

**RESOLUTION RECORD**  
**COUNCIL OF THE CITY OF BRECKSVILLE**

Resolution No. 4978

**A RESOLUTION ACCEPTING AN EASEMENT FOR  
CONSTRUCTION, RECONSTRUCTION, OPERATING,  
MAINTAINING, REPAIRING AND REPLACING STORM  
SEWER FACILITIES, AND APPURTENANCES THERETO  
IN, UNDER, ACROSS AND THROUGH PP# 601-36-093  
OWNED BY UNITED HOMES INCORPORATED;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Brecksville is in need of obtaining a storm sewer easement on PP# 601-36-093 owned by United Homes Incorporated.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Mayor be, and he hereby is, authorized to accept an Easement for Construction, Reconstruction, Operating, Maintaining, Repairing and Replacing Storm Sewer Facilities, and Appurtenances Thereto In, Under, Across and Through PP# 601-36-093 owned by United Homes Incorporated a copy of which Easement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

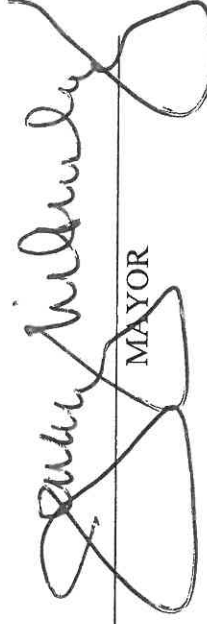
**SECTION 2.** The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1. hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1. hereof, said amounts to be charged to the appropriately designated Fund.

**SECTION 3.** The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to obtain the easement, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 4978 duly passed by the Council of the City of Brecksville, Ohio, on 11.19, 2019 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 11.21, 2019.

PASSED: November 19, 2019

APPROVED: November 19, 2019

  
MAYOR

  
CLERK OF COUNCIL

  
CLERK OF COUNCIL

**EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, OPERATING, MAINTAINING,  
REPAIRING AND REPLACING STORM SEWER FACILITIES, AND APPURTENANCES THERETO  
IN, UNDER, ACROSS AND THROUGH CERTAIN LANDS OWNED BY**

**UNITED HOMES INCORPORATED, AN OHIO CORPORATION**

(Permanent Parcel No. 601-36-093)

**KNOW ALL PERSONS BY THESE PRESENTS** that **UNITED HOMES INCORPORATED, AN OHIO CORPORATION**, their successors and assigns (hereinafter collectively referred to as "Grantor") who are the owners of certain land by deed recorded as AFN 201608080387 of Cuyahoga County Records, (hereinafter referred to as "Premises") in consideration of the sum of one dollar (\$1.00) the receipt of which is acknowledged by Grantor, and for other good and valuable consideration received to their full satisfaction, do hereby give, grant, bargain and convey, unto the City of Brecksville (hereinafter referred to as "Grantee"), its successors and assigns, the perpetual right and perpetual easement to enter upon that portion of the Grantors' Premises, as described in Exhibit "A", attached hereto and expressly made a part hereof by reference (hereinafter referred to as the "Easement Area"), and to remove trees and other obstructions when necessary and in, under, across and through the aforesaid Easement Area to lay, construct, relay, reconstruct, maintain, operate, use, alter and repair storm and sanitary sewer facilities, and appurtenances thereto and also the right to enter upon the aforesaid Easement Area, or any part thereof at any time for any of the foregoing purposes and the doing of all things necessary or incident thereto.

The Grantor hereby restricts said Premises within the limits of the aforesaid Easement Area against the construction thereon of any buildings or other structures of a temporary or permanent type, or the construction in, over or subjacent to the above described Easement Area of any tunnels, sewers, ducts, pipes or poles within the limits of the above described Easement Area. The Grantor hereby reserves the right to use said Premise within the limits of the above described Easement Area as are not herein expressly prohibited by and are not inconsistent with the rights and easement hereby granted.

**TO HAVE AND TO HOLD** the above granted easement and the storm and sanitary sewers and appurtenances thereto which may be installed therein and any further additions installed by Grantee subsequently in, over and through such Easement Area for the purposes mentioned herein given unto Grantee by Grantor forever. And the Grantor does for herself and her successors and assigns covenant with the Grantee and its successors and assigns, that at the time and until the sealing of these presents,

CITY OF BRECKSVILLE.

By: Jerry N. Hruby  
Jerry N. Hruby, Mayor

STATE OF OHIO )  
 ) SS: NOTARY PUBLIC  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Jerry N. Hruby, the duly elected and acting Mayor of the City of Brecksville, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Brecksville, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville Ohio, this 19 day of November, 2019.



TAMMY TABOR  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES  
8-9-2023  
Tammy Tabor

This Permanent Instrument was authorized by Resolution No. 4978, adopted by the Council of the City of Brecksville on the 19 day of November, 2019.

Tammy Tabor  
Tammy Tabor, Clerk of Council

Approved as to Form:  
Law Director  
Law Director, City of Brecksville  
Law Director

the Grantor is well seized of the above described Premises as a good and indefeasible estate in fee simple and has good right to bargain and grant the same in manner and form as written above and that Grantor will warrant and defend said Premises with the appurtenances thereunto belonging to the Grantee, its successors and assigns against all lawful claims and demands whatsoever for the purposes herein described.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at \_\_\_\_\_, Ohio, on the 28<sup>th</sup> day of October, 2019.

*William Kramp*  
UNITED HOMES INCORPORATED, AN OHIO CORPORATION

*William Kramp*  
UNITED HOMES INCORPORATED, AN OHIO CORPORATION

STATE OF ~~OHIO~~ )  
Florida ) ss:  
COUNTY OF ~~CUYAHOGA~~ )  
Lee

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named (print name) William Kramp, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this 28<sup>th</sup> day of October, 2019.

*HB*  
Notary Public

