

TEMPORARY RIGHT-OF-WAY AGREEMENT
PARCEL NO. 129 T, T-1, T-2
AUDITOR'S PERMANENT PARCEL NO. 457-39-001
FOR THE PURPOSE OF GRADING, SIDEWALK REPLACEMENT, TREE AND SIGN
REMOVAL, DRAINAGE MODIFICATIONS AND DRIVEWAY REPLACEMENT FOR 24
MONTHS FROM THE DATE OF ENTRY BY THE COUNTY'S CONTRACTOR IN CITY OF
PARMA, CUYAHOGA COUNTY, OHIO

ARTICLES OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS THAT:

The City of Parma, Ohio, the Grantors herein, for and in consideration of the sum of One Dollar (\$1.00) paid to them by the County of Cuyahoga, Ohio in the name, and for the use, of County of Cuyahoga, Ohio, the Grantee, its successors and assigns forever, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement described as Parcel No. 129 T, T-1, T-2 and more fully described in Exhibit "A" attached hereto and incorporated herein by reference; and do hereby authorize the said Grantee, or its duly authorized agents or contractors, to enter upon and use said temporary easement area for the construction of the above-captioned road construction, specifically for performing the work necessary for the purpose of grading, sidewalk replacement, tree and sign removal, drainage modifications and driveway replacement, in accordance with plans on file in the Office of the Department of Public Works for the reconstructing of existing alignment, including signalization, pavement markings and drainage in City of Parma, Cuyahoga County, Ohio.

Grantor(s) claim(s) title by instruments recorded in Current Deed Volume 12796, Page 691 and Volume 10371, page 100 of Cuyahoga County Records.

To have and to hold said temporary easement for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns forever. The duration of the temporary easement herein granted to the Grantee is twenty four months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized agents or contractors.

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

IN WITNESS WHEREOF The City of Parma, Ohio 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.

EXHIBIT A

Rev. 09/11
PID #10900
County ID #494

**PARCEL 129-T
CUY-PLEASANT VALLEY ROAD (CR-39)
CUY-BAGLEY ROAD (CR-27)
TEMPORARY EASEMENT FOR THE PURPOSE OF GRADING, SIDEWALK
REPLACEMENT, TREE AND SIGN REMOVAL, DRAINAGE MODIFICATIONS AND
DRIVEWAY REPLACEMENT
24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

SURVEYOR'S DESCRIPTION

Situated in the City of Parma, County of Cuyahoga, State of Ohio and known as being part of Original Parma Township Lot 22 and Lot 23 of the Ely Tract and being a 0.510 acre (22,172 sq. ft.) Standard Temporary deed 129-T parcel located within a record 93.610 acre parcel as conveyed to the City of Parma on May 20, 1971 as recorded in deed Volume 12796, Page 691 of Cuyahoga County Deed Records and conveyed to the City of Parma on November 3, 1961 as recorded in deed Volume 10317, Page 100 of Cuyahoga County Deed Records and being a parcel of land lying on the Northerly side of Pleasant Valley Road—CR 39, (Right-of-Way varies), and being further bound and described as follows;

Commencing at an iron pin in a monument box found in the centerline of Bagley Road—CR 27 at the intersection with the centerline of West 130th. Street—CR 39. Said point being at Bagley Road centerline of Right-of-Way station 68+38.73. Thence North 87°36'51" East, along said centerline of Bagley Road, which changes to Pleasant Valley Road—CR 39 at station 80+42.41, a distance of 1,392.25 feet to an iron pin in a monument box found at the intersection with the centerline of West Pleasant Valley Road. Said monument being 0.42 feet left of Pleasant Valley Road centerline of construction station 82+30.98. Thence continuing along the centerline of said Pleasant Valley Road, South 89°36'41" East, a distance of 1,200.46 feet to a point. Thence North 00°23'19" East, perpendicular to the previous course, a distance of 40.00 feet to a point on said Northerly Right-of-Way line of Pleasant Valley Road and the intersection with the Westerly line of said lands deeded to the City of Parma and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Said point also being 40.00 feet left of centerline of Pleasant Valley Road station 94+31.44.

(2)

- Course 1 - Thence North 00°46'47" East, along said Westerly line of lands deeded to the City of Parma, a distance of 8.44 feet to a point;
- Course 2 - Thence South 88°28'25" East, a distance of 17.63 to a point;
- Course 3 - Thence North 50°42'08" East, a distance of 37.57 feet to a point;
- Course 4 - Thence South 89°37'10" East, a distance of 7.79 feet to a point;
- Course 5 - Thence South 33°25'47" East, a distance of 27.00 feet to a point;
- Course 6 - Thence North 86°56'49" East, a distance of 49.05 feet to a point;
- Course 7 - Thence South 86°51'41" East, a distance of 40.60 feet to a point;
- Course 8 - Thence North 06°11'35" East, a distance of 7.27 feet to a point;
- Course 9 - Thence South 89°27'57" East, a distance of 10.12 feet to a point;
- Course 10 - Thence North 79°20'16" East, a distance of 34.95 feet to a point;
- Course 11 - Thence North 00°22'33" East, a distance of 63.73 feet to a point;
- Course 12 - Thence South 89°36'41" East, a distance of 47.60 feet to a point;
- Course 13 - Thence South 14°31'52" East, a distance of 29.05 feet to a point;
- Course 14 - Thence South 09°28'15" West, a distance of 25.25 feet to a point;
- Course 15 - Thence South 18°03'15" East, a distance of 11.44 feet to a point;
- Course 16 - Thence South 57°45'44" East, a distance of 12.06 feet to a point;
- Course 17 - Thence South 85°02'45" East, a distance of 49.78 feet to a point;
- Course 18 - Thence South 79°25'01" East, a distance of 50.50 feet to a point;
- Course 19 - Thence North 77°26'15" East, a distance of 51.33 feet to a point;
- Course 20 - Thence South 77°13'35" East, a distance of 51.43 feet to a point;
- Course 21 - Thence North 89°48'29" East, a distance of 49.52 feet to a point;

(3)

- Course 22 - Thence North $75^{\circ}16'02''$ East, a distance of 52.07 feet to a point;
- Course 23 - Thence South $73^{\circ}58'51''$ East, a distance of 49.12 feet to a point;
- Course 24 - Thence South $89^{\circ}15'27''$ East, a distance of 101.89 feet to a point;
- Course 25 - Thence North $39^{\circ}07'46''$ East, a distance of 16.50 feet to a point;
- Course 26 - Thence South $89^{\circ}11'55''$ East, a distance of 5.17 feet to a point;
- Course 27 - Thence North $51^{\circ}06'38''$ East, a distance of 8.67 feet to a point;
- Course 28 - Thence North $05^{\circ}00'57''$ East, a distance of 36.44 feet to a point;
- Course 29 - Thence North $14^{\circ}52'07''$ East, a distance of 54.69 feet to a point;
- Course 30 - Thence South $89^{\circ}37'10''$ East, a distance of 40.51 feet to a point;
- Course 31 - Thence South $14^{\circ}11'58''$ East, a distance of 54.73 feet to a point;
- Course 32 - Thence South $02^{\circ}42'48''$ East, a distance of 36.61 feet to a point;
- Course 33 - Thence South $38^{\circ}42'47''$ East, a distance of 6.87 feet to a point;
- Course 34 - Thence South $11^{\circ}53'54$ East, a distance of 14.25 feet to a point;
- Course 35 - Thence South $89^{\circ}41'44''$ East, a distance of 98.01 feet to a point;
- Course 36 - Thence North $80^{\circ}20'49''$ East, a distance of 40.00 feet to a point;
- Course 37 - Thence North $23^{\circ}13'26''$ East, a distance of 22.63 feet to a point;
- Course 38 - Thence North $89^{\circ}47'39''$ East, a distance of 17.12 feet to a point;
- Course 39 - Thence South $54^{\circ}16'14''$ East, a distance of 39.01 feet to a point on the Northerly Right-of-Way line of said Pleasant Valley Road;
- Course 40 - Thence North $89^{\circ}58'30''$ West, along said Right-of-Way line, a distance of 43.40 feet to a point on the Easterly line of said Original Lot 22;
- Course 41 - Thence South $00^{\circ}30'02''$ West, along said Easterly line, a distance of 10.00 feet to a point on the Northerly Right-of-Way line of said Pleasant Valley Road;

(4)

Course 42 - Thence, along said Northerly Right-of-Way, North 89°36'41" West, a distance of 971.73 feet to a point and the PRINCIPAL PLACE OF BEGINNING and containing 0.510 acres (22,172 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.

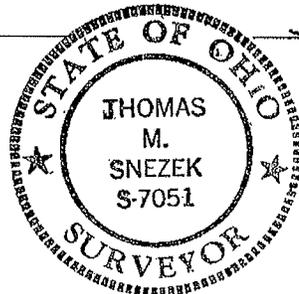
The stations referred to herein are referenced on the centerline of Right-of-Way and Construction shown on the approved Final Right-of-Way plans, M#4985, prepared by the Cuyahoga County Department of Public Works - Survey Department.

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



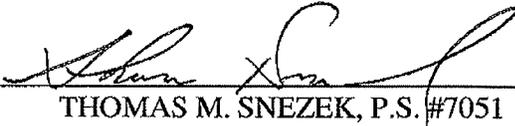

THOMAS M. SNEZEK, P.S. #7051

EXHIBIT A

Rev. 09/11
PID #10900
County ID #494

**PARCEL 129-T1
CUY-PLEASANT VALLEY ROAD (CR-39)
CUY-BAGLEY ROAD (CR-27)
TEMPORARY EASEMENT FOR THE PURPOSE OF GRADING, TREE REMOVAL,
DRAINAGE MODIFICATIONS AND DRIVEWAY REPLACEMENT
24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

SURVEYOR'S DESCRIPTION

Situated in the City of Parma, County of Cuyahoga, State of Ohio and known as being part of Original Parma Township Lot 23 of the Ely Tract and being a 0.035 acre (1,513 sq. ft.) Standard Temporary deed 129-T1 parcel located within a record 93.610 acre parcel as conveyed to the City of Parma on May 20, 1971 as recorded in deed Volume 12796, Page 691 of Cuyahoga County Deed Records and conveyed to the City of Parma on November 3, 1961 as recorded in deed Volume 10317, Page 100 of Cuyahoga County Deed Records and being a parcel of land lying on the Northerly side of Pleasant Valley Road – CR 39, (Right-of-Way varies), and being further bound and described as follows;

Commencing at a point in the centerline of construction of Pleasant Valley Road – CR 39. Said point witnessed by an iron pin in a monument box found 0.52 feet right of said centerline of construction station 104+03.28. Said monument also being on the centerline of Right-of-Way of Pleasant Valley Road and the Southwesterly corner of said Original Lot 23. Thence, along the centerline of construction of said Pleasant Valley Road and along a curve deflecting to the left having a radius of 11,459.16 feet, a chord of 64.77 feet, a chord bearing of North 89°40'59" East, a distance of 64.77 feet to a point. Thence North 00°28'28" West, along a radial line to the previous course, a distance of 49.10 feet to a point on the Northerly Right-of-Way line of Pleasant Valley Road and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Said point also being 49.10 feet left of centerline of Pleasant Valley Road station 104+68.06.

Course 1 - Thence North 82°00'32" East, a distance of 31.81 feet to a point;

Course 2 - Thence North 88°04'37" East, a distance of 49.92 to a point;

Course 3 - Thence South 87°00'58" East, a distance of 49.94 feet to a point;

Course 4 - Thence North 78°08'17" East, a distance of 35.76 feet to a point;

(2)

- Course 5 - Thence North 19°09'42" East, a distance of 17.36 feet to a point;
- Course 6 - Thence South 89°37'33" East, a distance of 26.22 feet to a point;
- Course 7 - Thence South 26°15'24" East, a distance of 9.11 feet to a point on the Northerly line of a Proposed Utility Easement;
- Course 8 - Thence North 89°58'30" West, along said Northerly line, a distance of 12.15 feet to the Northwesterly corner of said utility easement;
- Course 9 - Thence South 00°24'15" West, along the Westerly line of said easement, a distance of 19.00 feet to a point on the Northerly Right-of-Way line of said Pleasant Valley Road;
- Course 10 - Thence North 89°58'30" West, along said Right-of-Way line, a distance of 189.93 feet to a point and the PRINCIPAL PLACE OF BEGINNING and containing 0.035 acres (1,513 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.

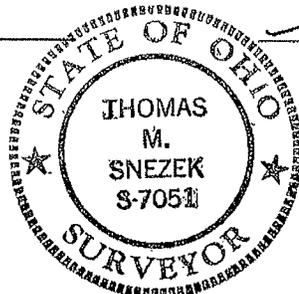
The stations referred to herein are referenced on the centerline of Right-of-Way and Construction shown on the approved Final Right-of-Way plans, M#4985, prepared by the Cuyahoga County Department of Public Works - Survey Department.

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



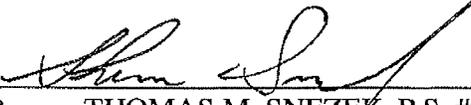

THOMAS M. SNEZEK, P.S. #7051

EXHIBIT A

Rev. 09/11
PID #10900
County ID #494

**PARCEL 129-T2
CUY-PLEASANT VALLEY ROAD (CR-39)
CUY-BAGLEY ROAD (CR-27)
TEMPORARY EASEMENT FOR THE PURPOSE OF GRADING, TREE REMOVAL,
DRAINAGE MODIFICATIONS AND DRIVEWAY REPLACEMENT
24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

SURVEYOR'S DESCRIPTION

Situated in the City of Parma, County of Cuyahoga, State of Ohio and known as being part of Original Parma Township Lot 23 of the Ely Tract and being a 0.333 acre (14,489 sq. ft.) Standard Temporary deed 129-T2 parcel located within a record 93.610 acre parcel as conveyed to the City of Parma on May 20, 1971 as recorded in deed Volume 12796, Page 691 of Cuyahoga County Deed Records and conveyed to the City of Parma on November 3, 1961 as recorded in deed Volume 10317, Page 100 of Cuyahoga County Deed Records and being a parcel of land lying on the Northerly side of Pleasant Valley Road – CR 39, (Right-of-Way varies), and being further bound and described as follows;

Commencing at a point in the centerline of construction of Pleasant Valley Road – CR 39. Said point witnessed by an iron pin in a monument box found 0.52 feet right of said centerline of construction station 104+03.28. Said monument also being on the centerline of Right-of-Way of Pleasant Valley Road and the Southwesterly corner of said Original Lot 23. Thence, along the centerline of construction of said Pleasant Valley Road and along a curve deflecting to the left having a radius of 11,459.16 feet, a chord of 275.54 feet, a chord bearing of North 89°09'22" East, a distance of 275.54 feet to a point. Thence North 01°32'08" West, along a radial line to the previous course, a distance of 45.32 feet to a point on the Northerly Right-of-Way line of Pleasant Valley Road and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Said point also being 45.32 feet left of centerline of Pleasant Valley Road station 106+78.83.

- Course 1 - Thence North 00°24'15" East, a distance of 11.03 feet to a point;
- Course 2 - Thence South 80°48'45" East, a distance of 4.47 to a point;
- Course 3 - Thence South 74°24'12" East, a distance of 17.91 feet to a point;
- Course 4 - Thence South 88°32'53" East, a distance of 99.81 feet to a point;

(2)

- Course 5 - Thence North $88^{\circ}48'20''$ East, a distance of 100.00 feet to a point;
- Course 6 - Thence North $82^{\circ}03'21''$ East, a distance of 50.58 feet to a point;
- Course 7 - Thence South $82^{\circ}25'37''$ East, a distance of 50.99 feet to a point;
- Course 8 - Thence South $89^{\circ}28'22''$ East, a distance of 49.80 feet to a point;
- Course 9 - Thence North $86^{\circ}00'38''$ East, a distance of 50.08 feet to a point;
- Course 10 - Thence North $87^{\circ}44'04''$ East, a distance of 99.63 feet to a point;
- Course 11 - Thence North $64^{\circ}01'45''$ East, a distance of 8.86 feet to a point;
- Course 12 - Thence South $85^{\circ}25'58''$ East, a distance of 42.07 feet to a point;
- Course 13 - Thence North $50^{\circ}16'44''$ East, a distance of 17.21 feet to a point;
- Course 14 - Thence North $09^{\circ}00'32''$ East, a distance of 45.11 feet to a point;
- Course 15 - Thence North $15^{\circ}56'57''$ East, a distance of 31.23 feet to a point;
- Course 16 - Thence North $55^{\circ}21'38''$ East, a distance of 34.06 feet to a point;
- Course 17 - Thence South $63^{\circ}45'05''$ East, a distance of 41.38 feet to a point;
- Course 18 - Thence South $03^{\circ}35'27''$ East, a distance of 47.08 feet to a point;
- Course 19 - Thence South $05^{\circ}23'30''$ West, a distance of 29.94 feet to a point;
- Course 20 - Thence South $33^{\circ}43'07''$ East, a distance of 13.57 feet to a point;
- Course 21 - Thence North $86^{\circ}34'54''$ East, a distance of 48.99 feet to a point;
- Course 22 - Thence North $89^{\circ}28'56''$ East, a distance of 63.69 feet to a point on the Easterly line of said lands deeded to the City of Parma;
- Course 23 - Thence South $00^{\circ}20'46''$ West, along said Easterly line, a distance of 15.21 feet to a point on the Northerly Right-of-Way line of Pleasant Valley Road;

(3)

Course 24 - Thence North 89°58'30" West, along said Right-of-Way line, a distance of 785.54 feet to a point and the PRINCIPAL PLACE OF BEGINNING and containing 0.333 acres (14,489 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.

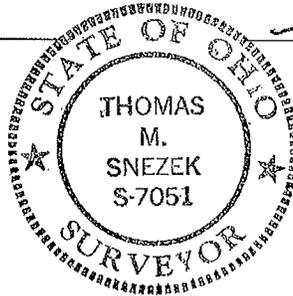
The stations referred to herein are referenced on the centerline of Right-of-Way and Construction shown on the approved Final Right-of-Way plans, M#4985, prepared by the Cuyahoga County Department of Public Works - Survey Department.

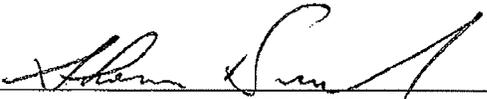
All dimension, angles, curves and bearings are referenced to the centerline survey prepared by Euthenics Incorporated, design consultant, and stamped by registered Ohio Professional Surveyor, Terin J. Kaminski, P.S. #7207.

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

LPA
Rev. 01/2010

DONATION LETTER

Date: 7/8/13

The City of Parma, Ohio
6611 Ridge Road
Cleveland, Ohio 44129

Re: CUY-Pleasant Valley Road/Bagley Road
129 WD, U, T, T-1, T-2
PID: 10900

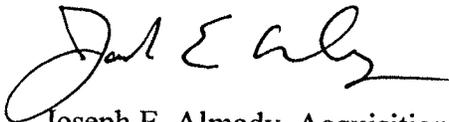
Dear The City of Parma, Ohio:

Your real property is needed by the County of Cuyahoga for a transportation improvement project. As such, you are hereby advised that you have the right to have your property appraised by a competent appraiser and you have the right to accompany the appraiser on the inspection of your property. You have the right to be provided a written offer for the full amount of the fair market value as determined by the agency based upon the appraisal. You have the right to negotiate with the agency and if an acceptable agreement cannot be reached, the right to have the value determined by a court of law. You also have the right to be paid the full amount of the fair market value before being required to surrender possession of your property. Notwithstanding these rights, we understand you are willing to waive all or any part of your rights noted and willingly agree to donate the property needed for the transportation project. The property is described in the attached Exhibit A which is incorporated herein.

Please be advised that if you desire to use the donation for a tax deduction, you should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for appraisal valuation

The undersigned hereby acknowledges that he/she has been fully advised by an County of Cuyahoga representative of his/her rights reflected above and agrees to: (1) Waive the right to receive just compensation for the property, (2) Release ODOT from obtaining an appraisal of the acquired property and (3) Execute the necessary conveyance instrument to transfer said property to County of Cuyahoga.

Respectfully,



Joseph E. Almady, Acquisition Agent
O.R. Colan Associates
22710 Fairview Center Drive
Fairview Park, Ohio 44126
(440) 827-6116 ext. 218

Signature
(Authorized City of Parma Representative)

Date

Print name & Title

Approved as to Form:

Timothy G. Dobeck, Law Director
City of Parma