

RESOLUTION NO.: 2007-R77 (Amended November 27, 2007)
(Amended December 11, 2007)

SPONSOR: MAYOR CROGHAN
INTRODUCED: NOVEMBER 13, 2007

ASSIGNED TO: PLANNING

A RESOLUTION ACCEPTING THE PLAT OF ESTABLISHMENT AND DEDICATION OF FORTUNA DRIVE; ACCEPTING UTILITY EASEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, at its regularly scheduled meeting on October 17, 2007, the City of Green Planning and Zoning Commission approved the Plat of Establishment and Dedication of Fortuna Drive by a vote of 4-0 ~~3-1~~ 3-0 (1 *ABSTENTION*); and

WHEREAS, the plat includes two easements for utility purposes; and

WHEREAS, Green's Codified Ordinances require City Council to confirm the final plat.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

Green City Council, pursuant to §1244.05 of the Codified Ordinances of Green, confirms the Plat of Establishment and Dedication of Fortuna Drive and two utility easements attached as Exhibit "A".

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: December 11, 2007

Molly Stevens
Molly Stevens, Clerk

Bruce Manwaring
Bruce Manwaring,
Council President

APPROVED: December 11, 2007

Daniel L. Croghan
Daniel L. Croghan, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: December 11, 2007

ON ROLL CALL: Colopy - YEA Croce - YEA France - YEA Manwaring - YEA
Padrutt - YEA Ridgeway - YEA Smole - YEA Adopted 7-0

Suburbanite publication on December 17 and December 24, 2007

Molly Stevens
Molly Stevens, Clerk

12/5/2007 9:15 AM Approved as to form and content by Stephen J. Pruneski, Law Director

SP 12/6/07

UTILITY EASEMENT

The City of Green, Summit County, Ohio, the GRANTOR, for One Dollar (\$1.00) and other good and valuable consideration, which has been paid, grants a perpetual easement for utility purposes in the name and for the use of, the City of Green, County of Summit, Ohio Edison, Dominion East Ohio, AT&T, Time-Warner Cable and any P.U.C.O. regulated utility, the Grantees, their successors or assigns.

FORTUNA DRIVE EXTENSION

The legal description of the real property is set full in Exhibit "A" and the property is depicted on the map attached as Exhibit "B".

GRANTOR claims title to the property by General Warranty Deed identified by O.R.-1671, Page 1033 of the Official Records of Summit County, Ohio.

The City of Green has executed this Utility Easement this ___ day of _____, 2007.

WITNESSES:

GRANTOR: The City of Green

By: Daniel L. Croghan

STATE OF OHIO)
) SS.
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public in the County of Summit and the State of Ohio, personally appeared Daniel L. Croghan, Mayor of the City of Green, who acknowledged that he did sign this Utility Easement as his free act and deed.

I have affixed my signature and official seal at _____, Ohio, this ___ day of _____, 2007.

Notary Public
My Commission Expires:

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5-U
FORTUNA DRIVE
05/01/07

**PARCEL 5-U
FORTUNA DRIVE
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF
THE CITY OF GREEN, COUNTY OF SUMMIT, OHIO EDISON, DOMINION EAST OHIO
AT&T, TIME-WARNER CABLE AND ANY P.U.C.O. REGULATED UTILITY, THEIR
SUCCESSORS OR ASSIGNS**

For the purposes of construction, erection, and/or maintenance of any transmission lines, pipes, conduits, cables, poles, wires, swales, or other appurtenances for the transmission of power, electricity, gas, communications (excluding wireless communication tower facilities), storm water or sanitary sewer wastes, and water. This easement gives all of the above mentioned entities and utilities the right to remove trees and landscaping without liability as required to maintain, operate, or construct these facilities.

[Surveyor's description of the premises follows]

Situated in the City of Green, County of Summit, State of Ohio and known as being part of the Southwest Quarter of Section 9 of former Green Township and more fully described as follows:

Beginning for reference at the intersection of the centerline of Fortuna Drive (60' R/W) with the centerline of East Turkeyfoot Lake Road (S.R. 619, Variable R/W) from which an iron pin found in a monument box on the centerline of said Fortuna Drive bears N 01° 56' 32" E, 30.00 feet from said intersection;

Thence N 88°03'28" W, 11.83 along said centerline of East Turkeyfoot Lake Road feet to a point therein;

Thence S 08°19'27" W, 478.99 feet along the proposed centerline of Fortuna Drive to a point on the northerly line of Liberty Village Ministries as recorded in Volume 6595, Page 519 and Volume 7178, Page 442 of Summit County Records of Deeds;

Thence N 88°00'18" W, 24.53 feet along said northerly line to an iron pin found at the northeast corner of property described in deed to the City of Green (referred to below as the Grantor) as recorded in O.R. 1671, Page 1033 of Summit County Official Records;

Thence S 01°41'34" W, 223.70 feet along the Grantor's easterly line to the southeast corner thereof;

Thence N 88°05'41" W, 50.94 feet along the Grantor's southerly line to an iron pin set and the True Place of Beginning for the following described parcel of land;

Thence N 88°05'41" W, 12.20 feet to a point;

Thence in a northerly direction 79.29 feet along the arc of a curve deflecting to the right, having a radius of 842.00 feet, a delta of 05°23'45", and a chord which bears N 14°59'15" E a distance of 79.26 feet to a point;

Thence in a northerly direction 123.62 feet along the arc of a curve deflecting to the left, having a radius of 758.00 feet, a delta of 09°20'40", and a chord which bears N 13°00'17" E a distance of 123.49 feet to a point;

Thence N 06°21'33" E, 25.42 feet to a point;

EXHIBIT A

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Thence S 88°00'18" E, 12.03 feet to an iron pin set;

Thence S 06°21'32" W, 26.53 feet to an iron pin set;

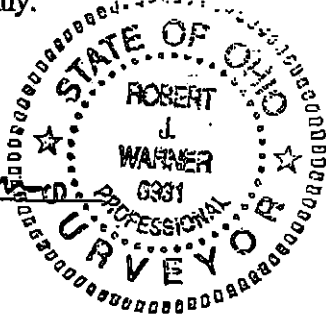
Thence in a southerly direction 125.81 feet along the arc of a curve deflecting to the right, having a radius of 770.00 feet, a delta of 09°21'41", and a chord which bears S 15°00'17" W a distance of 125.67 feet to an iron pin set;

Thence in a southerly direction 75.96 feet along the arc of a curve deflecting to the left, having a radius of 830.00 feet, a delta of 05°14'38", and a chord which bears S 15°03'48" W a distance of 75.94 feet to the True Place of Beginning and containing 0.0629 acres

This description is based on a survey made for Floyd Browne Group in December, 2006 by Robert J. Warner, P.S. No. 6931 in the State of Ohio:

The bearings used in this description are for project use only. These bearings are to an assumed meridian and are used to indicate angles only.

Robert J. Warner
Robert J. Warner P.S. No. 6931



7-26-07
Date

UTILITY EASEMENT

The City of Green, Summit County, Ohio, the GRANTOR, for One Dollar (\$1.00) and other good and valuable consideration, which has been paid, grants a perpetual easement for utility purposes in the name and for the use of, the City of Green, County of Summit, Ohio Edison, Dominion East Ohio, AT&T, Time-Warner Cable and any P.U.C.O. regulated utility, the Grantees, their successors or assigns.

FORTUNA DRIVE EXTENSION

The legal description of the real property is set full in Exhibit "A". The purpose of the easement and rights granted are also contained within Exhibit "A".

GRANTOR claims title to the property by General Warranty Deed identified by Reception Number 55419614 of the Official Records of Summit County, Ohio.

The City of Green has executed this Utility Easement this ___ day of _____, 2007.

WITNESSES:

GRANTOR: The City of Green

By: Daniel L. Croghan

STATE OF OHIO)
) SS.
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public in the County of Summit and the State of Ohio, personally appeared Daniel L. Croghan, Mayor of the City of Green, who acknowledged that he did sign this Utility Easement as his free act and deed.

I have affixed my signature and official seal at _____, Ohio, this ___ day of _____, 2007.

Notary Public
My Commission Expires:

EXHIBIT A

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	PARCEL	11-U
	CTY-RT#-SEC	FORTUNA_DRIVE
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**PARCEL 11-U
FORTUNA DRIVE
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF
THE CITY OF GREEN, COUNTY OF SUMMIT, OHIO EDISON, DOMINION EAST OHIO
AT&T, TIME-WARNER CABLE AND ANY P.U.C.O. REGULATED UTILITY, THEIR
SUCCESSORS OR ASSIGNS**

For the purposes of construction, erection, and/or maintenance of any transmission lines, pipes, conduits, cables, poles, wires, swales, or other appurtenances for the transmission of power, electricity, gas, communications (excluding wireless communication tower facilities), storm water or sanitary sewer wastes, and water. This easement gives all of the above mentioned entities and utilities the right to remove trees and landscaping without liability as required to maintain, operate, or construct these facilities.

[Surveyor's description of the premises follows]

Situated in the City of Green, County of Summit, State of Ohio and known as being part of the Southwest Quarter of Section 9 of former Green Township and more fully described as follows:

Beginning for reference at the intersection of the centerline of Fortuna Drive (60' R/W) with the centerline of East Turkeyfoot Lake Road (S.R, 619, Variable R/W) from which an iron pin found in a monument box on the centerline of said Fortuna Drive bears N 01° 56' 32" E, 30.00 feet from said intersection;

Thence N 88°03'28" W, 11.83 feet along said centerline of East Turkeyfoot Road to a point therein;

Thence along the proposed centerline of Fortuna Drive for the following 4 courses:

- 1.) S 08°19'27" W, 508.93 feet to a point of curvature;
- 2.) in a southerly direction 130.71 feet along the arc of a curve deflecting to the right, having a radius of 800.00 feet, a delta of 09°21'41", and a chord which bears S 13°00'17" W a distance of 130.56 feet to a point;
- 3.) in a southerly direction 228.08 feet along the arc of a curve deflecting to the left, having a radius of 800.00 feet, a delta of 16°20'07", and a chord which bears S 09°31'04" W a distance of 227.31 feet to a point;
- 4.) S 01°21'00" W, 492.34 feet to a point on the northerly line of property as described in deed to the City of Green as recorded with Reception No. 55419614 of Summit County Records;

Thence S 87°46'32" E, 30.00 feet along said northerly line to the True Place of Beginning for the following described parcel of land;

Thence S, 87°46'32" E, 12.00 feet along said northerly line to a point therein;

Thence S 01°16'59" W, 570.79 feet to a point on the southerly line of said City property;

Thence N 88°43'01" W, 12.00 feet along said southerly line to a point therein;

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05/01/07

Thence N 01°16'59" E, 570.99 feet to the True Place of Beginning and containing 0.1573 acres.

This description is based on a survey made for Floyd Browne Group in December, 2006 by Robert J. Warner, P.S. No. 6931 in the State of Ohio.

The bearings used in this description are for project use only. These bearings are to an assumed meridian and are used to indicate angles only.

Robert J. Warner
 Robert J. Warner, P.S. No. 6931
 STATE OF OHIO
 ROBERT J. WARNER
 6931
 PROFESSIONAL SURVEYOR
 7-26-07
 Date