

AUTHORIZING THE CREATION AND ACCEPTANCE OF DRAINAGE EASEMENTS
AT 590 PERRY ROAD, 609 PERRY ROAD, 629 PERRY ROAD, AND 944 S. MUNROE
ROAD AND PROVIDING FOR IMMEDIATE ENACTMENT

WHEREAS, there has been storm water drainage concerns over the years in the area of Perry Road and South Munroe Road; and

WHEREAS, private property owners have agreed to give the City of Tallmadge access and/or drainage easements on private property to aid in the improvement of storm water maintenance; and

WHEREAS, it is in the best interest of the citizens to create and accept an access easement at 590 Perry Road, 609 Perry Road, 629 Perry Road, and 944 S. Munroe Road.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1. That the access easement for 590 Perry Road is more fully described below:

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the northeasterly corner of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment), also being the southeasterly corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment), said point also being on the centerline of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54;

Thence along the easterly line of said 2.679 acre parcel South 19°15'30" West, 26.40 feet to the southerly right-of-way of said Perry Road, said point also being the northwesterly corner of a 0.773 acre parcel conveyed to Seth R. Bills recorded 6/13/2019 as document #56469955 (unrecorded Sublot 34-Six Points Acres Allotment), and the TRUE POINT OF BEGINNING.

Thence, along the common line between said 2.679 acre parcel and said 0.773 acre parcel South 19°15'30' West, 31.68 feet; thence North 89°30'00" West, 9.81 feet; thence North 00°30'00" East, 30.00 feet to said northerly right-of-way of Perry Road; thence along said right-of-way South 89°30'00" East, 20.00 feet to the TRUE POINT OF BEGINNING.

Containing 447 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, North 89°30'00" West as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 30' x 30' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

SECTION 2. That the drainage easement for 609 Perry Road is more fully described below:

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the southeasterly corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment),

said point also being on the centerline of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being the northeasterly corner of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment);

Thence along the easterly line of said 1.363 acre parcel North 19°15'30" East, 26.40 feet to the northerly right-of-way of said Perry Road, said point also being the southwesterly corner of a 0.443 acre parcel conveyed to Sara Skidmore recorded 3/12/2020 as document #56531788, and the TRUE POINT OF BEGINNING.

Thence, along the common line between said 1.363 acre parcel and said 0.443 acre parcel North 00°25'20" East, 15.00 feet; thence North 89°30'00" West, 15.98 feet; thence South 00°30'00" West, 15.00 feet to said northerly right-of-way of Perry Road; thence along said right-of-way South 89°30'00" East, 16.00 feet to the TRUE POINT OF BEGINNING.

Containing 240 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, North 89°30'00" West as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 15' x 40' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

SECTION 3. That the drainage easement for 629 Perry Road is more fully described below:

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the southwesterly corner of a 0.443 acre parcel conveyed to Sara Skidmore recorded 3/12/2020 as document #56531788, said point also being on the northerly right-of-way of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being a corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment);

Thence, along the common line between said 1.363 acre parcel and said 0.443 acre parcel North 00°25'20" East, 15.00 feet; thence South 89°30'00" East, 24.02 feet; thence South 00°30'00" West, 15.00 feet to said northerly right-of-way of Perry Road; thence along said right-of-way North 89°30'00" West, 24.00 feet to the POINT OF BEGINNING.

Containing 360 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, North 89°30'00" West as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 15' x 40' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

SECTION 4. That the drainage easement for 944 S. Munroe Road is more fully described below:

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the northwesterly corner of a 0.773 acre parcel conveyed to Seth R. Bills recorded 6/13/2019 as document #56469955 (unrecorded Sublot 34 -Six Points Acres Allotment), said point also being on the southerly right-of-way of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being on the easterly line of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment);

Thence, along the common line between said 2.679 acre parcel and said 0.773 acre parcel South 19°15'30" West, 31.68 feet; thence South 89°30'00" East, 20.19 feet; thence North 00°30'00" East, 30.00 feet to said southerly right-of-way of Perry Road; thence along said right-of-way North 89°30'00" West, 10.00 feet to the POINT OF BEGINNING.

Containing 453 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, North 89°30'00" West as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 30' x 30' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

SECTION 5. That the Mayor is hereby authorized to execute all necessary documents associated with the creation and acceptance of the access and drainage easements as outlined in Sections 1 through 4, attached and incorporated herein as Exhibit A.

SECTION 6. That all costs associated with the creation, recording and acceptance of this easement shall be paid by the City of Tallmadge.

SECTION 7. 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 of any of its committees on or after November 28, 1975 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8. That this ordinance is necessary to provide for and to accomplish the purposes herein set forth, which are conducive to the health, safety, and welfare of the citizens of Tallmadge. For that reason, provided this ordinance shall receive the affirmative vote of three-fourths of the members of Council and approval by the Mayor, it shall be enacted immediately and shall be of immediate effect.

Passed: _____

Susan Burton, Clerk of Council

MER/jt

9/9/24

Filed with the Mayor _____

Adam Bozic, President of Council

Approved:

Carol A. Kilway, Mayor

This _____ day of _____, 2024

Committee Assignment: _____

Readings: 1st _____ 2d _____ 3d _____

For: _____ Against: _____ Abstain: _____

Note: _____

2024-60
Exhibit A

DRAINAGE EASEMENT AGREEMENT

1. PARTIES:

Lawrence M. Klusty, and Sandra L. Klusty, 590 Perry Road, Tallmadge, Ohio 44278, are hereinafter referred to as "Grantor". City of Tallmadge, an Ohio Municipal Corporation, 46 North Avenue, Tallmadge, OH 44278, is hereinafter referred to as "Grantee".

2. AFFECTED PROPERTY:

Grantor is currently the owner of the following described real property (property) located at 590 Perry Road, Tallmadge, Summit County, Ohio:

As shown on the attached legal description of property in EXHIBIT "A", incorporated herein.

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a Storm Drainage Utility Easement, Exhibit "B", incorporated herein for a portion of Grantor's property as shown in the Perry Road Culvert Drainage Easement Plat attached as EXHIBIT "C", which are incorporated herein.

4. STATEMENT OF PURPOSE:

The easement described above shall be for storm drainage and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, testing, maintaining, and replacing the existing storm drainage.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, maintain, operate and access the storm drainage and all related facilities within the easement. Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Easement shall remain unobstructed and shall be free of permanent structures. Prohibited uses shall consist of, but are not limited to, buildings, structures, or excavation. Grantor shall not permit any other utilities to be located in the easement without the written consent of Grantee. The easement shall perpetually encumber the property.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of storm drainage equipment and facilities located within the easement. Grantee shall not permanently store nor stockpile any debris within the

By: _____
Sandra L. Klusty

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Sandra L. Klusty, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

March 17, 2026
My Commission expires:

GRANTEE:

By: _____
Carol A. Kilway, Mayor, City of Tallmadge

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Carol A. Kilway, Mayor of the City of Tallmadge who acknowledged that her did sign the foregoing instrument and that the same is her free act and deed, and accepted the easement on behalf of the City of Tallmadge in accordance with Ordinance _____

_____.
In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

AFTER RECORDING RETURN TO:
City of Tallmadge
46 North Avenue
Tallmadge, OH 44278
Prepared by: Megan E. Raber, Director of Law

EXHIBIT A

And known as being a part of original Lot Number Four (4), Tract Number Fifteen (15) and also known as Lot Numbers Thirty-six (36) and Thirty-seven (37) of Richard Park Estates (unrecorded), further bounded and described as follows, to-wit:

Beginning at the point of intersection of the center lines of the East Akron-Brimfield Road, now known as Newton Street, and the Mogadore Munroe Falls Road, now known as S. Munroe Road;

Thence North deg. 42' East, along the center line of said Mogadore-Munroe Falls Road, now known as S. Munroe Road, a distance of 980.10 feet to a point in the center line of proposed Perry Road;

Thence North 89 deg. 30' West, along the center line of said proposed Perry Road and parallel to the center line of said East Akron-Brimfield Road, now known as Newton Street, a distance of 296.82 feet to a point and the true place of beginning of the land herein described;

Thence continuing North 89 deg. 30' West along the center line of said proposed Perry Road, a distance of 280.13 feet to a point;

Thence South 0 deg. 30' West, along a line of right angles to the center line of said East Akron-Brimfield Road, now known as Newton Street; a distance of 544.50 feet to a point;

Thence South 89 deg. 30' East, along a line parallel to the center line of said East Akron-Brimfield Road, now known as Newton Street, a distance of 200 feet to a point;

Thence North 0 deg. 30' East, along a line at right angles to the center line of said East Akron-Brimfield Road, now known as Newton Street, a distance of 408.45 feet to a point;

Thence South 88 deg. 59' East 33.95 feet to a point; in the Southwest corner of premises conveyed to T.H. Shilliday by deed dated August 21, 1935, and recorded in Volume 1636, Page 21 Summit County Records of Deed;

Thence North 19 deg. 15' 30" East along the Westerly line of said T.H. Shilliday tract as set forth in deed recorded in Volume 1636, Page 21, Summit County Records of Deeds a distance of 143.25 feet to the true place of beginning and containing 3.7 acres of land as surveyed by W.S. Mathews in December, 1935.

Reserving a strip of land Twenty-five (25) feet wide off the north side of these lots for road purposes, same to form a part of the south half of proposed Perry Road.

Subject to the conditions, reservations, restrictions, limitations, and rights-of-ways if any of record.

AKA: 590 Perry Road, Tallmadge, OH 44278

PPN: 6003068

Routing No.: TA0003707027000

EXHIBIT "B"
PERRY ROAD CULVERT DRAINAGE EASEMENT #3
LEGAL DESCRIPTION for
447 SF KLUSTY DRAINAGE EASEMENT

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the northeasterly corner of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment), also being the southeasterly corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment), said point also being on the centerline of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54;

Thence along the easterly line of said 2.679 acre parcel **South 19°15'30" West, 26.40 feet** to the southerly right-of-way of said Perry Road, said point also being the northwesterly corner of a 0.773 acre parcel conveyed to Seth R. Bills recorded 6/13/2019 as document #56469955 (unrecorded Sublot 34-Six Points Acres Allotment), and the **TRUE POINT OF BEGINNING**.

Thence, along the common line between said 2.679 acre parcel and said 0.773 acre parcel **South 19°15'30' West, 31.68 feet**; thence **North 89°30'00" West, 9.81 feet**; thence **North 00°30'00" East, 30.00 feet** to said northerly right-of-way of Perry Road; thence along said right-of-way **South 89°30'00" East, 20.00 feet** to the **TRUE POINT OF BEGINNING**.

Containing 447 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, **North 89°30'00" West** as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 30' x 30' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

HALMBACHER ENGINEERING

Glenn Halmbacher

Digitally signed by Glenn Halmbacher
DN: cn=Glenn Halmbacher, o=Halmbacher
Engineering, ou, email=glennhalm@aol.com,
c=US
Date: 2024.08.28 17:05:49 -04'00'

Glenn Halmbacher, PE, PS
Registered Surveyor #S-7658

Date

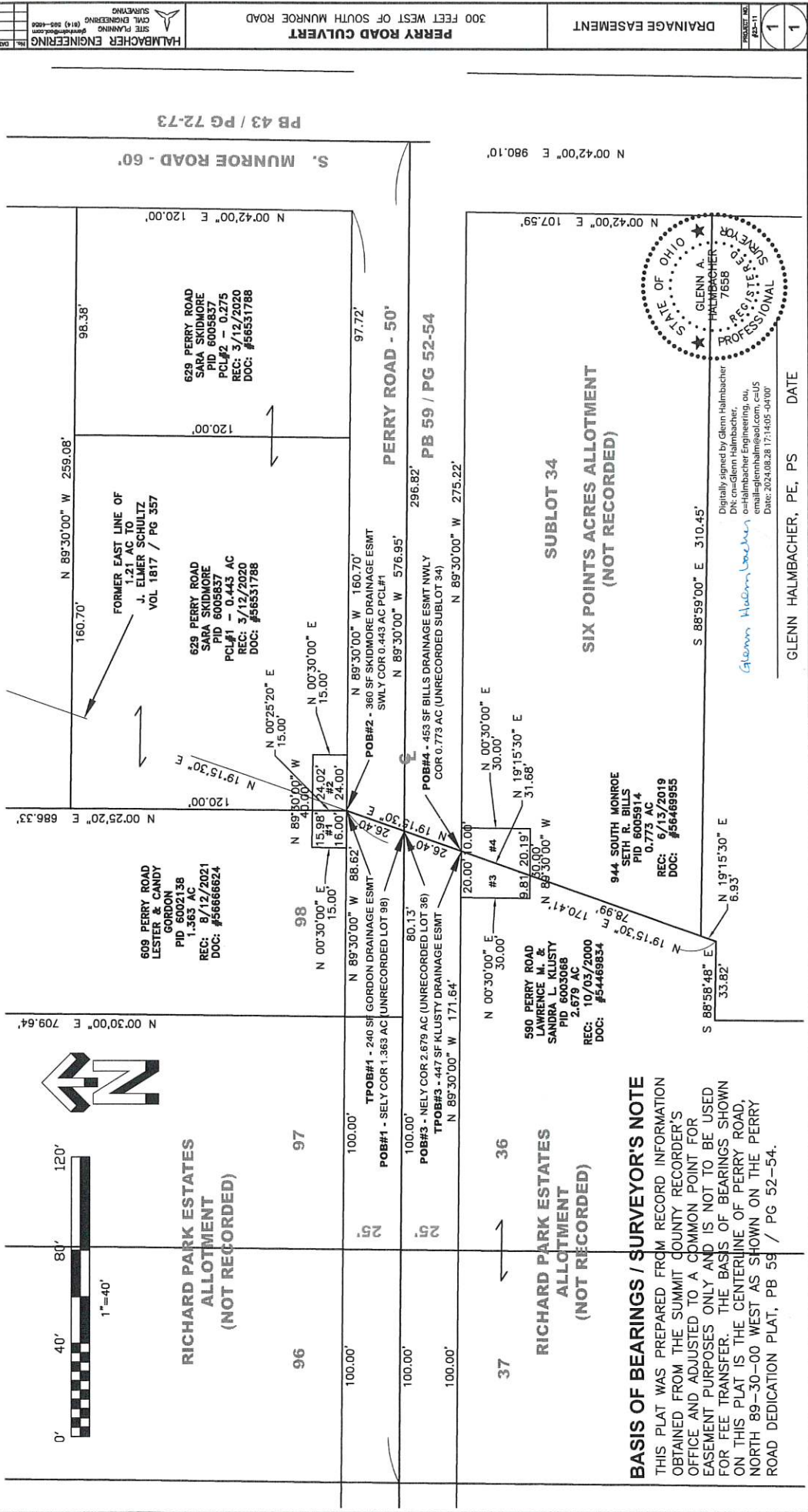


REFERENCE DEEDS & PLATS

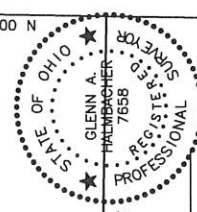
DEED TO LESTER & CANDY GORDON - 1.363 AC REC: 8/12/2021 DOC: #56666624
 DEED TO LAWRENCE M. & SANDRA L. KLUSTY - 2.679 AC REC: 10/03/2000 DOC: #54469834.
 DEED TO SETH R. BILLS - 0.773 AC REC: 6/13/2019 DOC: #56469955.
 DEED TO SARA SKIDMORE 0.443 AC PCL#1 & 0.275 AC PCL#2 REC: 3/12/2020 DOC: #56531788.
 PERRY ROAD DEDICATION PLAT PB 59 / PG 52-54.
 RICHARD PARK ESTATES ALLOTMENT (NOT RECORDED).
 SIX POINTS ACRES ALLOTMENT (NOT RECORDED).

**EXHIBIT "C"
 PERRY ROAD CULVERT
 DRAINAGE EASEMENT PLAT**

SITUATED IN THE CITY OF TALLMADGE, SUMMIT COUNTY, OHIO.
 BEING A PART OF ORIGINAL LOT NUMBER FOUR (4) TRACT
 NUMBER FIFTEEN (15) FORMERLY TALLMADGE TOWNSHIP.



BASIS OF BEARINGS / SURVEYOR'S NOTE
 THIS PLAT WAS PREPARED FROM RECORD INFORMATION OBTAINED FROM THE SUMMIT COUNTY RECORDER'S OFFICE AND ADJUSTED TO A COMMON POINT FOR EASEMENT PURPOSES ONLY AND IS NOT TO BE USED FOR FEE TRANSFER. THE BASIS OF BEARINGS SHOWN ON THIS PLAT IS THE CENTERLINE OF PERRY ROAD, NORTH 89-30-00 WEST AS SHOWN ON THE PERRY ROAD DEDICATION PLAT, PB 59 / PG 52-54.



Digitally signed by Glenn Halmbacher
 DN: cn=Glenn Halmbacher,
 o=Halmbacher Engineering, ou,
 email=glennhalmb@aol.com, c=US
 Date: 2024.08.28 17:14:05 -0400

GLENN HALMBACHER, PE, PS DATE

DRAINAGE EASEMENT AGREEMENT

1. PARTIES:

Lester E. Gordon and Candy L. Gordon, 609 Perry Road, Tallmadge, Ohio 44278, are hereinafter referred to as "Grantor". City of Tallmadge, an Ohio Municipal Corporation, 46 North Avenue, Tallmadge, OH 44278, is hereinafter referred to as "Grantee".

2. AFFECTED PROPERTY:

Grantor is currently the owner of the following described real property (property) located at 609 Perry Road, Tallmadge, Summit County, Ohio:

As shown on the attached legal description of property in EXHIBIT "A", incorporated herein.

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a Storm Drainage Utility Easement EXHIBIT "B", incorporated herein, for a portion of Grantor's property as shown in the Perry Road Culvert Drainage Easement Plat attached as EXHIBIT "C", which are incorporated herein.

4. STATEMENT OF PURPOSE:

The easement described above shall be for storm drainage and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, testing, maintaining, and replacing the existing storm drainage.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, maintain, operate and access the storm drainage and all related facilities within the easement. Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Easement shall remain unobstructed and shall be free of permanent structures. Prohibited uses shall consist of, but are not limited to, buildings, structures, or excavation. Grantor shall not permit any other utilities to be located in the easement without the written consent of Grantee. The easement shall perpetually encumber the property.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of storm drainage equipment and facilities located within the easement. Grantee shall not permanently store nor stockpile any debris within the

easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of the property.

7. RELEASE:

The Grantee does hereby agree to release from liability Grantor, its successors and assigns, from any claim of liability or any other claim involving the storm drainage utilities or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth herein.

8. REMEDIES:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

9. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

10. ATTORNEY FEE:

In case suit or action is instituted in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

DATED this _____ day of _____, 2024.

GRANTOR:

By: _____
Lester E. Gordon

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Lester E. Gordon, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

By: _____
Candy L. Gordon

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Candy L. Gordon, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

March 17, 2026
My Commission expires:

GRANTEE:

By: _____
Carol A. Kilway, Mayor, City of Tallmadge

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Carol A. Kilway, Mayor of the City of Tallmadge who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed, and accepted the easement on behalf of the City of Tallmadge in accordance with Ordinance _____.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

AFTER RECORDING RETURN TO:
City of Tallmadge
46 North Avenue
Tallmadge, OH 44278
Prepared by: Megan E. Raber, Director of Law

EXHIBIT A

Situated in the City of Tallmadge, County of Summit and State of Ohio: And known as being part of Original Lot Number Four (4) Tract Number Fifteen (15) formerly Tallmadge Township and also known as Lot Number Ninety-Eight (98) of Richard Park Estates (unrecorded), further bounded and described as follows, to-wit:

Beginning at the point of intersection of the center lines of East Akron-Brimfield Road and the Mogadore-Munroe Falls Road;

Thence North 0 deg. 42' East, along the center line of said Mogadore-Munroe Falls Road, a distance 980.10 feet to a point in the center line of proposed Perry Road;

Thence North 89 deg. 30' West, along the center line of said proposed Perry Road and parallel to the center line of said east Akron-Brimfield Road, a distance of 376.95 feet to a point and the true place of beginning of the land herein described;

Thence North 0 deg. 30' East at right angles to the center line of the said proposed Perry Road, a distance of 709.64 feet to a point;

Thence North 89 deg. 52' East a distance of 83.30 feet to a point in the Northwest corner of premises deeded to J. Elmer Schultz by deed recorded in Volume 1817, Page 357 Summit County Records;

Thence South 0 deg. 25' 20" West along the Westerly line of said Schultz tract 686.33 feet to a point;

Thence South 19 deg. 15' 30" West about 25 feet to a point in the center line of proposed Perry Road;

Thence North 89 deg. 30' West along the center line of said proposed Perry Road a distance of 80.13 feet to the true place of beginning and containing about 1.32 acres, intending to convey hereby the entire Lot Number 98 in the proposed Richard Park Estates Allotment excepting therefrom the 1.21-acre tract heretofore conveyed to J. Elmer Schultz by deed recorded in Volume 1817, Page 357, Summit County Records.

Reserving a strip of land twenty-five (25) feet wide off the South side of this lot for road purposes, same to form a part of the North half of proposed Perry Road.

AKA: 609 Perry Road, Tallmadge, OH 44278

PPN: 6002138

Routing No: TA-00033-02-072.000

EXHIBIT "B"
PERRY ROAD CULVERT DRAINAGE EASEMENT #1
LEGAL DESCRIPTION for
240 SF GORDON DRAINAGE EASEMENT

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the southeasterly corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment), said point also being on the centerline of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being the northeasterly corner of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment);

Thence along the easterly line of said 1.363 acre parcel **North 19°15'30" East, 26.40 feet** to the northerly right-of-way of said Perry Road, said point also being the southwesterly corner of a 0.443 acre parcel conveyed to Sara Skidmore recorded 3/12/2020 as document #56531788, and the **TRUE POINT OF BEGINNING**.

Thence, along the common line between said 1.363 acre parcel and said 0.443 acre parcel **North 00°25'20" East, 15.00 feet**; thence **North 89°30'00" West, 15.98 feet**; thence **South 00°30'00" West, 15.00 feet** to said northerly right-of-way of Perry Road; thence along said right-of-way **South 89°30'00" East, 16.00 feet** to the **TRUE POINT OF BEGINNING**.

Containing 240 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, **North 89°30'00" West** as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 15' x 40' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

HALMBACHER ENGINEERING

Glenn Halmbacher

Digitally signed by Glenn Halmbacher
DN: cn=Glenn Halmbacher, o=Halmbacher
Engineering, ou,
email=glennhalm@aol.com, c=US
Date: 2024.08.28 17:02:20 -04'00'

Glenn Halmbacher, PE, PS
Registered Surveyor #S-7658

Date

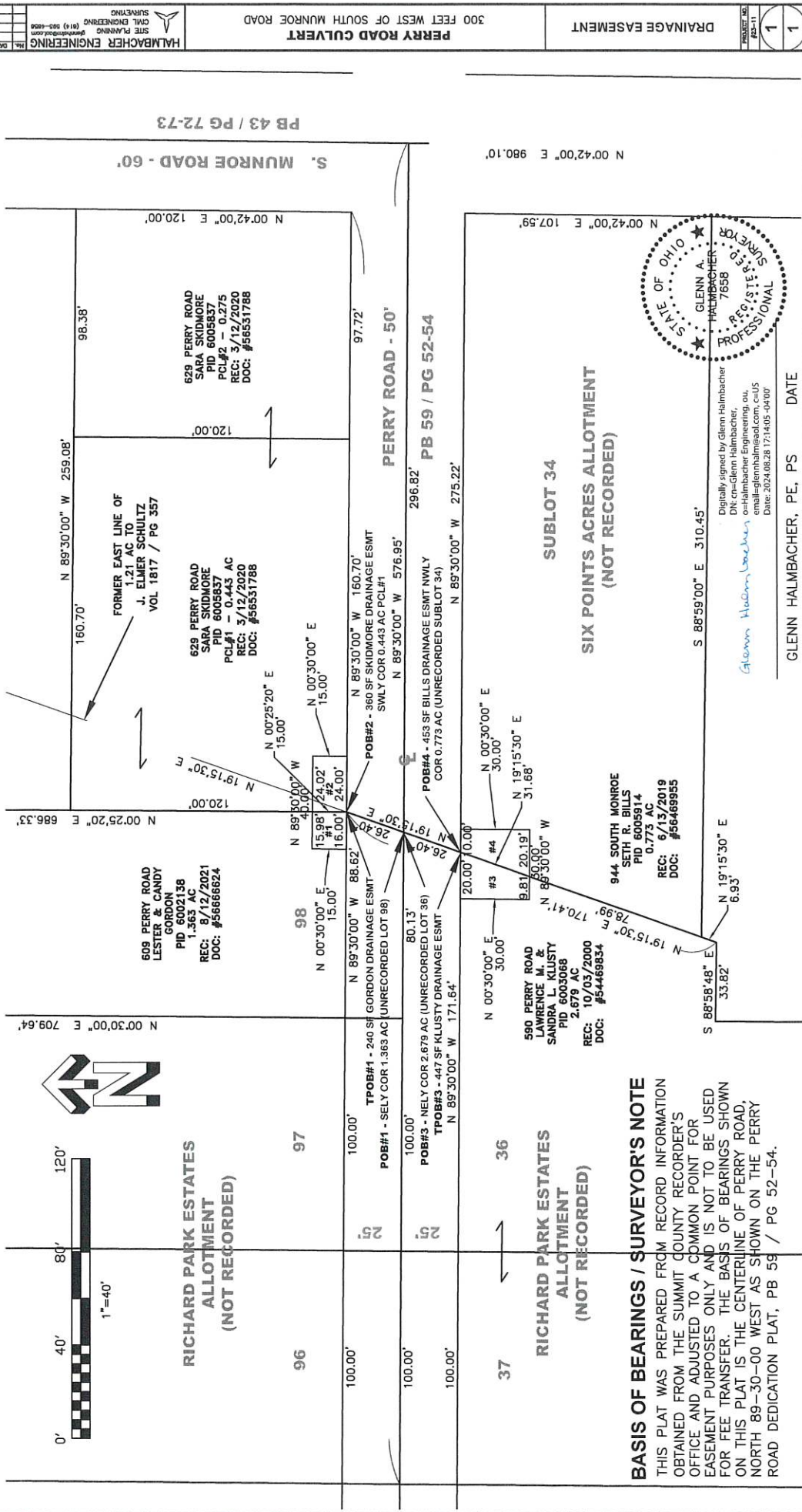


REFERENCE DEEDS & PLATS

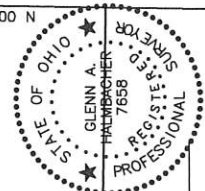
DEED TO LESTER & CANDY GORDON - 1.363 AC REC: 8/12/2021 DOC: #56666624
 DEED TO LAWRENCE M. & SANDRA L. KLUSTY - 2.679 AC REC: 10/03/2000 DOC: #54469834.
 DEED TO SETH R. BILLS - 0.773 AC REC: 6/13/2019 DOC: #56469955.
 DEED TO SARA SKIDMORE 0.443 AC PCL#1 & 0.275 AC PCL#2 REC: 3/12/2020 DOC: #56531788.
 PERRY ROAD DEDICATION PLAT PB 59 / PG 52-54.
 RICHARD PARK ESTATES ALLOTMENT (NOT RECORDED).
 SIX POINTS ACRES ALLOTMENT (NOT RECORDED).

**EXHIBIT "C"
 PERRY ROAD CULVERT
 DRAINAGE EASEMENT PLAT**

SITUATED IN THE CITY OF TALLMADGE, SUMMIT COUNTY, OHIO.
 BEING A PART OF ORIGINAL LOT NUMBER FOUR (4) TRACT
 NUMBER FIFTEEN (15) FORMERLY TALLMADGE TOWNSHIP.



BASIS OF BEARINGS / SURVEYOR'S NOTE
 THIS PLAT WAS PREPARED FROM RECORD INFORMATION OBTAINED FROM THE SUMMIT COUNTY RECORDER'S OFFICE AND ADJUSTED TO A COMMON POINT FOR EASEMENT PURPOSES ONLY AND IS NOT TO BE USED FOR FEE TRANSFER. THE BASIS OF BEARINGS SHOWN ON THIS PLAT IS THE CENTERLINE OF PERRY ROAD, NORTH 89-30-00 WEST AS SHOWN ON THE PERRY ROAD DEDICATION PLAT, PB 59 / PG 52-54.



Digitally signed by Glenn Halmbacher
 DN: cn=Glenn Halmbacher,
 o=Halmbacher Engineering, ou,
 email=glennhalmba@aol.com, c=US
 Date: 2024.08.28 17:14:05 -0400

GLENN HALMBACHER, PE, PS DATE

DRAINAGE EASEMENT AGREEMENT

1. PARTIES:

Sara D. Skidmore, 629 Perry Road, Tallmadge, Ohio 44278, is hereinafter referred to as "Grantor". City of Tallmadge, an Ohio Municipal Corporation, 46 North Avenue, Tallmadge, OH 44278, is hereinafter referred to as "Grantee".

2. AFFECTED PROPERTY:

Grantor is currently the owner of the following described real property (property) located at 629 Perry Road, Tallmadge, Summit County, Ohio.

As shown on the attached legal description of property in EXHIBIT "A", incorporated herein.

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a Storm Drainage Utility Easement EXHIBIT "B" incorporated herein, for a portion of Grantor's property as shown in the Perry Road Culvert Drainage Easement Plat attached as EXHIBIT "C", which are incorporated herein.

4. STATEMENT OF PURPOSE:

The easement described above shall be for storm drainage and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, testing, maintaining, and replacing the existing storm drainage.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, maintain, operate and access the storm drainage and all related facilities within the easement. Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Easement shall remain unobstructed and shall be free of permanent structures. Prohibited uses shall consist of, but are not limited to, buildings, structures, or excavation. Grantor shall not permit any other utilities to be located in the easement without the written consent of Grantee. The easement shall perpetually encumber the property.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of storm drainage equipment and facilities located within the easement. Grantee shall not permanently store nor stockpile any debris within the

easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of the property.

7. RELEASE:

The Grantee does hereby agree to release from liability Grantor, its successors and assigns, from any claim of liability or any other claim involving the storm drainage utilities or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth herein.

8. REMEDIES:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

9. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

10. ATTORNEY FEE:

In case suit or action is instituted in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

DATED this _____ day of _____, 2024.

GRANTOR:

By: _____
Sara D. Skidmore

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Sara D. Skidmore, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

GRANTEE:

By: _____
Carol A. Kilway, Mayor, City of Tallmadge

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Carol A. Kilway, Mayor of the City of Tallmadge who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed, and accepted the easement on behalf of the City of Tallmadge in accordance with Ordinance _____.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

AFTER RECORDING RETURN TO:
City of Tallmadge
46 North Avenue
Tallmadge, OH 44278
Prepared by: Megan E. Raber, Director of Law

EXHIBIT A

FIRST PARCEL

Situated in the City of Tallmadge, County of Summit and State of Ohio, and described as follows, to-wit:

Known as being a part of Lot No. 4, Trace 15, of formerly Tallmadge Township, and bounded and described as follows:

Beginning at an iron stake set on the north line of Perry Avenue, (a 50 foot road-way), said stake being North 89° 35' West 100 feet distant from an iron stake set at the northwest corner of Pen-y Avenue and the Mogadore-Munroe Falls Road; thence N. 89° 35' West along the north line of Pen-y Avenue, distance of 160.70 feet to an iron stake; thence north 0° 25' East 120 feet to an iron stake; thence south 89° 35' East 160.70 feet to an iron stake; thence south 0° 25' West 120 feet to an iron stake set on the north line of Perry Avenue and the place of beginning and containing within said boundaries .443 of an acre of land.

SECOND PARCEL

Situated in the City of Tallmadge, County of Summit and State of Ohio, and known as being a part of Lot No. 4, Tract 15, formerly Tallmadge Township, and bounded and described as follows:

Beginning at an iron stake set at the intersection of the west line of the Mogadore-Munroe Falls Road (a 60 foot roadway) and the north line of Perry Avenue, (a 50 foot roadway); thence north 89° 35' West along the north line of Perry Avenue a distance of 100 feet to an iron stake; thence north 0° 25' East a distance of 120 feet to an iron stake; thence south 89° 35' East 100 feet to an iron stake set on the west line of the Mogadore-Munroe Falls Road; thence south 0° 25' West along the west line of said road, a distance of 120 feet to an iron stake and the place of beginning and containing within said boundaries .275 acre of land.

Also known as 629 Perry Road, Tallmadge, Ohio 44278

Routing #TA0003302001000

Parcel #60-05837

EXHIBIT "B"
PERRY ROAD CULVERT DRAINAGE EASEMENT #2
LEGAL DESCRIPTION for
360 SF SKIDMORE DRAINAGE EASEMENT

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the southwesterly corner of a 0.443 acre parcel conveyed to Sara Skidmore recorded 3/12/2020 as document #56531788, said point also being on the northerly right-of-way of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being a corner of a 1.363 acre parcel conveyed to Lester & Candy Gordon recorded 8/12/2021 as document #56666624 (unrecorded Lot 98 -Richard Park Estates Allotment);

Thence, along the common line between said 1.363 acre parcel and said 0.443 acre parcel **North 00°25'20" East, 15.00 feet**; thence **South 89°30'00" East, 24.02 feet**; thence **South 00°30'00" West, 15.00 feet** to said northerly right-of-way of Perry Road; thence along said right-of-way **North 89°30'00" West, 24.00 feet** to the **POINT OF BEGINNING**.

Containing 360 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, **North 89°30'00" West** as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 15' x 40' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

HALMBACHER ENGINEERING

Glenn Halmbacher

Digitally signed by Glenn Halmbacher
DN: cn=Glenn Halmbacher, o=Halmbacher
Engineering, ou,
email=glennhalm@aol.com, c=US
Date: 2024.08.28 17:04:26 -04'00'

Glenn Halmbacher, PE, PS
Registered Surveyor #S-7658

Date



DRAINAGE EASEMENT AGREEMENT

1. PARTIES:

Seth R. Bills, 944 South Munroe Road, Tallmadge, Ohio 44278, is hereinafter referred to as "Grantor". City of Tallmadge, an Ohio Municipal Corporation, 46 North Avenue, Tallmadge, OH 44278, is hereinafter referred to as "Grantee".

2. AFFECTED PROPERTY:

Grantor is currently the owner of the following described real property (property) located at 944 South Munroe Road, Tallmadge, Summit County, Ohio:

As shown on the attached legal description of property in EXHIBIT "A", incorporated herein.

3. GRANT OF EASEMENT:

Grantor does hereby grant unto the Grantee, its successors and assigns, and Grantee hereby accepts, a Storm Drainage Utility Easement EXHIBIT "B", incorporated herein, for a portion of Grantor's property as shown in the Perry Road Culvert Drainage Easement Plat attached as EXHIBIT "C", which are incorporated herein.

4. STATEMENT OF PURPOSE:

The easement described above shall be for storm drainage and for unrestricted ingress and egress to Grantor's property for the purpose of installing, repairing, testing, maintaining, and replacing the existing storm drainage.

5. TYPE OF EASEMENT:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, maintain, operate and access the storm drainage and all related facilities within the easement. Grantor may use the surface of the easement provided such use does not interfere with Grantee's rights contained in this easement. Easement shall remain unobstructed and shall be free of permanent structures. Prohibited uses shall consist of, but are not limited to, buildings, structures, or excavation. Grantor shall not permit any other utilities to be located in the easement without the written consent of Grantee. The easement shall perpetually encumber the property.

6. MAINTENANCE:

Grantee shall be responsible for the maintenance of storm drainage equipment and facilities located within the easement. Grantee shall not permanently store nor stockpile any debris within the

easement. Grantee's use of the easement shall not unreasonably interfere with Grantor's use of the property.

7. RELEASE:

The Grantee does hereby agree to release from liability Grantor, its successors and assigns, from any claim of liability or any other claim involving the storm drainage utilities or arising out of the Grantee's use of the easement described above, unless caused by Grantor's negligent or willful conduct or Grantor's failure to fulfill its maintenance obligations as set forth herein.

8. REMEDIES:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

9. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

10. ATTORNEY FEE:

In case suit or action is instituted in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

DATED this _____ day of _____, 2024.

GRANTOR:

By: _____
Seth R. Bills

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Seth R. Bills, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

GRANTEE:

By: _____
Carol A. Kilway, Mayor, City of Tallmadge

State of Ohio)
)ss.
County of Summit)

Before me, a notary public in and for said County, personally appeared Carol A. Kilway, Mayor of the City of Tallmadge who acknowledged that her did sign the foregoing instrument and that the same is her free act and deed, and accepted the easement on behalf of the City of Tallmadge in accordance with Ordinance _____.

In testimony whereof I have hereunto set my hand and official seal, this _____ day of _____, 2024.

By: _____
Notary Public

My Commission expires:

AFTER RECORDING RETURN TO:
City of Tallmadge
46 North Avenue
Tallmadge, OH 44278
Prepared by: Megan E. Raber, Director of Law

EXHIBIT A

Situated in the City of Tallmadge, County of Summit and State of Ohio: And known as being a part of Lot No. 4, Tract 15 of said Township, further bounded and described as follows:

Beginning at the northeast corner of Lot No. 2, Tract 15 and running Thence South 1 deg. 35' 20" West, a distance of 2413.32 feet on the east line of lot 2 and the east line of said Lot 4;

Thence North 89 deg. 43' 10" West, a distance of 123.05 feet to a stone monument;

Thence South 0 deg. 25' 20" West, a distance of 737.94 feet to the place of beginning for the land herein described and running Thence South 0 deg. 25' 20" West, a distance of 107.66 feet;

Thence North 88 deg. 59' West, a distance of 317.93 feet;

Thence North 19 deg. 15' 30" East, a distance of 110.67 feet;

Thence South 89 deg. 30' East, a distance of 282.19 feet on the south line of a proposed road, to the place of beginning, containing 0.7325 of an acre, more or less, but subject to all legal highways.

The above described premises are also known as Sublot No. 34 in Six Point Acres Allotment (unrecorded).

Subject to easements and restrictions of record, if any.

AKA: 944 South Munroe Road, Tallmadge, OH 44728

PPN: 6005914 Routing No.: TA0003707026000

EXHIBIT "B"
PERRY ROAD CULVERT DRAINAGE EASEMENT #4
LEGAL DESCRIPTION for
453 SF BILLS DRAINAGE EASEMENT

SITUATED in the City of Tallmadge, Summit County, Ohio. Being a part of original lot number four (4) tract number fifteen (15) formerly Tallmadge Township, being more particularly described as follows:

BEGINNING at the northwesterly corner of a 0.773 acre parcel conveyed to Seth R. Bills recorded 6/13/2019 as document #56469955 (unrecorded Sublot 34 -Six Points Acres Allotment), said point also being on the southerly right-of-way of Perry Road as shown on the Perry Road dedication plat, PB 59 / PG 52-54, also being on the easterly line of a 2.679 acre parcel conveyed to Lawrence M. & Sandra L. Klusty 10/03/2000 as document #54469834 (unrecorded Lots 36 & 37 -Richard Park Estates Allotment);

Thence, along the common line between said 2.679 acre parcel and said 0.773 acre parcel **South 19°15'30" West, 31.68 feet**; thence **South 89°30'00" East, 20.19 feet**; thence **North 00°30'00" East, 30.00 feet** to said southerly right-of-way of Perry Road; thence along said right-of-way **North 89°30'00" West, 10.00 feet** to the **POINT OF BEGINNING**.

Containing 453 sf of land, more or less, subject to all legal highways and easements of record.

The basis of bearings is the centerline of aforementioned Perry Road, **North 89°30'00" West** as shown on the Perry Road dedication plat, PB 59 / PG 52-54. This description and associated plat was prepared from record information obtained from the Summit County Recorder's Office and adjusted to common points of beginning for easement purposes only and is not to be used for fee transfer. No field survey was performed. The surveyor's intent is to create a contiguous 30' x 30' drainage easement, adjacent to the Perry Road right-of-way over the Perry Road Culvert, as installed.

HALMBACHER ENGINEERING

Glenn Halmbacher

Digitally signed by Glenn Halmbacher
DN: cn=Glenn Halmbacher,
o=Halmbacher Engineering, ou,
email=glennhalm@aol.com, c=US
Date: 2024.08.28 17:07:40 -04'00'

Glenn Halmbacher, PE, PS
Registered Surveyor #S-7658

Date



