

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5089

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A PARTIAL RELEASE OF STORM EASEMENT REGARDING
A STORM SEWER EASEMENT ON
PPN 604-11-021 LOCATED AT 6520 SUMMER WIND DRIVE
PPN 604-11-022 LOCATED AT 6524 SUMMER WIND DRIVE
PPN 604-11-023 LOCATED AT 6528 SUMMER WIND DRIVE
PPN 604-11-024 LOCATED AT 6532 SUMMER WIND DRIVE
PPN 604-11-025 LOCATED AT 6536 SUMMER WIND DRIVE
BRECKSVILLE, OHIO; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Brecksville wishes to partially release all of its rights, title and interest in PPN 604-11-021 located at 6520 Summer Wind Drive, PPN 604-11-022 located at 6524 Summer Wind Drive, PPN 604-11-023 located at 6528 Summer Wind Drive, PPN 604-11-024 located at 6532 Summer Wind Drive, PPN 604-11-025 located at 6536 Summer Wind Drive, Brecksville, Ohio.

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 execute a Partial Release of Storm Easement regarding a storm sewer easement on PPN 604-11-021 located at 6520 Summer Wind Drive, PPN 604-11-022 located at 6524 Summer Wind Drive, PPN 604-11-023 located at 6528 Summer Wind Drive, PPN 604-11-024 located at 6532 Summer Wind Drive, PPN 604-11-025 located at 6536 Summer Wind Drive, Brecksville, Ohio, a copy of said Release of Easement is attached hereto as Exhibit "A" and expressly made a part hereof by reference.

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.

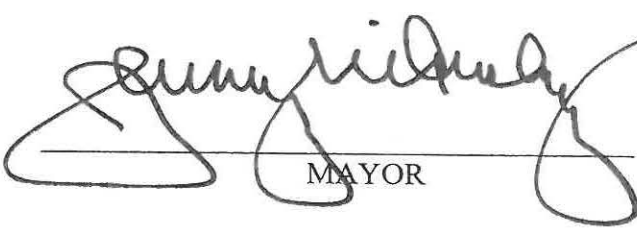
SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to release the storm sewer easement, therefore, said Ordinance shall be in full force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

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5089

PASSED: November 3, 2020

APPROVED: November 3, 2020


MAYOR

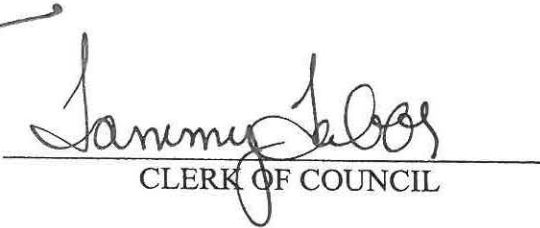

CLERK OF COUNCIL

EXHIBIT "A"

PARTIAL RELEASE OF STORM EASEMENT

For valuable consideration, the receipt of which is hereby acknowledged, the **City of Brecksville**, Ohio (the "City"), hereby releases, all of its rights, title and interest in a portion of the perpetual storm easement (the "Easement") granted to the City by a certain Plat recorded on September 19, 2017, as Instrument No. 201709190401 of the records of Cuyahoga County, Ohio, in the following described premises, to wit:

The portion of the Easement being released is shown on Exhibit A attached hereto (the "Released Portion"). Except for the Released Portion, the Easement remains in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand at Brecksville, Ohio, this _____ day of _____, 20__.

CITY OF BRECKSVILLE, OHIO

By: _____
Jerry N. Hruby, Mayor

Approved to as to Form

Date: _____

DAVID J. MATTY, Law Director

STATE OF OHIO)
) ss:
CUYAHOGA COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Jerry N. Hruby, an authorized officer of the City of Brecksville, an Ohio municipal corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, personally and as such officer, and the free act and deed of said municipal corporation. No oath or affirmation given.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville, Ohio, this _____ day of _____, 2020.

Notary Public
My Commission Expires:

This instrument was prepared by:
Stephen C. Mixter, Esq.
Jones Day
901 Lakeside Avenue
Cleveland, Ohio 44114

EXHIBIT "A"

TO A RELEASE OF EASEMENT DATED

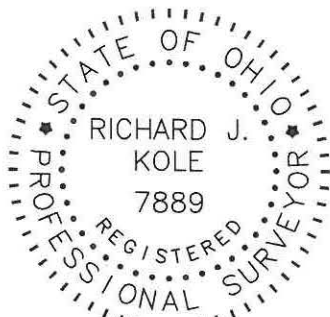
FROM
 THE CITY OF BRECKSVILLE, OHIO
 TO
 FERRARA, JERRY & FERRARA, BREANNE
 SMITH, DAVID J & SMITH, TAMARA A
 GREENWELL, MATTHEW & GREENWELL,
 STACEY
 JANKO, MICHAEL W & JANKO, DEBRA R
 GALIOTO, NICHOLAS M & GALIOTO,
 ALLISON G

Prepared by:



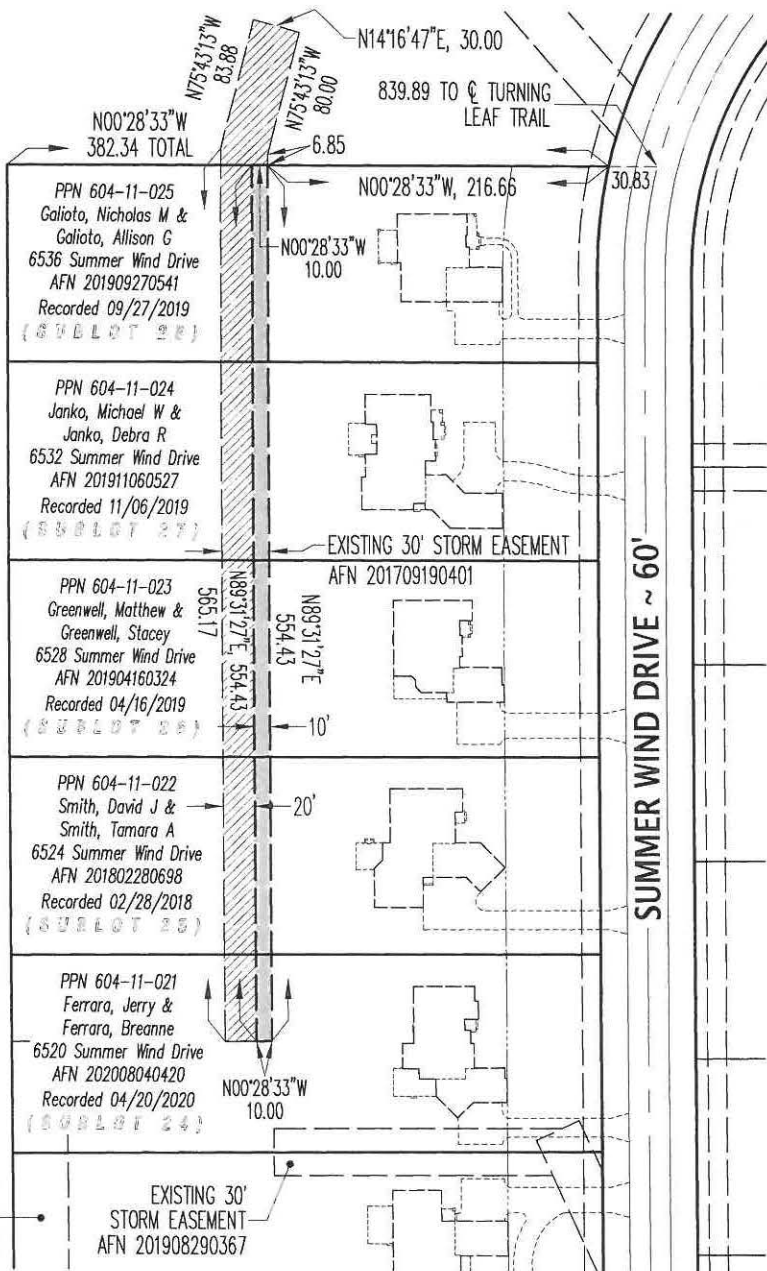
Richard J. Kole

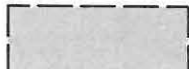

OCTOBER 19, 2020 NO SCALE



EXISTING 35'
 STORM EASEMENT
 AFN 201709190401

EXISTING 30'
 STORM EASEMENT
 AFN 201908290367



 PORTION OF EXISTING 30' STORM EASEMENT TO BE RELEASED (10')
 PORTION OF EXISTING 30' STORM EASEMENT TO REMAIN (20')

File No. 01022 (024-028)