

## ORDINANCE NO. 123-18

BY: **KRISTIN SABAN**  
(BY REQUEST – CITY ENGINEER)

AN ORDINANCE TO ACCEPT TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT UTILITY EASEMENT IN CERTAIN PREMISES KNOWN AS PERMANENT PARCEL NUMBER 445-10-005, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council passed Resolution No. 108-17 on June 19, 2017 declaring the necessity and intent of the City of Parma to appropriate a temporary construction easement and permanent utility easement (hereafter collectively referred to as the “Easements”) in certain real property known as Permanent Parcel No. 445-10-005 (5481 Broadview Road) (hereafter referred to as the “Property”); and,

WHEREAS, the City and the Property owner, Justyna Hagenberger, were unable to negotiate a purchase agreement for the Easements in said real property; and

WHEREAS, this City Council passed Ordinance No. 243-17 on November 20, 2017 authorizing the City to appropriate the Easements in the Property; and

WHEREAS, the City Law Director filed a Petition to Appropriate the Easements in the Property on January 25, 2018 in the Probate Division of the Cuyahoga County Court of Common Pleas, Case No. 2018 ADV 231547; and

WHEREAS, the City and Justyna Hagenberger agreed to settle Case No. 2018 ADV 231547 for \$3,000.00 in return for granting the Easements in the Property.

NOW, THEREFORE; BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. The City of Parma hereby accepts all of the rights, title interest, and obligations in, to and under the terms of that certain “Temporary Construction and Permanent Utility Easement Agreement” between the City of Parma and the “Grantor” being Justyna Hagenberger dated June 19, 2018 granting to the City of Parma a perpetual sanitary sewer easement, in, under, across and through certain land known as Permanent Parcel No. 445-10-005 and more particularly described in the aforesaid Agreement attached hereto as Exhibit “A” and incorporated herein by reference (the “Hagenberger Easement”).

Section 2. The Mayor is directed to sign the Hagenberger Easement and do all things necessary to file said easement for record with the Cuyahoga County Fiscal Officer.

Section 3. The City Treasurer is directed to issue payment in the amount of Three Thousand dollars (\$3,000.00) to Justyna Hagenberger, owner of the Property, as full consideration for the grant of the Hagenberger Easement to the City of Parma.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary to stay on schedule with Ohio EPA requirements, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO