

**EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF
SANITARY SEWERS AND APPURTENANCES
PPN# 445-15-019**

KNOW ALL MEN BY THESE PRESENTS:

That **WEST CREEK PRESERVATION COMMITTEE**, the legal owners of PP #445-15-019 located on Old Rockside Road in the City of Parma by deed dated June 09, 2006 and as recorded in Document #200606090906 of Cuyahoga County Deed Records and the GRANTORS herein, for certain considerations to their full satisfaction, does hereby give, grant, bargain and convey to the **CITY OF PARMA, an Ohio Municipal Corporation** in Cuyahoga County, Ohio, the GRANTEE herein, the SUBTERRANEAN PERPETUAL EASEMENT for the purposes of permitting the GRANTEE to enter upon the aforesaid land of the GRANTORS for the installation and maintenance of sanitary sewers and appurtenances as a service to its residents and the GRANTORS, hereinafter mentioned in the easement premises described in Exhibits 'A' & 'B' referenced hereto attached and made a part hereof.

The GRANTEE does hereby restrict said premises within the limits of the above described SUBTERRANEAN PERPETUAL EASEMENT, the construction thereon of any buildings of a temporary or permanent type, equipment or other obstructions of the permanent type thereon, or otherwise interfering with the access to, installation, maintenance or repair of said sanitary sewer and appurtenances.

The GRANTORS does hereby reserve the right to the use of said premises within the limits of the above described SUBTERRANEAN PERPETUAL EASEMENT for purposes which are not herein expressly prohibited by, and are not inconsistent with, the easement and rights herein granted.

NOW THIS INDENTURE WITNESSETH: That the GRANTORS in consideration of certain considerations, and in further consideration of the right and privilege hereinafter given to said GRANTORS, their successors and assigns, for themselves, their heirs, successors and assigns, does hereby give, grant, bargain and convey to the aforesaid GRANTEE, the easement and perpetual right to enter upon the aforesaid property, or any part thereof, and to remove trees, when necessary, and in, under and through the aforesaid property to fill, grade and regrade, and to lay, construct, maintain operate and use, sewers, which may be public sewers, together with all appurtenances thereto and also the right to enter upon said

property or any part thereof at any time for any of the foregoing purposes and the doing of all things necessary or incident thereto.

It is a condition of this instrument that the GRANTEE shall restore the surface to a condition existing prior to being disturbed.

Bearings cited within the above descriptions are to an assumed meridian and are given to indicate direction only.

TO HAVE AND TO HOLD the above granted easement, rights and right-of-way and its appurtenances to said GRANTEE, and to its successors and assigns forever.

And the GRANTORS does for their heirs and assigns, covenant with the said GRANTEE, and its successors and assigns, that at and until the sealing of these presents, they are well seized of the above described premises as a good and indefeasible estate in fee simple and they have good right to bargain and grant in the same manner and form as above written, and that they will warrant and defend said premises with appurtenances thereunto belonging to the GRANTEE, its successors and assigns, against all lawful claims and demands what-so-ever for the purposes herein described.

The GRANTORS and other provisions of the Easement shall constitute a covenant running with the land for the benefit of the GRANTORS and GRANTEE and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto my hand this _____ day of _____, 20____.

GRANTORS:
WEST CREEK PRESERVATION COMMITTEE

By:

By:

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State; personally appeared the above named **WEST CREEK PRESERVATION COMMITTEE** by _____, its _____ and by _____, it's _____ who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed and the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 20____.

Notary Public

The legal form of this instrument is approved by the City of Parma's Law Director this _____ day of _____, 20____.

Timothy G. Dobeck, Law Director

Approved by the Council of the City of Parma by Resolution No. _____, passed this _____ day of _____, 20____.

Kenneth A. Ramser, Clerk of Council

EXHIBIT 'A'
EASEMENT INFORMATION

Owner: West Creek Preservation Committee
Municipality/County: City of Parma, Cuyahoga County
Deed: Document #200606090906
Date: June 09, 2006
Permanent Parcel No.: 445-15-019
Subdivision/Sublot #: F. Jules Keller Broadrock Subdivision #1 – S/L #33
& part S/L #13 thru 16 and other lands
Location: Old Rockside Road
Description:

LEGAL DESCRIPTION
SUBTERRANEAN PERPETUAL EASEMENT
FROM & THRU WEST CREEK PRESERVATION COMMITTEE'S LAND
PP #445-15-019
FOR THE CITY OF PARMA, CUYAHOGA COUNTY, OHIO
OLD ROCKSIDE ROAD
CITY OF PARMA
COUNTY OF CUYAHOGA, OHIO

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being a part of Original Parma Township Lot # 8, Blake Tract and being a **0.1161 acre (5,059 Sq. Ft.) Subterranean Perpetual Easement** and being all that space which lies between a lower horizontal plane located at elevation 745.00 feet and an upper horizontal plane located at 775.00 feet and lying within Cuyahoga County Auditor's PP# 445-15-019 and being a part of Sublots 15, 16 and 33 as shown on the F. Jules Keller Broadrock Subdivision # 1 as recorded in Volume 166, Page 27 of Cuyahoga County Map Records. Said parcel of land being a part of land conveyed to West Creek Preservation Committee by deed dated June 9th, 2006 and recorded in AFN: 200606090906 of Cuyahoga County Deed Records. The elevations used herein being based Ohio State Plane North Zone, NAVD88 Datum, and further bounded and described as follows;

Beginning at the Southeasterly corner of said Sublot #33 – West Creek Preservation Committee's land (PP #445-15-019) on the Northerly sideline of Old Rockside Road (60 feet wide), said point being on the Easterly line of said O.L. #8 and the Easterly Corporation Line for City of Parma;

Thence **North 02°19'53" East**, along the Easterly line of said O.L. #8, Easterly Corporation Line for City of Parma & Sublot #33 - West Creek Preservation Committee's land (PP #445-15-019), a distance of **400.06 feet** to the Southeasterly corner of said Sublot #16 and the Principal Place of Beginning of the Premises herein intended to be described;

Legal Description

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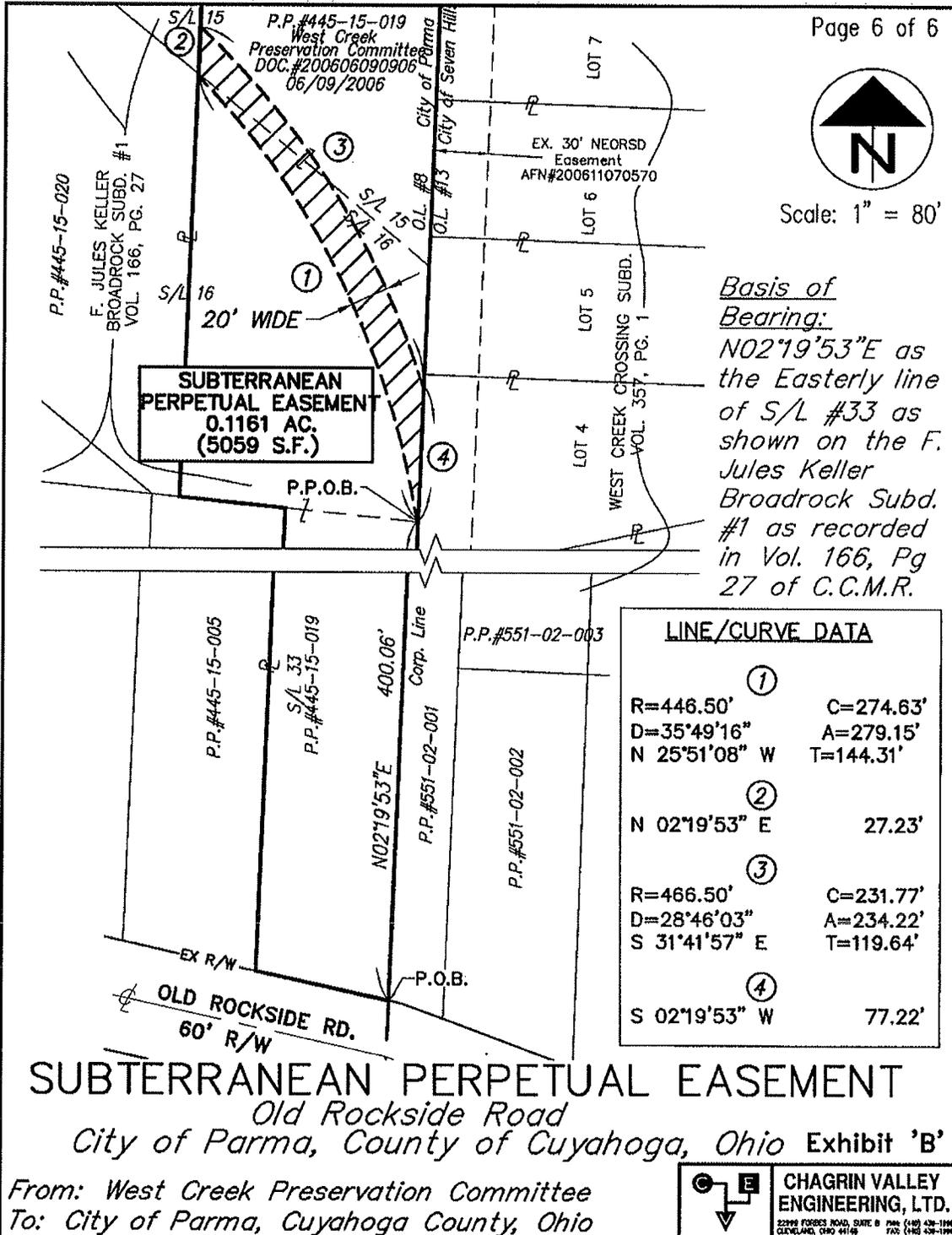
- Course 1** Thence along the arc of a curve, deflecting to the left, **279.15 feet**, said curve having a radius of **446.50 feet**, a tangent of **144.31 feet**, a delta of **35°49'16"** and a chord which bears **North 25°51'08" West**, a distance of **274.63 feet** to a point on a Westerly line of said West Creek Preservation Committee's land (PP #445-15-019);
- Course 2** Thence **North 02°19'53" East**, along said Westerly line of West Creek Preservation Committee's land (PP #445-15-019), a distance of **27.23 feet** to a point;
- Course 3** Thence along the arc of a curve, parallel with and at a perpendicular distance of 20.00 feet Northeast of said Course #1, deflecting to the right, **234.22 feet**, said curve having a radius of **466.50 feet**, a tangent of **119.64 feet**, a delta of **28°46'03"** and a chord which bears **South 31°41'56" East**, a distance of **231.77 feet** to a point on the Easterly line of said Sublot #16 and O.L. #8;
- Course 4** Thence **South 02°19'53" West**, along said Easterly line of O.L. #8, Easterly Corporation Line for City of Parma & Sublot #16 – West Creek Preservation Committee's land (PP #445-15-019), a distance of **77.22 feet** to the Principal Place of Beginning and containing **0.1161 acres (5,059 sq.ft.)** of land as calculated and described from Cuyahoga County Records by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd. in November, 2014, be the same, more or less;

Basis of Bearing for this legal description is **North 02°19'53" East** as the Easterly line of Sublots #33 as shown on the F. Jules Keller Broadrock Subdivision #1 as recorded in Volume 166, Page 27 of Cuyahoga County Map Records;

File #13189-Task #2 – Broadrock Court Drill Drop
Perpetual Easement - PP #445-15-019 – S/L #33-West Creek
January 29, 2015 (jaw)



Scale: 1" = 80'



Basis of Bearing:
 N02°19'53"E as the Easterly line of S/L #33 as shown on the F. Jules Keller Broadrock Subd. #1 as recorded in Vol. 166, Pg 27 of C.C.M.R.

SUBTERRANEAN PERPETUAL EASEMENT
 Old Rockside Road
 City of Parma, County of Cuyahoga, Ohio Exhibit 'B'

From: West Creek Preservation Committee
 To: City of Parma, Cuyahoga County, Ohio

CHAGRIN VALLEY ENGINEERING, LTD.
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