realty, LLC claims title to the above described premises by or through deed recorded in Instrument No. 201117797 of Portage County Records.

The undersigned covenants and agrees that the Easement and Public Right of Way may be utilized by any person or the general public for access, ingress and egress to other real property, and for the purpose of

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general public vehicular and pedestrian use and access, and for Fire, Police and emergency services use in, along, upon and across said premises, with the right and privilege at all times of the Village of Mantua, its agents, employees, workmen and representatives of ingress, egress, and regress in, along, upon and across said premises for the construction, operation and maintenance of said Public Right of Way. The undersigned covenants and agrees that the Public Right of Way Easement may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same, with said use being subordinate to the public's and Village of Mantua's use thereof. The maintenance of the Public Right of Way and the necessary appurtenances and traffic signs contained therein shall be the responsibility of the Grantee.

TO HAVE AND TO HOLD said premises, to said Grantee, its successors and assigns forever, for the purposes hereinbefore mentioned.

The Grantor further covenants with the Grantee, its successors and assigns that it is well seized of said premises as an estate in fee simple and that it is free from all encumbrances and said Grantor will warrant and defend the title to said premises against all claims.

Signed and executed this _____ day of _____, 2020.

GRANTOR

Signature

Print Name and Title
COMPASS REALTY, LLC

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

BE IT REMEMBERED, that on this _____ day of _____, 2020, before me the subscriber, a Notary Public, in and for said County, personally came the above named _____, authorized agent for Compass Realty, LLC, the Grantor in the foregoing instrument, and acknowledged that his execution of the foregoing to be the authorized and voluntary act and deed of said Grantor for the purposes and uses herein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public
My Commission expires: