

CITY OF HUBBARD, OHIO
RECORD OF ORDINANCES AND RESOLUTIONS

THE FRED PROCTER CO., CINTI, O.

RESOLUTION NO.

ORDINANCE NO. 22-21

PASSED Dec 20 2021

AN ORDINANCE

AUTHORIZING THE SERVICE DIRECTOR TO ACQUIRE AND ACCEPT AN EASEMENT ON REAL PROPERTY, LOCATED IN THE CITY OF HUBBARD, TRUMBULL COUNTY, OHIO, FOR THE PURPOSE OF INGRESS AND EGRESS AT THE ENTRANCE OF WAUGH PARK.

WHEREAS, it has become necessary to acquire and accept an easement at the entrance of Waugh Park.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hubbard, Trumbull County, Ohio:

SECTION 1: The Service Director is hereby authorized and directed to acquire and accept an easement on real property, in the City of Hubbard, Trumbull County, Ohio, currently owned by the individual/entities set forth below:

The Thompson Real Estate Group LLC, described and depicted in "Exhibit 1" consisting of 6 pages, a copy of which is attached hereto and incorporated herein.

SECTION 2: All prior Ordinances and Resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 3: All formal actions of the City Council of Hubbard, Ohio relating to the adoption of this Ordinance, and all deliberations of the City Council of Hubbard, Ohio and any of its committees leading to such action, were in meetings open to the public as required by law.

PASSED IN COUNCIL THIS 20TH DAY OF DECEMBER, 2021.

ATTEST:

David Brown
CLERK OF COUNCIL

Michael R. Pate
PRESIDENT OF COUNCIL

PROTEM

APPROVED: John A. Kile
MAYOR

APPROVAL DATE: 12-20-21

FIRST READING: 12-6-21

SECOND READING: 12-20-21

THIRD READING: _____

I hereby certify that the foregoing Ordinance was published in The News of Hubbard on the dates hereinbelow set forth and was posted at the Hubbard City Municipal Building and the Hubbard Police Department on the day hereinbelow set forth.

DATES OF PUBLICATION:

____ day of _____, 2021

____ day of _____, 2021

____ day of _____, 2021

POSTED:

21st day of DECEMBER, 2021

Lands of the Thompson Real Estate Group, LLC

FOR THE CONSIDERATION of Ten Dollars (\$10.00) paid to the Grantor, the receipt of which is hereby acknowledged, The Thompson Real Estate Group LLC, an Ohio Limited Liability Company, by and through its authorized agent, (the "Grantor") hereby grants, conveys and warrants unto the City of Hubbard, an Ohio municipal corporation, having an office at 220 W. Liberty St., Hubbard, OH 44425 (the "Grantee"), it's successors and assigns, a perpetual and non-exclusive easement over, on, under, across and through an area on Grantor's Property described as and depicted on Exhibits A(i) and A(ii) attached hereto (the "Easement Area"). This easement is granted to Grantee for the purpose of ingress and egress for access to Waugh Park. In the event Grantee is unable to remain within the confines of the Easement Area when performing repairs, Grantor grants Grantee the right to exceed the Easement Area to the extent that may be reasonably necessary to complete the repairs. Further, Grantor hereby grants to Grantee, its successors and assigns, the right to enter upon such portions of Grantor's Property as may be reasonably necessary from time to time for purposes of accessing and exercising Grantee's easement rights granted herein.

Grantor is the owner of land described and depicted on Exhibits A(i) and A(ii) consisting of (2) pages- Legal Description and Exhibit Map, attached hereto and incorporated by reference as if fully re-written herein.

Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of the Easement Area, with the exception of ingress and egress to and from Waugh Park, a portion of which occupies the Easement Area.

The grant of this easement is made on the express condition that: (i) Grantee shall not unreasonably interfere or encumber Grantor's use of Grantor's property. (ii) Grantee shall maintain pavement and landscaping within the Easement Area. (iii) Grantee shall name Grantor as additional insured on Grantee's insurance.

This Ingress/Egress Easement is perpetual and shall extend to and be binding upon the Grantor and Grantee, their respective successors and assigns, whether assigned in whole or in part, and cannot be changed in any way except in writing signed by the Grantor and Grantee. If the perpetual term is held to violate the Rule Against Perpetuities or similar rule or law, the term hereof shall be deemed valid for ninety (90) years from the date this instrument is recorded. The covenants, easements, and agreements contained in this instrument shall run with the lands known as Grantor's property.

IN WITNESS WHEREOF, Grantor hereby acknowledges that it understands and agrees to all the contents, terms, conditions, restrictions, and effects of this instrument and grants this Ingress/Egress Easement, by executing this document on the _____ day of _____, 20____.

GRANTOR

The Thompson Real Estate Group LLC

By: _____

Its: _____

STATE OF _____)

) SS

COUNTY OF _____)

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that Thompson Real Estate Group LLC, an Ohio Limited Liability Company, by _____, its _____, who acknowledged that he/she did sign the foregoing instrument for and on behalf of said _____ and that the same is the free act and deed of said _____ and his/her free act and deed individually and in such representative capacity.

Given under my hand and notarial seal this _____ day of _____, 20____

Notary Public

My Commission Expires: _____

This instrument prepared by:

Mark A. Villano, Esq.

Hubbard City Law Director

220 W. Liberty St.

Hubbard, OH 44425

IN WITNESS WHEREOF, Grantee hereby acknowledges that it understands and agrees to all the contents, terms, conditions, restrictions, and effects of this instrument and grants this Ingress/Egress Easement, by executing this document on the _____ day of _____, 20_____.

GRANTEE

City of Hubbard

An Ohio Municipal Corporation

By: _____

Its: Service Director

STATE OF OHIO _____)

) SS

COUNTY OF TRUMBULL _____)

I, _____, a Notary Public in and for the State of and County aforesaid, do hereby certify that the City of Hubbard an Ohio Municipal Corporation, by _____, its _____, who acknowledged that he did sign the foregoing instrument for and on behalf of said City of Hubbard and that the same is the

free act and deed of said City of Hubbard and his/her free act and deed individually and in such representative capacity.

Given under my hand and notarial seal this _____ day of _____, 20____

Notary Public

My Commission Expires: _____

This instrument prepared by:

Mark A. Villano, Esq.

Hubbard City Law Director

220 W. Liberty St.

Hubbard, OH 44425

ADVANCED LAND MEASUREMENT, INC.

LEGAL DESCRIPTION

Lands of Thompson Real Estate Group, LLC
0.0459 Acre Ingress/Egress Easement

Being situated in the city of Hubbard, County of Trumbull, State of Ohio but being more fully bound and described as follows:

Beginning at a point on the South right of way line of Waugh Drive (50 foot wide), said point being the Northeast corner of Lot No. 2409 of the Hubbard Estates Plat No. 3 as recorded in Plat Volume 24, page 90 of the Trumbull County record of plats, said point also being the true place of beginning for the parcel herein described.

Thence northerly along the East right of way terminus of Waugh Drive N 4°10'21" E a distance of 50.00 feet to a point, said point being on the South line of Lot No. 240A of the Hubbard Estates Plat No. 3 Re-Plat as recorded in Plat Volume 54, page 9.

Thence easterly along the South line of said Lot No. 240A S 86°58'39" E a distance of 40.00 feet to a point.

Thence southerly S 4°10'21" W a distance of 50.00 feet to a point, said point being on the North line of the Hubbard City Park as recorded in Deed Volume 771, Page 807 of the Trumbull County record of deeds.

Thence westerly along the North line of said Hubbard City Park N 86°58'39" W a distance of 40.00 feet to the true place of beginning for the parcel herein described.

Containing 0.0459 acres the above described parcel is to be reserved as an ingress/egress easement for public and municipal access to the Hubbard City Park.

Professional Surveyors

7097 Warren Sharon Road
Brookfield, Ohio 44403

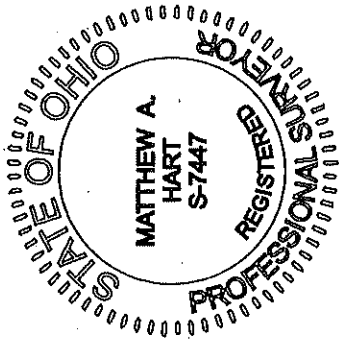
Phone: (330) 448-6280 Fax: (330) 448-6281

EXHIBIT A(II)

EXHIBIT MAP Ingress / Egress Easement

For Park Access

Lands Of
The City Of Hubbard
Hubbard City, Trumbull County, Ohio



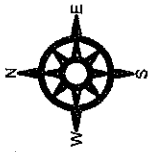
PREPARED BY:

ADVANCED LAND MEASUREMENT, INC.

PROFESSIONAL SURVEYORS
7087 WARREN-SHARON ROAD
BROOKFIELD, OHIO 44003

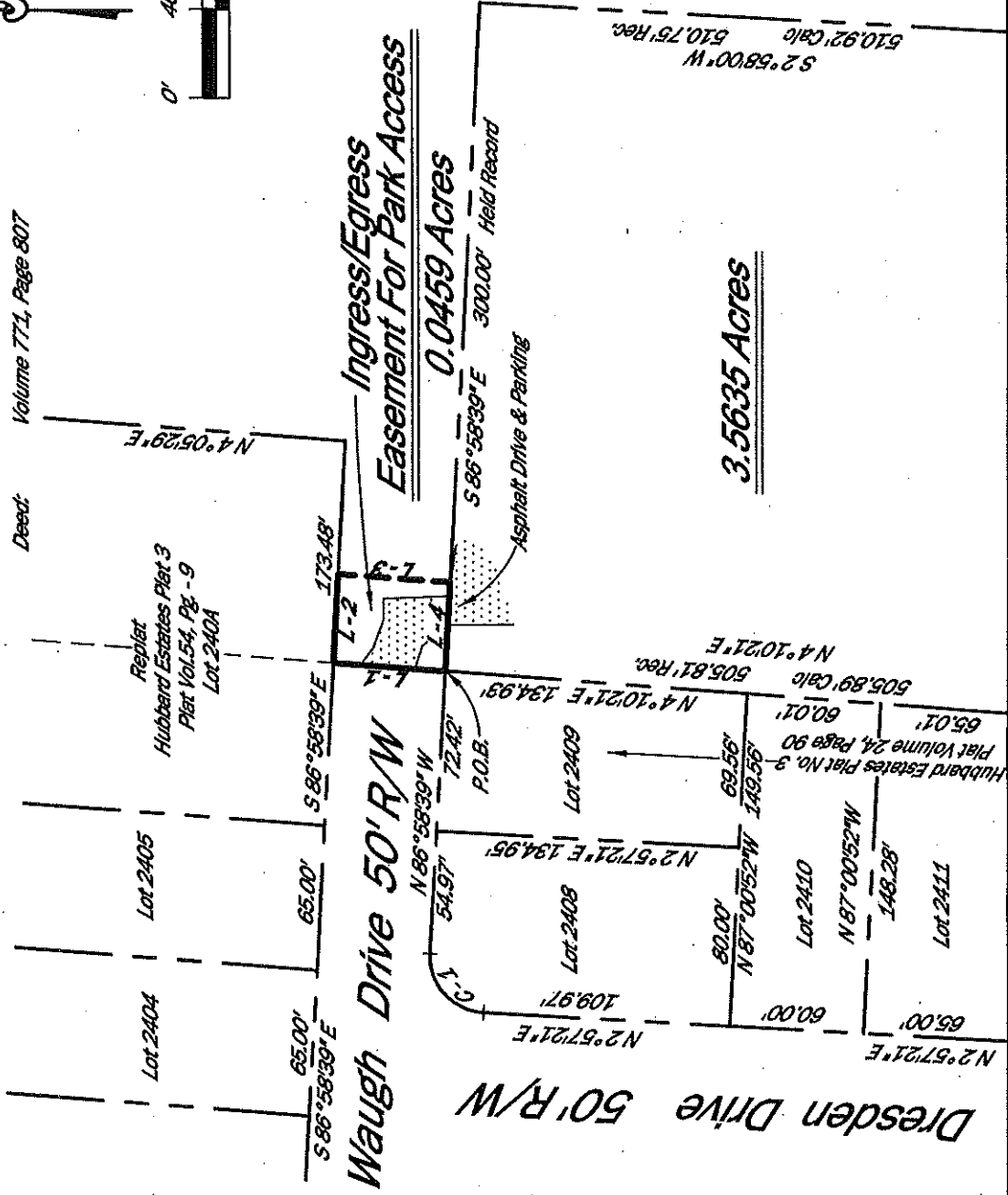
PHONE: (330)448-6280 FAX: (330)448-6281

LINE DATA:		
L-1	N 4° 10' 21" E	50.00'
L-2	S 86° 58' 39" E	40.00'
L-3	S 4° 10' 21" W	50.00'
L-4	N 86° 58' 39" W	40.00'



Owners: City Of Hubbard
 Address: 1199 Waugh Drive
 Hubbard, Ohio 44425
 Parcel: 02-003059
 Deed: Volume 771, Page 807

SCALE 1"=80'



3.5635 Acres

Lands N/F Of
 Thompson Real Estate Group LLC
 510.92' Calc 510.75' Rec.
 S 2° 58' 00" W
 510.92' Calc 510.75' Rec.
 Inst. #201601130000728