

North Canton City Council
Street and Alley Committee

Ordinance No. 10 - 2017

An ordinance approving, confirming and accepting a perpetual water main and sidewalk easement known as Parcel No. 10008177, and being part of Lot No. 7122, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Levani's Property, LLC., Grantor, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

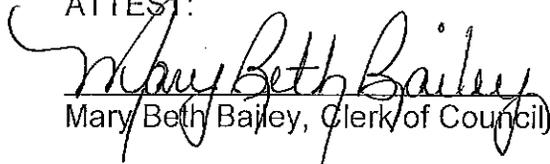
- Section 1. That a perpetual water main utility and sidewalk easement known as Parcel No. 10008177, by and between the City, and Levani's Property, LLC., be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the City to have prompt access to the utility as well as sidewalk and sanitary sewer pipes and lines; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this 11th day of February 2017


David Held, Mayor

Signed: 2/16, 2017

ATTEST:


Mary Beth Bailey, Clerk of Council

ALAN HAROLD
Stark County Auditor
FEE P

JAN 11 2017


Instr: 201701110001762
P: 1 of 4 F: \$44.00 1/11/2017
Rick Campbell 10:51 AM EASE
Stark County Recorder T20170000969

TRANSFER APPROVED
DEPUTY NR
IN COMPLIANCE WITH ORC 4503

TNN

PERPETUAL SIDEWALK EASEMENT
Parcel No. 10008177

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, **Levani's Property, LLC** GRANTOR, does hereby give and grant unto **THE CITY OF NORTH CANTON**, an Ohio municipal corporation, GRANTEE, a perpetual sidewalk easement to own and maintain a concrete sidewalk and associated appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such sidewalk and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

See Attached "Exhibit A"

It is agreed by and between Grantor and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantor, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantor, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantor to place driveways, parking areas, or walkways in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantor may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantor shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.
6. That this grant shall be binding upon the Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.

PS-90814

EASEMENT ONLY 10008177 NC_080 01/11/17 sup

000245

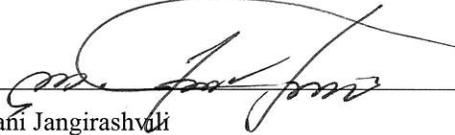
PS-90814

- 7. That Grantor covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
- 8. That this easement area is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Sidewalk Easement document this 6 day of January, 2017.

GRANTOR(S):

Levani's Property, LLC
 By: Levani Jangirashvili, President



 Levani Jangirashvili

NOTARY:

STATE OF OHIO)
) SS:
 COUNTY OF Stark)

Before me, a Notary Public in and for said County, personally appeared Levani Jangirashvili, President of Levani's Property, LLC, who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 6th Day of January, 2017.



 Notary Public



Jessica D. Shackle
 Notary Public, State of Ohio
 My Commission Expires 09-17-2020

This instrument prepared by: City of North Canton
 145 North Main Street
 North Canton, OH 4720

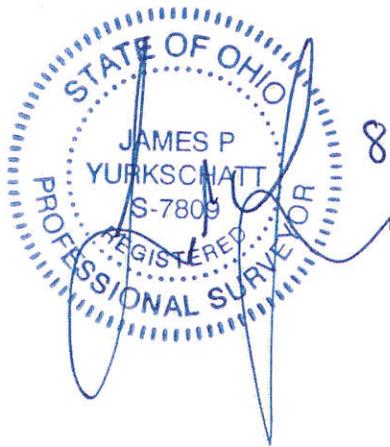
2' SIDEWALK EASEMENT – NORTH CANTON LOT 7122

Situated in the State of Ohio, County of Stark, City of North Canton, being part of Lot 7122 and more particularly bounded and described as follows:

Beginning at the Southwest corner of said Lot 7122. Said corner being on the North right-of-way line of 9th Street N.W. (width varies) and the **TRUE PLACE OF BEGINNING** for the easement area described herein;

- 1.) Thence N 01°36'42"E, along the West line of said Lot 7122, a distance of 2.00' to a point thereon;
- 2.) Thence S 88°40'29"E, a distance of 182.12' to a point on a right-of-way turnout of N. Main Street (width varies) and 9th Street N.W.;
- 3.) Thence along said right-of-way turnout and the arc of a curve to the right having a radius of 15.00', a delta angle of 29°55'35", a chord bearing S 76°21'43"W for 7.75', an arc length of 7.83' to a point of tangency;
- 4.) Thence N 88°40'29"W, along the North right-of-way line of 9th Street N.W., a distance of 174.65' to the **TRUE PLACE OF BEGINNING** and containing 0.008 of an acre (359 square feet) of land as surveyed by James P. Yurkschatt (P.S. 7809) of Campbell and Associates, Inc. on August 23, 2016.

The basis of bearings for this description is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).



8/23/2016

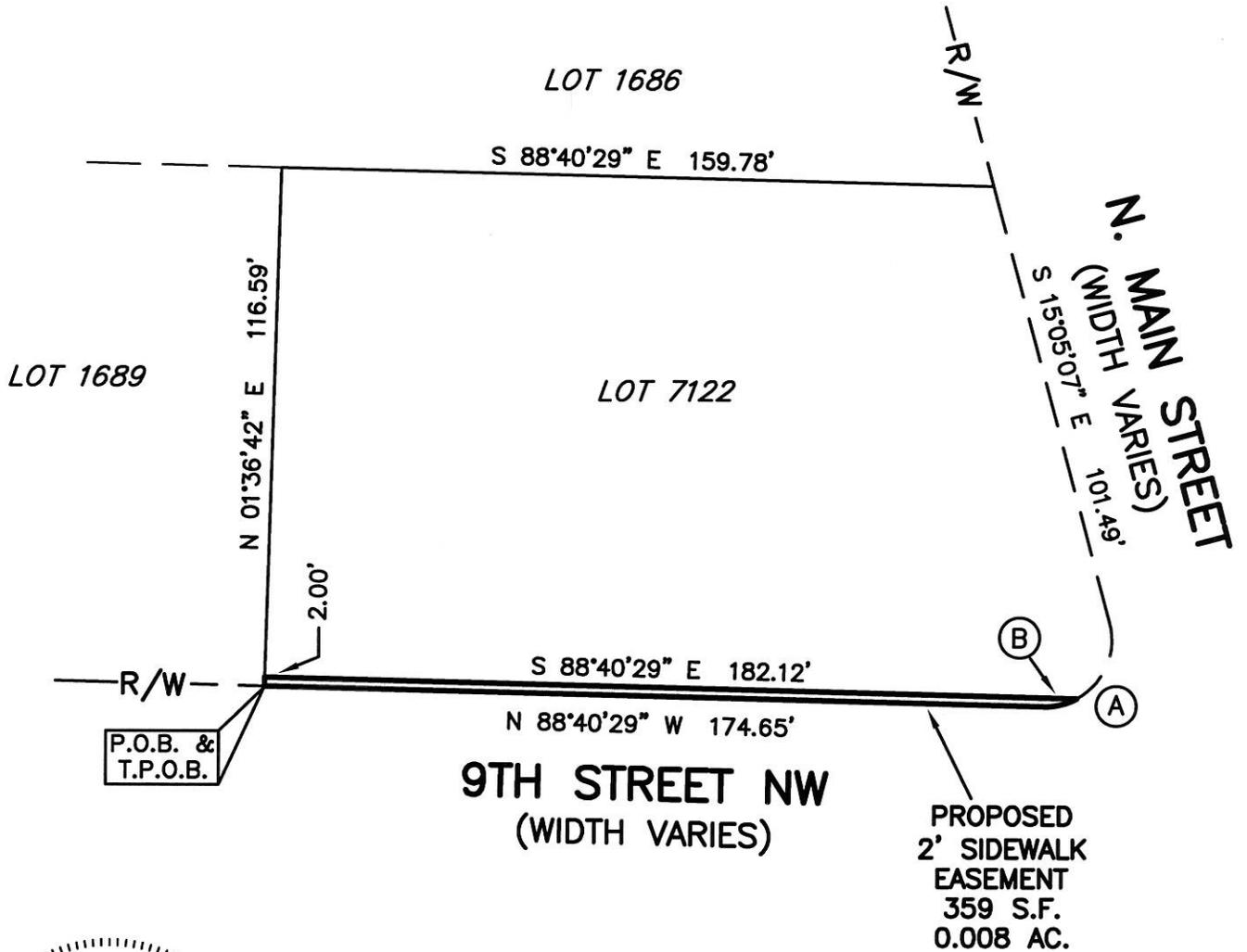
PS-90814



SCALE: 1"=40'

THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83(2011).

ps-9084



P.O.B. & T.P.O.B.

9TH STREET NW (WIDTH VARIES)

PROPOSED 2' SIDEWALK EASEMENT 359 S.F. 0.008 AC.



(A)

Δ=106°24'38"
R=15.00'
L=27.86'
T=20.05'
Ch=24.02'
C.B.=S 38°07'12" W

(B)

Δ=29°55'35"
R=15.00'
L=7.83'
T=4.01'
Ch=7.75'
C.B.=S 76°21'43" W



CAMPBELL & ASSOCIATES, INC.
Land Surveying

SIDEWALK EASEMENT EXHIBIT

STATE OF OHIO, COUNTY OF STARK, CITY OF NORTH CANTON
BEING ALL OF LOT 7122

3485 Fortuna Drive
Suite 100
Akron, Ohio 44312
(330) 945-4117
www.campbellsurvey.com

DATE: 08/19/16

BY: RJH

JOB NO. 20160090