

RESOLUTION NO. 2015 - 11

A RESOLUTION ACCEPTING AN EASEMENT FOR THE PERPETUAL RIGHT OF WAY FOR THE OPERATION, CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, AND REPAIR OF SEWERS, SERVICE CONNECTIONS, PIPES AND APPURTENANCES INSTALLED THROUGH, IN AND UNDER THE REAL PREMISES KNOWN AS PERMANENT PARCEL NUMBERS 473-19-008 THROUGH 010 AND DECLARING AN EMERGENCY

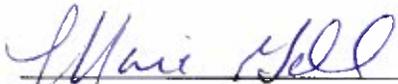
BE IT RESOLVED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. The easement, which is attached hereto and marked "Exhibit A", and incorporated herein by reference as if fully rewritten, is granted to the City of Parma Heights by the Whip Restaurant Enterprises and Mohammad Alam.

Section 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This Resolution is declared to be an emergency measure necessary for the public peace, health and safety of the Municipality and for the further reason it is necessary to accept an easement to permit the operation, construction, reconstruction, maintenance, and repair of sewers, service connections, pipes and appurtenances installed through, in and under the real premises known as Permanent Parcel Numbers 473-19-008 through 010 owned by the Whip Restaurant Enterprises and Mohammad Alam; wherefore, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 11-9-2015



President of Council

ATTEST: Florence A. Bohdan
Clerk of Council

11-9-2015

Approved

FILED WITH
THE MAYOR: 11-9-2015



Mayor

**EASEMENT FOR CONSTRUCTING, MAINTAINING AND REPAIRING
SEWERS IN THE CITY OF PARMA HEIGHTS, OHIO**

SEWER DISTRICT NO.

PPN's: 473-19-008 thru 010

This __ day of _____.

KNOW ALL MEN BY THESE PRESENTS,

That Whip Restaurant Enterprises, Inc. and Mohammad Alam, the Grantor herein, for the consideration of One Dollar (\$ 1.00) and other valuable consideration received to his or her satisfaction, does hereby give, grant, bargain and convey to The CITY OF PARMA HEIGHTS, OHIO, Grantee herein, the perpetual right of way and easement for the operation, construction, reconstruction, maintenance, and repair of sewers, service connections, pipes and appurtenances installed through, in and under the real premises herein described in "EXHIBIT "A" attached hereto and made a part hereof.

Grantor hereby restricts said premises, within the limits of the above described easement and/or in such proximity thereto as may injure said sewers and/or appurtenances, against the construction thereon of any buildings or structures of a temporary or permanent type, (including without limitation, fences) and/or against the construction in, over or subjacent to the above described easement of any tunnels or polelines within the limits of the above described easement, and/or against the storing or placing of any materials, equipment or other obstructions thereon or otherwise interfering with the access to or the maintenance of said sewers and appurtenances, or against the planting or sufferance thereon of trees, shrubs or bushes.

Grantor further hereby agrees that no additional fill will be placed or a ramp constructed within the limits of the above described easement and/or in such proximity thereto as may injure said sewers or which will increase the depth of said sewers, or grade and excavate the surface within the limits of said easement and/or in such proximity thereto as may injure said sewers or which will reduce the depth of said sewers.

Whip Storm Easement

Grantee, by acceptance of this easement, agrees not to unduly restrict access, during repairs and maintenance of said sewer lines, across any constructed roadway situated over the easement area.

Grantee, by acceptance of this easement, agrees to repair and restore the premises as nearly as possible to its condition immediately prior to any maintenance, repair or reconstruction of said sewer.

TO HAVE AND TO HOLD the above granted right of way, easement, sewers and appurtenances, through, in and under the above described premises for the purposes above mentioned unto said Grantee, forever.

AND the Grantor does for himself or herself, his or her successors and assigns, covenant with the Grantee, and its successors and assigns, he or she is well seized of the above described premises as a good and indefeasible estate in FEE SIMPLE, as evidenced by deed of record found in Volume 15036 Page 457 of the records of the Cuyahoga County Recorder and has a good right to bargain and grant the same in manner and form as above written, and that s/he will WARRANT AND DEFEND SAID PREMISES with the appurtenances thereto belonging to the Grantee, its successors and assigns against all lawful claims and demands whatsoever for the purposes herein described.

It is agreed that whenever a party is named in this instrument there shall be intended and included, in each case, that party, his or her heirs, administrators, successors and/or assigns.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at PARMA H.T.C., Ohio, this 4A day of NOVEMBER, 2015.

Witnesses:

Grantor(s)

Printed Name



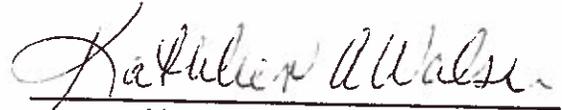
Mohammad Alam

Whip Restaurant Enterprises, Inc.

Whip Storm Easement
State of Ohio)ss:
County of Cuyahoga)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Mohammad Alam, who acknowledges that he did sign the foregoing instrument and that the same is, his free act and deed.

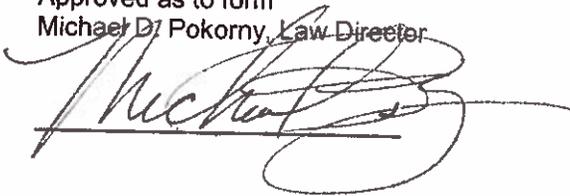
IN TESTIMONY WHEREOF, I have hereunto subscribe my name at PARMA HEIGHTS
Ohio, this 4th day of NOVEMBER, 2015.



Notary Public

This instrument prepared by:
City of Parma Heights Engineer

Approved as to form
Michael D. Pokorny, Law Director





KATHLEEN A. WALSH
Notary Public, State of Ohio
My Commission Expires
April 8, 2018

Approved and accepted by the Council of the City of Parma Heights, Ohio

Ordinance No. 2015- , Passed November, 2015.