

Village of Mantua, Ohio
ORDINANCE 2020-29

**AN ORDINANCE ACCEPTING PERMANENT SANITARY SEWER EASEMENTS
FROM COMPASS REALTY, LLC, DAVID PIFER, AND SCOTT AND JOSEPHINE
BALLENTINE, AND DECLARING AN EMERGENCY.**

WHEREAS, In conjunction with emergency sanitary sewer repairs conducted in the spring of 2020, the Village was granted permanent easements by Compass Realty LLC, David Pifer, and Scott and Josephine Ballentine, 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 establishing and improving the sanitary sewer system within the municipality, the Permanent Sanitary Sewer Easement granted by Compass Realty, LLC, attached hereto as “Exhibit 1” and incorporated herein by reference.

SECTION 2: The Council of the Village of Mantua hereby accepts, for the purpose of establishing and improving the sanitary sewer system within the municipality, the Permanent Sanitary Sewer Easement granted by David A. Pifer, attached hereto as “Exhibit 2” and incorporated herein by reference.

SECTION 3: The Council of the Village of Mantua hereby accepts, for the purpose of establishing and improving the sanitary sewer system within the municipality, the Permanent Sanitary Sewer Easement granted by Scott and Josephine Ballentine, attached hereto as “Exhibit 3” and incorporated herein by reference.

SECTION 4: The actions of the Clerk-Treasurer in filing said documents with the Portage County Recorder's Office are hereby ratified.

SECTION 5: 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 6: This Ordinance is hereby declared to be an emergency measure, effective immediately upon passage by Council and execution by Mayor, to immediately reflect the Village's acceptance of the enumerated easements and to ratify the filing of the same with the Portage County Recorder's Office

PASSED AS EMERGENCY: July 21, 2020.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

Village of Mantua, Ohio
ORDINANCE 2020-29

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 July, 2020.

Jenny August, Clerk-Treasurer

Approved as to legal form:

Michele Stuck, Solicitor

Village of Mantua, Ohio
ORDINANCE 2020-29
"Exhibit 1"



Doc ID: 005516890007 Type: EASE
Recorded: 03/17/2020 at 10:25:55 AM
Fee Amt: \$74.00 Page 1 of 7
Portage County Ohio
Lori Calcei County Recorder

File **202004528**

PERMANENT EASEMENT FOR SANITARY SEWER
VILLAGE OF MANTUA
PORTAGE COUNTY, OHIO

PERMANENT PARCEL NUMBERS

24-041-14-00-081-000

24-041-14-00-082-000

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, 4650 High Street, Mantua, Ohio 44255, its successors and assigns, the right to construct, repair, replace, relay, maintain, operate and inspect a sanitary sewer and necessary appurtenances thereto, and forever to have and to hold such right for the purposes and under the conditions herein set forth across the following real estate in said Village of Mantua, Portage County, State of Ohio and described as follows:

EASEMENT DESCRIPTION:

(See Attached "Exhibit A" and "Exhibit B")

The Grantor to fully use and enjoy the said premises, except for the purposes granted to the said Grantee and provided the said Grantor shall not construct nor permit to be constructed any house, structures, or obstructions on or over, or that will interfere with the construction, repair, maintenance or operation of the sanitary sewer or appurtenances constructed hereunder, and will not change the grade over such sanitary sewer.

The grant is made on the express condition that said Village of Mantua shall as far as possible after the construction or repair of said sanitary sewer and all subsequent alterations or repairs thereunto, restore all property belonging to the Grantor except building or other structures located in the permanent easement to its original condition and shall reasonably compensate the Grantor for any property damaged or destroyed except buildings or other structures located in the permanent easement which cannot be restored to its original condition, as a result of or in consequence of said construction, maintenance and repair of said sanitary sewer.

The location of the easement above described shall be indicated on plans on file in the Village of Mantua, 4650 High Street, Mantua, Ohio 44255.

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 12th day of MARCH, 2020.

GRANTOR

Philip J. Rath
Signature

Philip J. Rath / President
Print Name and Title
COMPASS REALTY, LLC

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

BE IT REMEMBERED, that on this 12th day of MARCH, 2020, before me the subscriber, a Notary Public, in and for said County, personally came the above named Philip J Rath, authorized agent for Compass Realty, LLC, the Grantor in the foregoing deed of easement, 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.

Deborah M Hamm
Notary Public
My Commission expires:



Deborah M. Hamm
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 12/06/2020

“Exhibit A”

**EASEMENT DESCRIPTION OF 0.023 ACRES
PORTAGE COUNTY, OHIO**

Situated in the State of Ohio, County of Portage, Village of Mantua, and Lots 4 & 5 as shown on the Darwin Atwater’s Heirs First Addition to the Village of Mantua, of record in Plat Book 2, Page 49, and being within that 0.231 acre tract conveyed to Compass Realty LLC, of record in Instrument 201117797, all being of record at the Portage County Recorder’s office, and being more particularly described as follows;

BEGINNING FOR REFERENCE; at a 5/8 inch rebar with cap (H & A LTD) found at a common corner to a 0.244 acres tract conveyed to Compass Realty, LLC of record in Instrument 201117797 and a 0.03 acre tract conveyed to David A Pifer, of record in Deed Book Volume 1044, Page 395, said rebar being on the northerly line of a 0.05 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395;

Thence, South 89°35’23” East, with a line common to said 0.244 acres and said 0.05 acres, a distance of 8.87 feet, to the **POINT OF TRUE BEGINNING;**

Thence, South 89°35’23” East, continuing with said common line, a distance of 12.21 feet, to a point;

Thence, South 6°44’03” East, leaving said common line and through said 0.231 acres, a distance of 62.60 feet, to a point on the northerly right-of-way line of Orchard Street (50 feet);

Thence, North 89°49’00” West, with said right-of-way line, a distance of 19.55 feet, to a corner common with said 0.231 acres and said 0.05 acres;

Thence, North 0°00’00” East, leaving said right-of-way and with a line common to said 0.231 acres and said 0.05 acres, a distance of 62.19 feet, to the **POINT OF TRUE BEGINNING,** containing 0.023 acres, more or less.

The bearings described herein are based on RTK GPS observations utilizing the NAD 83 (2011 adj.) reference frame and used to denote angular value between courses described herein only.

This description is based on an actual field survey performed during the month of September 2019, by or under the direct supervision of Thomas M. Meeks, registered surveyor #8674.

“Exhibit B”

**EASEMENT DESCRIPTION OF 0.024 ACRES
PORTAGE COUNTY, OHIO**

Situated in the State of Ohio, County of Portage, Village of Mantua, and Lots 4 & 5 as shown on the Darwin Atwater’s Heirs First Addition to the Village of Mantua, of record in Plat Book 2, Page 49, and being within that 0.244 acre tract conveyed to Compass Realty LLC, of record in Instrument 201117797, all being of record at the Portage County Recorder’s office, and being more particularly described as follows;

BEGINNING FOR REFERENCE; at a 5/8 inch rebar with cap (H & A LTD) found at a common corner of said 0.244 acres and a 0.03 acre tract conveyed to David A Pifer, of record in Deed Book Volume 1044, Page 395, said rebar being on the northerly line of a 0.05 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395;

Thence, South 89°35’23” East, with a line common to said 0.244 acres and said 0.05 acres, a distance of 0.92 feet, to the **POINT OF TRUE BEGINNING**;

Thence, North 6°44’03” West, a distance of 8.55 feet, to a point on a line common to said 0.244 acres and said 0.03 acres;

Thence, North 0°34’00” West, a distance of 51.16 feet, to a point on a line common with said 0.244 acres and a 0.399 acre tract conveyed to Scott M. and Josephine Ballentine, of record in Instrument 201400314;

Thence, North 89°55’21” East, with said common line, a distance of 14.61 feet, to a point;

Thence, South 6°44’03” East, leaving said common line and through said 0.244 acres, a distance of 60.19 feet, to a point on a line common with said 0.244 acres and a 0.231 acre tract conveyed to said Compass Realty, LLC of record in Instrument 201117797;

Thence, North 89°35’23” West, in part with said common line, a distance of 20.16 feet, to the **POINT OF TRUE BEGINNING**, containing 0.024 acres, more or less.

The bearing described herein are based on RTK GPS observations utilizing the NAD 83 (2011 adj.) reference frame and used to denote angular value between courses described herein only.

This description is based on an actual field survey performed during the month of September 2019, by or under the direct supervision of Thomas M. Meeks, registered surveyor #8674.

Village of Mantua, Ohio
ORDINANCE 2020-29
"Exhibit 2"


Doc ID: 005516900008 Type: EASE
Recorded: 03/17/2020 at 10:26:34 AM
Fee Amt: \$82.00 Page 1 of 8
Portage County Ohio
Lori Calcei County Recorder
File **202004529**

PERMANENT EASEMENT FOR SANITARY SEWER
VILLAGE OF MANTUA
PORTAGE COUNTY, OHIO

PERMANENT PARCEL NUMBERS

24-041-14-00-078-000

24-041-14-00-079-000

KNOW ALL MEN BY THESE PRESENTS, that David A. Pifer, 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, 4650 High Street, Mantua, Ohio 44255, its successors and assigns, the right to construct, repair, replace, relay, maintain, operate and inspect a sanitary sewer and necessary appurtenances thereto, and forever to have and to hold such right for the purposes and under the conditions herein set forth across the following real estate in said Village of Mantua, Portage County, State of Ohio and described as follows:

EASEMENT DESCRIPTION:

(See Attached "Exhibit A" and "Exhibit B")

The Grantor to fully use and enjoy the said premises, except for the purposes granted to the said Grantee and provided the said Grantor shall not construct nor permit to be constructed any house, structures, or obstructions on or over, or that will interfere with the construction, repair, maintenance or operation of the sanitary sewer or appurtenances constructed hereunder, and will not change the grade over such sanitary sewer.

The grant is made on the express condition that said Village of Mantua shall as far as possible after the construction or repair of said sanitary sewer and all subsequent alterations or repairs thereunto, restore all property belonging to the Grantor except building or other structures located in the permanent easement to its original condition and shall reasonably compensate the Grantor for any property damaged or destroyed except buildings or other structures located in the permanent easement which cannot be restored to its original condition, as a result of or in consequence of said construction, maintenance and repair of said sanitary sewer.

The location of the easement above described shall be indicated on plans on file in the Village of Mantua, 4650 High Street, Mantua, Ohio 44255.

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 he 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 9th day of MARCH, 2020.

GRANTOR

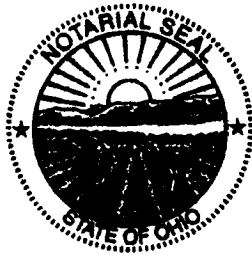
David A. Pifer
David A. Pifer

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

BE IT REMEMBERED, that on this 9 day of March, 2020, before me the subscriber, a Notary Public, in and for said County, personally came the above named David A. Pifer, the Grantor in the foregoing deed of easement, and acknowledged that his execution of the foregoing to be the 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.

Linda S Clark
Notary Public
My Commission expires: 2/2/2021



LINDA S CLARK
Notary Public
In and for the State of Ohio
My Commission Expires
February 02, 2021

“Exhibit A”

**EASEMENT DESCRIPTION OF 0.006 ACRES
PORTAGE COUNTY, OHIO**

Situated in the State of Ohio, County of Portage, Village of Mantua, and Lots 4 & 5 as shown on the Darwin Atwater’s Heirs First Addition to the Village of Mantua, of record in Plat Book 2, Page 49, and being within that 0.05 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395, all being of record at the Portage County Recorder’s office, and being more particularly described as follows;

BEGINNING FOR REFERENCE; at a 5/8 inch rebar with cap (H & A LTD) found at a corner common to a 0.03 acre tract conveyed to David A. Pifer of record in Deed Book Volume 1044, Page 395 and a 0.244 acre tract conveyed to Compass Realty LLC, of record in Instrument 201117797, said common corner being on the northerly line of said 0.05 acres;

Thence, South 89°35’23” East, with a line common to said 0.05 acres and said 0.244 acres, a distance of 0.92 feet, to the **POINT OF TRUE BEGINNING**;

Thence, South 89°35’23” East, continuing with said common line, a distance of 7.95 feet, to a corner common with said 0.05 acres and a 0.231 acre tract conveyed to Compass Realty, LLC, of record in Instrument 201117797;

Thence, South 0°00’00” East, with a line common to said 0.05 acres and said 0.231 acres, a distance of 62.19 feet, to a point on the northerly right-of-way line of Orchard Street (50 feet);

Thence, North 89°49’00” West, with said right-of-way line, a distance of 0.60 feet, to a point;

Thence, North 6°44’03” West, leaving said right-of-way line and through said 0.05 acres, a distance of 62.68 feet, to the **POINT OF TRUE BEGINNING**, containing 0.006 acres, more or less.

The bearing described herein are based on RTK GPS observations utilizing the NAD 83 (2011 adj.) reference frame and used to denote angular value between courses described herein only.

This description is based on an actual field survey performed during the month of September 2019, by or under the direct supervision of Thomas M. Meeks, registered surveyor #8674.

“Exhibit B”

**EASEMENT DESCRIPTION OF 0.003 ACRES
PORTAGE COUNTY, OHIO**

Situated in the State of Ohio, County of Portage, Village of Mantua, and Lots 4 & 5 as shown on the Darwin Atwater’s Heirs First Addition to the Village of Mantua, of record in Plat Book 2, Page 49, and being within that 0.03 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395, all being of record at the Portage County Recorder’s office, and being more particularly described as follows;

BEGINNING FOR REFERENCE; at a 5/8 inch rebar with cap (H & A LTD) found at a common corner of said 0.03 acres and a 0.244 acre tract conveyed to Compass Realty LLC, of record in Instrument 201117797, said rebar being on the northerly line of a 0.05 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395;

Thence, North 0°34’00” West, with a line common to said 0.03 acres and said 0.244 acres, a distance of 8.48 feet, to the **POINT OF TRUE BEGINNING**;

Thence, North 6°44’03” West, leaving said common line and through said 0.03 acres, a distance of 51.52 feet, to a point on a line common to said 0.03 acres and a 0.399 acre tract conveyed to Scott M. and Josephine E. Ballentine, of record in Instrument 201400314;

Thence, South 89°55’21” East, with said common line, a distance of 5.54 feet, to a corner common with said 0.03 acres and a 0.244 acre tract conveyed to Compass Realty, LLC, of record in Instrument 201117797;

Thence, South 0°34’00” East, with a line common to said 0.03 acres and said 0.244 acres, a distance of 51.12 feet to the **POINT OF TRUE BEGINNING**, containing 0.003 acres, more or less.

The bearing described herein are based on RTK GPS observations utilizing the NAD 83 (2011 adj.) reference frame and used to denote angular value between courses described herein only.

This description is based on an actual field survey performed during the month of September 2019, by or under the direct supervision of Thomas M. Meeks, registered surveyor #8674.

Village of Mantua, Ohio
ORDINANCE 2020-29
"Exhibit 3"


Doc ID: 005516880005 Type: EASE
Recorded: 03/17/2020 at 10:25:15 AM
Fee Amt: \$58.00 Page 1 of 5
Portage County Ohio
Lori Calcei County Recorder
File **202004527**

PERMANENT EASEMENT FOR SANITARY SEWER
VILLAGE OF MANTUA
PORTAGE COUNTY, OHIO

PERMANENT PARCEL NUMBER
24-041-14-00-083-000

KNOW ALL MEN BY THESE PRESENTS, that Scott M. Ballentine and Josephine E. Ballentine, the Grantors herein, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do grant and release to the Village of Mantua, 4650 High Street, Mantua, Ohio 44255, its successors and assigns, the right to construct, repair, replace, relay, maintain, operate and inspect a sanitary sewer and necessary appurtenances thereto, and forever to have and to hold such right for the purposes and under the conditions herein set forth across the following real estate in said Village of Mantua, Portage County, State of Ohio and described as follows:

EASEMENT DESCRIPTION:

(See Attached Exhibit "A")

The Grantors to fully use and enjoy the said premises, except for the purposes granted to the said Grantee and provided the said Grantors shall not construct nor permit to be constructed any house, structures, or obstructions on or over, or that will interfere with the construction, repair, maintenance or operation of the sanitary sewer or appurtenances constructed hereunder, and will not change the grade over such sanitary sewer.

The grant is made on the express condition that said Village of Mantua shall as far as possible after the construction or repair of said sanitary sewer and all subsequent alterations or repairs thereunto, restore all property belonging to the Grantors except building or other structures located in the permanent easement to its original condition and shall reasonably compensate the Grantors for any property damaged or destroyed except buildings or other structures located in the permanent easement which cannot be restored to its original condition, as a result of or in consequence of said construction, maintenance and repair of said sanitary sewer.

The location of the easement above described shall be indicated on plans on file in the Village of Mantua, 4650 High Street, Mantua, Ohio 44255.

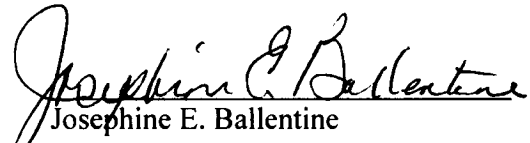
TO HAVE AND TO HOLD said premises, to said Grantee, its successors and assigns forever, for the purposes hereinbefore mentioned.

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

Signed and executed this 13 day of March, 2020.

GRANTORS



Scott M. Ballentine


Josephine E. Ballentine

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

BE IT REMEMBERED, that on this 13 day of March, 2020, before me the subscriber, a Notary Public, in and for said County, personally came the above named Scott M. Ballentine and Josephine E. Ballentine, the Grantors in the foregoing deed of easement, and acknowledged that their execution of the foregoing to be the voluntary act and deed of said Grantors 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: 2/2/2021



LINDA S CLARK
Notary Public
In and for the State of Ohio
My Commission Expires
February 02, 2021

“Exhibit A”

**EASEMENT DESCRIPTION OF 0.027 ACRES
PORTAGE COUNTY, OHIO**

Situated in the State of Ohio, County of Portage, Village of Mantua, within that one acre of land shown on the Darwin Atwater’s Heirs First Addition to the Village of Mantua, of record in Plat Book 2, Page 49, and being within that 0.399 acre tract conveyed to Scott M. & Josephine E. Ballentine, of record in Instrument 201400314, all being of record at the Portage County Recorder’s office, and being more particularly described as follows;

BEGINNING FOR REFERENCE; at a ½ inch iron pipe found at a corner common with said 0.399 acre tract and a 0.234 acre tract conveyed to Anne M. Hoffman, of record in Deed Book Volume 1157, Page 685, said common corner also being on the southerly right-of-way line of Mill Street (40’);

Thence, North 72°27’30” East, with said right-of-way line, a distance of 4.47 feet, to the **POINT OF TRUE BEGINNING;**

Thence, North 72°27’30” East, continuing with said right-of-way line, a distance of 20.36 feet, to a point;

Thence, South 6°44’03” East, leaving said right-of-way- line and through said 0.399 acres, a distance of 62.87 feet, to a point on a line common to said 0.399 acres and a 0.244 acre tract conveyed to Compass Realty, LLC, of record in instrument 201117797;

Thence, North 89°55’21” West, in part with said common line, a distance of 20.14 feet, to a point on a line common with said 0.399 acres and a 0.03 acre tract conveyed to David A. Pifer, of record in Deed Book Volume 1044, Page 395;

Thence, North 6°44’03” West, leaving said common line and through said 0.399 acres, a distance of 56.66 feet, to the **POINT OF TRUE BEGINNING**, containing 0.027 acres, more or less.

The bearings described herein are based on RTK GPS observations utilizing the NAD 83 (2011 adj.) reference frame and used to denote angular value between courses described herein only.

This description is based on an actual field survey performed during the month of September 2019, by or under the direct supervision of Thomas M. Meeks, registered surveyor #8674.