

Resolution No. _____

Passed _____

20

RESOLUTION NO. 20 - 11

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO EXECUTE A DEED OF EASEMENT THAT GRANTS AN EASEMENT TO THE SALVATION ARMY, A NEW YORK CORPORATION, OVER AND ON THE RIGHT OF WAY OWNED BY THE CITY OF ORRVILLE.

WHEREAS, the City of Orrville owns the property designated in the map attached hereto and incorporated herein as Appendix A;

WHEREAS, The Salvation Army is in need of an easement over and on said property for construction of a storm sewer and retention basin at the intended new location for The Salvation Army Orrville Service Center at 403 W. High Street in the City of Orrville;

WHEREAS, the City of Orrville has determined that granting said easement will not interfere with any of the municipality's use of, or plans for, public highways, streets, avenues, sidewalks, public grounds, bridges, aqueducts, and viaducts, or any other purposes in connection therewith.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Ohio:

Section 1: That the Safety-Service Director for the City of Orrville is hereby authorized to execute a deed of easement in substantial conformity to the deed of easement attached hereto as "Appendix B", granting the easement therein to The Salvation Army, a New York Corporation with its principal office at 440 West Nyack Road, West Nyack, New York 10994; and

Section 2: This Resolution shall be in full force and effect at the earliest period provided by law.

Passed this 6th day of June 2011.

Attest:

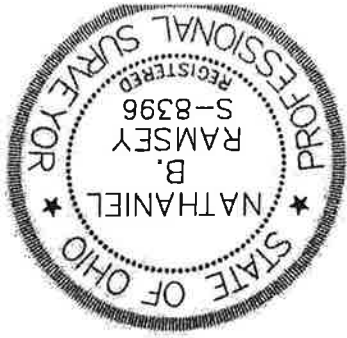
T. Peppard
Clerk of Council

[Signature]
President of Council

Approved:

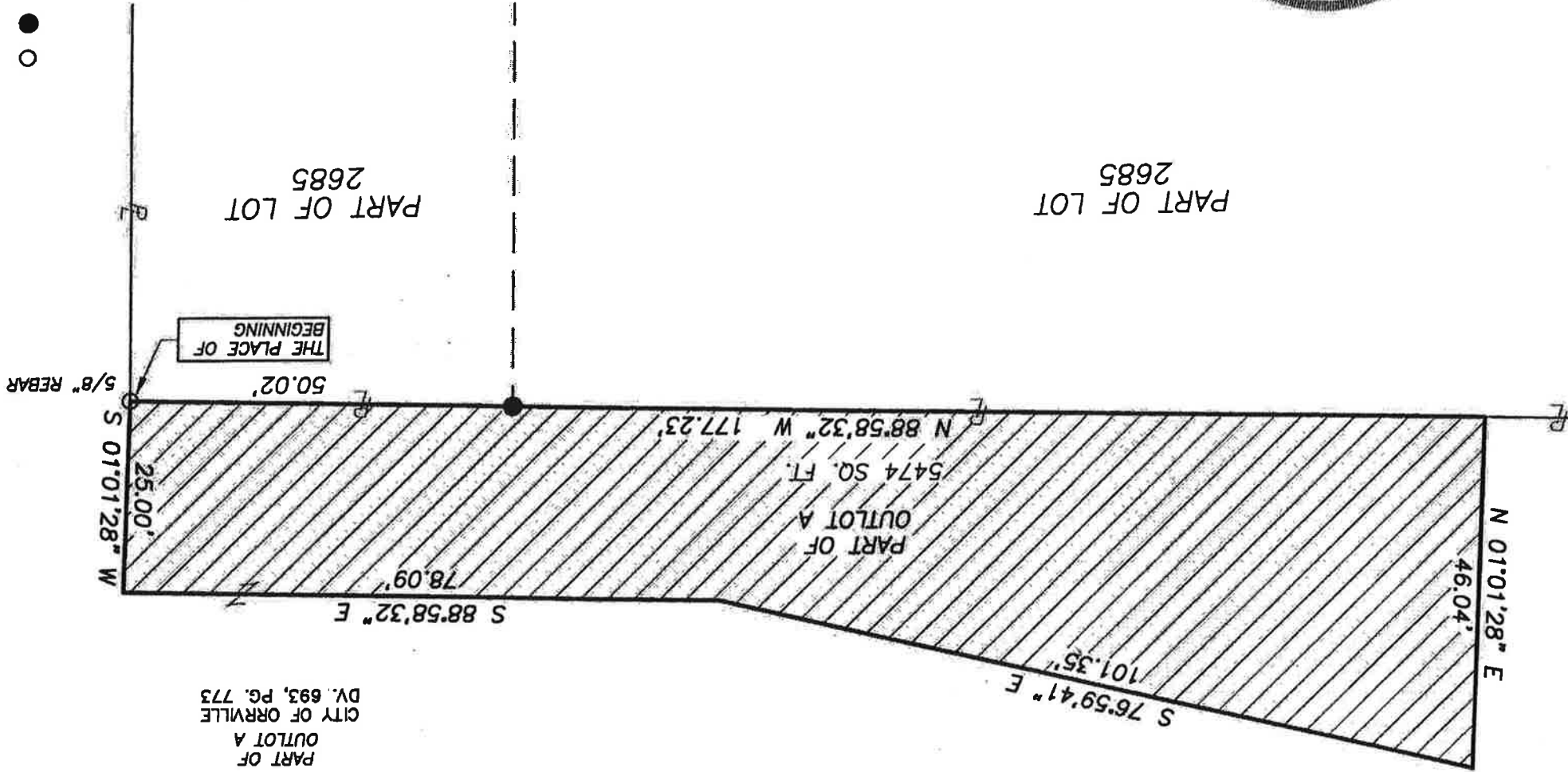
David J. Zupendak
Mayor

Date 6/6/11



ORRVILLE SALVATION ARMY SEWER EASEMENT
 BEING A PART OF OUTLOT A IN THE CITY
 OF ORRVILLE, WAYNE COUNTY, OHIO

PART OF
 OUTLOT A
 CITY OF ORRVILLE
 DV. 693, PG. 773



Distances shown hereon are expressed in feet and decimal parts thereof, bearings are to an assumed meridian and are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

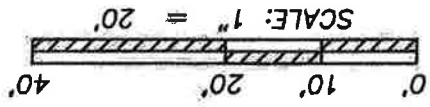
By: *Nathanial B. Ramsey*
 Nathanial B. Ramsey, P.S. #8396
 for Shaffer, Johnston, Lichtenwaller,
 & Associates, Inc.

Date 5/18/2011

SHAFER, JOHNSTON, LICHTENWALLER & ASSOCIATES, INC.
 Consulting Engineers & Surveyors
 3477 Commercial Parkway, Suite C
 Wooster, Ohio 44691
 TEL (330) 345-6377 FAX (330) 345-6725 EMAIL: info@shaf-inc.com

DRAWN KAA	CHECKED NBR	SCALE 1" = 20'	DATE 5/18/2011
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- LEGEND**
- IRON PIN/PIPE FOUND-(as noted)
 - IRON PIN SET-5/8"
 - REBAR WITH CAP
 - STAMPED "S.L. INC"
 - EASEMENT AREA



APPENDIX A

Appendix B

EASEMENT

The City of Orrville, an Ohio municipal corporation, for valuable consideration, grants to The Salvation Army, a New York Corporation with its principal office at 440 West Nyack Road, West Nyack, New York, 10994, Grantees, an easement for the purpose of constructing a storm sewer and retention basin over and upon the property described in Exhibit A, attached hereto and incorporated herein by reference.

Grantee shall have the right to construct improvements upon the property identified herein for the purpose of managing water by way of storm sewer and a retention basin.

The holder of the above-described easement, whether it be the Grantee or its heirs, successors, or assigns (collectively referred to as "Grantees"), shall construct and properly maintain said storm sewer and retention basin in accordance with all applicable laws and regulations. Grantee shall fully repair, at its own expense all damage to Grantor's land which may be incurred as the result of Grantee's use of the above-described easement.

Grantor shall have the right to use the property subject to this easement for purposes not inconsistent with Grantee's full enjoyment of the easement granted herein.

The grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

Executed this ____ day of _____ 2011.

In Witness Whereof:

Steve Wheeler,
Safety-Service Director, City of Orrville
Authorized pursuant to
Resolution No. ____ - 11

STATE OF OHIO)
) SS
COUNTY OF WAYNE)

Before me, a notary public, in and for said County, personally appeared Steve Wheeler, who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed both individually and as an authorized representative of the City of Orrville.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal at Orrville, Ohio, this ____ day of _____ 2011.

Notary Public

This instrument prepared by
Timothy R. VanSickle
Attorney at Law, Orrville, Ohio 44667

Exhibit A

EASEMENT DESCRIPTION

Situated in the City of Orrville, County of Wayne, State of Ohio, being a part of Outlot A in said City and being more particularly described as follows:

Beginning for the same at an iron pin found in an existing interior corner of a parcel conveyed to the City of Orrville by deed volume 693, page 773, said iron pin also being in the northeast corner of Lot 2685 of the consecutively numbered lots in said city;

THENCE WITH THE FOLLOWING FIVE (5) COURSES:

1. North 88° 58' 32" West, 177.23 feet with the north line of said Lot 2685, the same being a south line of said City of Orrville parcel to a point, and passing through an iron pin set at 50.02 feet;
2. North 01° 01' 28" East, 46.04 feet through said City of Orrville parcel to a point;
3. South 76° 59' 41" East, 101.35 feet through said City of Orrville parcel to a point;
4. South 88° 58' 32" East, 78.09 feet through said City of Orrville parcel to a point;
5. South 01° 01' 28" West, 25.00 feet to the place of beginning and containing 5,474 square feet, more or less, and subject to all legal highways, easements, and use restrictions of record.

Bearings are to an assumed meridian and are used to express angles only.

The intent of this instrument is to describe a strip of land that varies from 25.00 feet to 46.04 feet in width extending 177.23 feet west from the northeast corner of lot 2685.