

ORDINANCE NO. 24-039

AN ORDINANCE APPROVING A TEMPORARY EASEMENT GRANTED TO THE CITY BY ONE PERKINS PLACE FOR THE CLEVELAND ROAD SAFETY IMPROVEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed Cleveland Road Safety Improvement Project involves improvements to Cleveland Road (S.R. 6), primarily between Sycamore Line and Remington Avenue, including signal improvements, sidewalks, extending turn lanes and includes construction, environmental, surveying, geotechnical, acquisition, and inspection as well; and

WHEREAS, the City Commission approved and authorized the submission of an application to the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) for the Cleveland Road Safety Improvement Project by Resolution No. 013-20R, passed on April 13, 2020, and Resolution No. 001-22R, passed on January 10, 2022; and

WHEREAS, the City Commission approved Professional Design Services agreements with Structurepoint, Inc. of Cleveland, Ohio, for the Cleveland Road Safety Improvement Project by Ordinance No. 21-068, passed on May 10, 2021, and by Ordinance No. 22-067, passed on March 28, 2022, which included right-of-way and acquisition for the project; and

WHEREAS, One Perkins Place is the owner of property located at 2215 Cleveland Road, Parcel No. 57-05692.000, and has granted the City a temporary easement necessary for the Cleveland Road Safety Improvement Project; and

WHEREAS, the cost of the temporary easement is \$300.00 and will initially be paid by the City and then reimbursed by the Ohio Department of Transportation with Highway Safety Improvement Program (HSIP) grant funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the documents to be fully executed and recorded in a timely manner and to proceed with plans for the project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves a Temporary Easement granted to the City by One Perkins Place for the purpose of utilizing for the Cleveland Road

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Safety Improvement Project (PID 114056), substantially in the same form as attached to this Ordinance, marked Exhibit "1" and is specifically incorporated if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: February 26, 2024

TEMPORARY EASEMENT

One Perkins Place, an Ohio General Partnership, the Grantor(s), in consideration of the sum of \$300.00, to be paid by City of Sandusky, Ohio, the Grantee, does grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 113-T

ERI-6-9.07

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 57-05692.000

Prior Instrument Reference: O.R. Volume 358, Page 824, Erie County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of the roadway.

IN WITNESS WHEREOF One Perkins Place, An Ohio General Partnership has caused its name to be subscribed by Daniel Schiefley, its general partner(s) on the 21st day of July, 2023

ONE PERKINS PLACE, AN OHIO GENERAL PARTNERSHIP

By: Daniel Schiefley
Daniel Schiefley, Managing Partner

STATE OF OHIO, COUNTY OF ERIE SS:

BE IT REMEMBERED, that on the 21st day of July, 2023, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Daniel Schiefley, who acknowledged being a general or managing partner(s) and duly authorized agent(s) of One Perkins Place, An Ohio General Partnership, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Daniel Schiefley with regard to the notarial act.

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



JOSEPH E. ALMADY
Notary Public
In and for the State of Ohio
My Commission Expires
August 22, 2028

Joseph E. Almady
NOTARY PUBLIC
My Commission expires: 8/22/2028

John Orzech, Interim City Manager
City of Sandusky

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.

EXHIBIT A

LPA RX 887 T

Ver: Date 11/21/2022

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PID 114056

**PARCEL 113-T
ERI-06-09.07**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT A DRIVEWAY AND COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"THE CITY OF SANDUSKY, OHIO", ERIE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Erie, City of Sandusky, being located in Outlot 4 of Darling's Survey of Outlots East of Sycamore Line, as depicted in Plat Book 1, Page 59, and being part of that 1.23 acre tract described in a deed to **One Perkins Place**, of record in **Record Number 110804**, all records referenced herein are on file at the Office of the Recorder for Erie County, Ohio, being a parcel on the left side of the centerline of right-of-way for U.S. Route 6 (Cleveland Road, R/W width varies), as delineated on the centerline plat for ERI-06-09.07, said parcel being more particularly bounded and described as follows:

BEGINNING a point on the existing north right-of-way line for U.S. Route 6, being on the north line of that 0.312 acre right-of-way easement described as Parcel 31 in a deed to County of Erie, of record in Deed Book 152, Page 333, being the southwest corner of said 1.23 acre tract, being the southeast corner of that 0.9700 acre tract described in a deed to MRK Group, LLC, of record in Record Number 201502849, said point being 40.00 feet left of U.S. Route 6 centerline of right-of-way station 186+69.17;

Thence **North 29 degrees 33 minutes 58 seconds East**, along the west line of said 1.23 acre tract and along the east line of said MRK Group, LLC tract, a distance of **5.00 feet** to a point, said point being 45.00 feet left of U.S. Route 6 centerline of right-of-way station 186+69.14;

Thence **South 60 degrees 05 minutes 02 seconds East**, through said 1.23 acre tract, a distance of **39.36 feet** to a point, said point being 45.00 feet left of U.S. Route 6 centerline of right-of-way station 187+08.51;

Thence **South 29 degrees 33 minutes 58 seconds West**, continuing through said 1.23 acre tract, a distance of **5.00 feet** to the existing north right-of-way line for said U.S. Route 6, being on the north line of said 0.312 acre right-of-way easement, being on the south line of said 1.23 acre tract, said point being 40.00 feet left of U.S. Route 6 centerline of right-of-way station 187+08.54;

EXHIBIT A

LPA RX 887 T

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Thence **North 60 degrees 05 minutes 02 seconds West**, along the existing north right-of-way line for said U.S. Route 6, along the north line of said 0.312 acre right-of-way easement and along the south line of said 1.23 acre tract, a distance of **39.36 feet** to the **POINT OF BEGINNING** for this description.

The above described temporary easement contains a total area of **0.0045 acres**, all of which is located within Erie County Auditor's parcel number 57-05692.000.

The bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

The above described temporary easement was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on November 21, 2022, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.

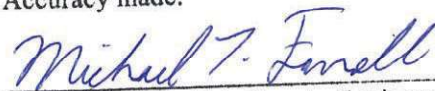


Brian P. Bingham, PS
Registered Professional Surveyor No. 8438



8/30/2023
Date

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
or Accuracy made.



Engineer/Surveyor: Erie County Engineer's

Date: 9-11-2023