

UTILITY EASEMENT

PARCEL NO. 129 U

AUDITOR'S PARCEL NO. 457-39-001

THE RECONSTRUCTION OF 2.34 MILES OF BAGLEY ROAD AND PLEASANT VALLEY ROAD
(INCLUDING 0.24 MILES OF W. 130TH STREET) WITHIN THE CITY OF PARMA, CUYAHOGA
COUNTY, OHIO

KNOW ALL MEN BY THESE PRESENTS:

That The City of Parma, Ohio, the Grantors herein, for and inconsideration of the sum of One Dollar (\$1.00) and for other good and valuable consideration paid to them by the County of Cuyahoga, in the name, and for the use, of Cuyahoga County, Ohio, the Grantee, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, the following rights, privileges and easements in, upon and over certain real estate owned by the Grantor in Cuyahoga County, Ohio:

The right to construct a Utility Easement for Construction of a Water Vault, upon and over the land of the Grantors, more fully described in Exhibit "A" attached hereto and incorporated herein by reference; as shown by plans on file at the Office of the Department of Public Works; together with the right of the Grantee, its agents or contractors to store earth and materials during the period of construction of said Utility Easement in and upon the above-described premises of the Grantor.

It is understood that the said land described herein contains a total of 380 square feet.

TO HAVE AND TO HOLD said easement and right-of-way unto the Grantee, its successors and assigns forever.

Grantor claims title by instrument recorded in Current Deeds Volume 12796, Page 691 and Volume 10371, Page 100, of the Cuyahoga County records.

And the said Grantors, for itself and its heirs, executors, administrators, successors and assigns hereby covenant with the said Grantee, its successors and assigns, that it is the true and lawful owners of said premises, and is lawfully seized of the same in fee simple, and has good right and full power, to grant, bargain, sell, convey, and release the same in manner aforesaid; and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantors will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes the Board of Cuyahoga County Commissioners may acquire property under Title LV of the Ohio Revised Code.

Grantors have a right under Section 163.211 of the Revised Code to repurchase the property conveyed herein if Grantee decides not to use the property for the purpose stated above and Grantor's provide timely notice of a desire to repurchase. The price to be paid upon such repurchase shall be the property's fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by the court. The within right of repurchase shall be extinguished if any of the following occur: (A) Grantors decline to repurchase the property; (B) Grantors fail to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

IN WITNESS WHEREOF The City of Parma, Ohio has hereunto set its hand on the _____ day of _____, 20__.

STATE OF OHIO)
) **SS:**
COUNTY OF CUYAHOGA)

BE IT REMEMBERED, that on the _____ day of _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above-named _____, who signed or acknowledged the signing of the foregoing instrument to be _____ voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My commission expires: _____

This document was prepared by or for the County of Cuyahoga on forms approved by the Office of the County Prosecutor.

(2)

Course 4 - Thence North $89^{\circ}58'30''$ West, along said Right-of-Way line, a distance of 20.00 feet to a point and the PRINCIPAL PLACE OF BEGINNING and containing 0.009 acres, (380 sq. ft.) of land, more or less which is part of Cuyahoga County Fiscal Office Permanent Parcel #457-39-001;

Basis of Bearings shown hereon are based on True North as established by Cuyahoga County Regional Geodetic Survey, NAD27, (U.S. Survey foot) by O.M. #1679 and #1449 record coordinates.

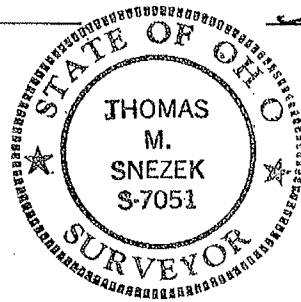
The stations referred to herein are referenced on the centerline of Right-of-Way and Construction shown on the approved Final Right-of-Way plans, M#4985, prepared by the Cuyahoga County Department of Public Works - Survey Department.

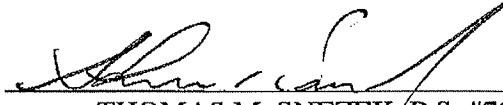
All dimension, angles, curves and bearings are referenced to the centerline survey prepared by Euthenics Incorporated, design consultant, and stamped by registered Ohio Professional Surveyor, Terin J. Kaminski, P.S. #7207.

This description was prepared by registered Ohio Professional Surveyor, Thomas M. Snezek, P.S. #7051 or under his direct supervision and derived from surveys made under the direct supervision of Terin J. Kaminski, P.S. #7207 for Euthenics Incorporated in conjunction with O.D.O.T. Plan CUY - Pleasant Valley Road (C.R. - 39) and CUY - Bagley Road (C.R. - 27) PID #10900 as prepared by the Department of Public Works - Survey Department in 2011.

3-27-12

DATE




THOMAS M. SNEZEK, P.S. #7051