

Village of Mantua, Ohio
ORDINANCE 2023-15

**AN ORDINANCE ACCEPTING TEMPORARY AND PERMANENT EASEMENTS FOR
STORM DRAINAGE PURPOSES FROM SCOTT MISHLER AND BETSY WOOLF
AND DECLARING AN EMERGENCY.**

WHEREAS, this Council desires to construct stormwater drainage improvements on real property immediately to the west of the Village Administration building; and

WHEREAS, temporary and permanent Easements have been obtained from Scott Mishler and Betsy Woolf (“Grantors”) in order to install and maintain the necessary infrastructure related to this project, which must now be accepted.

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 improving stormwater drainage within the municipality the “Temporary Construction Easement” and “Permanent Easement”, attached hereto as “Exhibit A” and “Exhibit B” respectively, and incorporated herein by reference.

SECTION 2: The Fiscal Officer is hereby authorized and directed to file the Easements with the office of the Portage County Recorder and pay 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 this Council, to enable immediate filing of the attached Easements with the Portage County Recorder’s office and to expedite the herein described stormwater drainage project.

PASSED AS EMERGENCY: April 18, 2023

ATTEST:

Linda Clark, Mayor

Maryann Fabian, Fiscal Officer

Village of Mantua, Ohio
ORDINANCE 2023-15

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, 2023.

Maryann Fabian, Fiscal Officer

Approved as to legal form:

Michele Stuck, Solicitor

Village of Mantua, Ohio
ORDINANCE 2023-15
"Exhibit A"

TEMPORARY CONSTRUCTION EASEMENT GRANT
TO
THE VILLAGE OF MANTUA

STATE OF OHIO)
) ss:
COUNTY OF PORTAGE)

Be it known that Scott Mishler and Betsy Woolf, (hereinafter, "GRANTORS"), whose tax mailing address is P.O. Box 253, Mantua, OH 44255, for valuable consideration received to their full satisfaction, the receipt of which is hereby acknowledged by these presents, do hereby grant, bargain, sell and convey to The Village of Mantua, Ohio, an Ohio municipal corporation (hereinafter, "GRANTEE"), whose address is P.O. Box 775, Mantua, OH 44255, its successors and assigns, a Temporary Construction Easement to exclusively occupy and use for the purposes of construction, restoration and/or repair of storm water drainage infrastructure and appurtenances as may be installed by the GRANTEE, its duly authorized employees, agents and/or contractors. This Temporary Construction Easement and the rights herein granted in this instrument will be on and through the said GRANTORS' land located in the Village of Mantua, County of Portage, and State of Ohio, as recorded in Instrument Number 202207710, and is bounded and described as follows:

A strip of land along the entirety of the eastern lot line of GRANTOR'S property, fifteen (15) feet wide in the front (north) and rear (south) yards of said property; otherwise the full width of the side yard between GRANTOR'S eastern lot line and the residential dwelling on said GRANTOR'S property.

The described Temporary Construction Easement area is part of Portage County Permanent Parcel Number 24-041-14-00-058-000.

To have and to hold said Temporary Construction Easement, for the aforementioned purposes and for the anticipated period of time described below, unto the GRANTEE, its successors and assigns.

The duration of the Temporary Construction Easement herein granted to the GRANTEE shall be until all of the following conditions have been satisfied:

- (1) Construction, restoration and/or repair of said storm water drainage infrastructure and appurtenances is completed by the GRANTEE, or its duly authorized employees, agents and/or contractors;
- (2) Tie-in of downspouts on northeast corner of dwelling on GRANTORS' property to solid pipe to be run in the same trench as storm water drainage infrastructure installed by GRANTEE;
- (3) Lawn area is re-graded and re-seeded to create a swale to keep surface water away from buildings.
- (4) Surface area of land disturbed during construction is otherwise restored, excepting that French Drain, daylight termination of pipes and stone level spreader described in specifications shall remain visible after said restoration.

"Exhibit A" page 2

The undersigned hereby warrant that they have full indefeasible fee simple title to the herein-described Easement Area, free and clear of all liens and encumbrances except those of record or that would not interfere with the Easement granted to Village.

IN WITNESS WHEREOF, we have set our hands this 29 day of MARCH, 2023.

GRANTORS

[Signature]
Scott Mishler
3/29/23
Date

[Signature]
Betsy Woolf
3-28-2023
Date

STATE OF OHIO)
) SS
COUNTY OF PORTAGE)

Before me, a Notary Public in and for said County and State, personally appeared the above named Scott Mishler and Betsy Woolf, who acknowledged the signing of the foregoing instrument to be their free act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Mantua, Ohio, on this the 29 day of March, 2023.



Roberta K. Zuber
Notary Public, State of Ohio
My Commission Expires
July 6, 2023

[Signature]
Notary Public
My commission expires 7-6-23

This instrument prepared by
Michele A. Stuck, Attorney at Law (0062961)
Solicitor, Village of Mantua
P.O. Box 775
Mantua, OH 44255
330-389-3496

Village of Mantua, Ohio
ORDINANCE 2023-15
"Exhibit B"

PERMANENT EASEMENT GRANT
TO
THE VILLAGE OF MANTUA

STATE OF OHIO)
) ss:
COUNTY OF PORTAGE)

Be it known that Scott Mishler and Betsy Woolf, (hereinafter, "GRANTORS"), whose tax mailing address is P.O. Box 253, Mantua, OH 44255, for valuable consideration received to their full satisfaction, the receipt of which is hereby acknowledged by these presents, do hereby grant, bargain, sell and convey to The Village of Mantua, Ohio, an Ohio municipal corporation (hereinafter, "GRANTEE"), whose address is P.O. Box 775, Mantua, OH 44255, its successors and assigns, a Perpetual Easement for the purposes of operating, maintaining, repairing and replacing storm water drainage infrastructure and appurtenances as may be installed by the GRANTEE, its duly authorized employees, agents and/or contractors. This Perpetual Easement and the rights herein granted in this instrument will be on and through the said GRANTORS' land located in the Village of Mantua, County of Portage, and State of Ohio, as recorded in Instrument Number 202207710, and is bounded and described as follows:

A strip of land along the entirety of the eastern lot line of GRANTOR'S property, ten (10) feet wide in the front (north) and rear (south) yards of said property; otherwise the full width of the side yard between GRANTOR'S eastern lot line and the residential dwelling on said GRANTOR'S property.

The described Perpetual Easement area is part of Portage County Permanent Parcel Number 24-041-14-00-058-000.

Said easement granted on, over and through the real property described herein shall be perpetual, and includes a perpetual and irrevocable free right to ingress and egress over and across the said GRANTORS' real property, insofar as such right of ingress and egress is necessary to exercise the rights granted in the easement granted herein to the Village of Mantua, its agents, employees, contractors, subcontractors and its respective employees.

The rights and obligations of GRANTEE under the foregoing Perpetual Easement shall commence at such time as all of the following conditions have been satisfied:

- (1) Construction of said storm water drainage infrastructure and appurtenances is completed to the specifications of the Village of Mantua, which specifications, dated January 31, 2023, have been reviewed and approved by all parties as of the date of execution of this instrument, by the Village of Mantua, or its duly authorized employees, agents and/or contractors as contemplated by a Temporary Construction Easement, executed contemporaneously with the herein Perpetual Easement;
- (2) Tie-in of downspouts on northeast corner of dwelling on GRANTORS' property to solid pipe to be run in the same trench as storm water drainage infrastructure installed by GRANTEE;
- (3) Lawn area is re-graded and re-seeded to create a swale to keep surface water away from buildings.
- (4) Surface area of land disturbed during construction is otherwise restored, excepting that French Drain, daylight termination of pipes and stone level spreader described in specifications shall remain visible after said restoration.

"Exhibit B" page 2

GRANTORS reserve to themselves, and their successors and assigns forever, the right to use the Easement Area in any manner not inconsistent with the rights conveyed in this instrument; provided, however, that no buildings or other structures or other impediments shall be permitted within the Easement Area which interfere with the use of such area for the purposes permitted hereby, nor shall GRANTORS alter or remove any hard infrastructure, or alter the topography of the land. Subsequent to the completion of Village's work to construct the improvements contemplated herein, GRANTOR, and their successors and assigns forever, shall be responsible to regularly mow those areas of the Easement area that can be safely accessed with a standard residential lawn mower, to control the growth of vegetation.

The undersigned hereby warrant that they have full indefeasible fee simple title to the herein-described Easement Area, free and clear of all liens and encumbrances except those of record or that would not interfere with the Easement granted to Village.

IN WITNESS WHEREOF, we have set our hands this 6 day of APRIL, 2023.

GRANTORS

Scott Mishler
Scott Mishler

Betsy Woolf
Betsy Woolf

4-6-23
Date

4-6-23
Date

STATE OF OHIO)
) SS
COUNTY OF PORTAGE)

Before me, a Notary Public in and for said County and State, personally appeared the above named Scott Mishler and Betsy Woolf, who acknowledged the signing of the foregoing instrument to be their free act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Mantua, Ohio, on this the 6 day of April, 2023.

[Signature]
Notary Public
My commission expires 5/3/27

This instrument prepared by
Michele A. Stuck, Attorney at Law (0062961)
Solicitor, Village of Mantua
P.O. Box 775
Mantua, OH 44255
330-389-3496



Trisha A. Morgan
Notary Public, State of Ohio
My Commission Expires:
05/03/2027