

RESOLUTION NO. 2017-11


A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A PERPETUAL RIGHT OF WAY EASEMENT AGREEMENT FOR DRAINAGE AND STORM SEWER PURPOSES WITH PATRICK M. JOHNSON AND PATRICIA JOHNSON, 1233 MARINA DRIVE, PARCEL NO. 42-01648.000.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON:


SECTION 1. That the City Manager be, and he hereby is, authorized and directed to accept a perpetual right of way easement agreement for drainage and storm water purposes with Patrick M. Johnson and Patricia Johnson, 1233 Marina Drive, Huron, OH, Parcel No. 42-01648.000, which agreement shall be in substantially the form of Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That this Council finds and determines that all formal actions of this council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Revised Code Section 121.22.

SECTION 3. That this Resolution shall be in full force and effect from and immediately after its adoption.



Brad Hartung, Mayor

ATTEST: 
Clerk of Council

ADOPTED: FEB 28 2017

EASEMENT FOR DRAINAGE & STORM SEWER PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that **Patrick M. Johnson and Patricia Johnson**, the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00), and for other good and valuable considerations paid to the Grantors by the **CITY OF HURON**, a municipal corporation of Erie County, Ohio, the Grantee, the receipt whereof is hereby acknowledged, the Grantors do hereby grant, bargain, sell, convey and release to the Grantee, its successors and assigns forever, a perpetual easement and right of way for drainage and storm sewer purposes coexistent with the present drainage and storm sewer tract and extended as reasonable and necessary for improvement. The herein described tract of land is for the **exclusive** use of the Grantee for said purposes while allowing normal and ordinary use by the Grantors of the land to which this right pertains, and any other use must be authorized in writing by the Grantee. Grantee shall have the perpetual right to enter and re-enter the following described tract of land further described as the existing storm sewer as identified in Exhibit A to perform any and all maintenance which is reasonable and necessary, without further compensation to the Grantor; provided, however, Grantee shall restore the premise as practicable to its condition prior to entry. This perpetual easement shall terminate upon abandonment by the Grantee of the prescribed right.

The land herein described is situated in the City of Huron, County of Erie and State of Ohio and further described as follows:

**SEE EXHIBITS "A" ATTACHED HERETO AND
MADE A PART HEREOF**

Grantors, **Patrick M. Johnson and Patricia Johnson**, warrant that they has full power and authority to grant this easement with good and indefeasible fee simple title to

the above-described easement premises, free and clear of all liens and encumbrances, except mortgages and any other instruments to secure the Grantor's financing, and except taxes and assessments that are a lien but are not yet due and payable, and except zoning restrictions, easements, restrictions, conditions and covenants of record, and shall forever warrant and defend the same against all claims. Grantor claims title by an instrument recorded at Deed Volume 15, Page 1, of the Official Records of the Erie County Recorder's Office.

IN WITNESS WHEREOF, the said **Patrick M. Johnson and Patricia Johnson** have executed this instrument the _____ day of _____, 2017.

Signed and sealed in the presence of:

GRANTOR:

By _____

By _____

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

BE IT REMEMBERED, that on this _____ day of _____, 2017, before me the subscriber, a Notary Public in and for said county, personally came the above named _____ and _____, who acknowledged the signing of the foregoing agreement and that the same was their free act and deed.

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

Notary Public

**This Instrument Prepared By
Laura E. Alkire
Law Director, City of Huron
417 Main Street
Huron, Ohio**

HBI file# OH12121270
SURVIVORSHIP DEED, Statutory Form No. 23-S
(RC Section 5302.17 Eff 4/4/85)

SURVIVORSHIP DEED

Patrick M. Johnson, married to Patricia Johnson, ("Grantor"), for One Dollar (\$1.00) and other valuable consideration paid, grants with general warranty covenants to Patrick M. Johnson and Patricia Johnson, husband and wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is _____, the following described REAL PROPERTY:

Situated in the City of Huron, County of Erie, and State of Ohio:
Being Sublot #8, Block A, in Huron Heights Subdivision Number 1, as per plat recorded in Volume 15 of Plats, Page 1, Erie County Ohio Records. Be the same, more or less, but subject to all legal highways and zoning restrictions and subject to, and with the benefit of, all restrictions, easements, limitations and reservations of record, if any.

Commonly known as: 1233 Marina Dr., Huron, Ohio 44839
PPN: 42-01648.000
Prior instrument reference: 9803882

LOCATION SERVICE



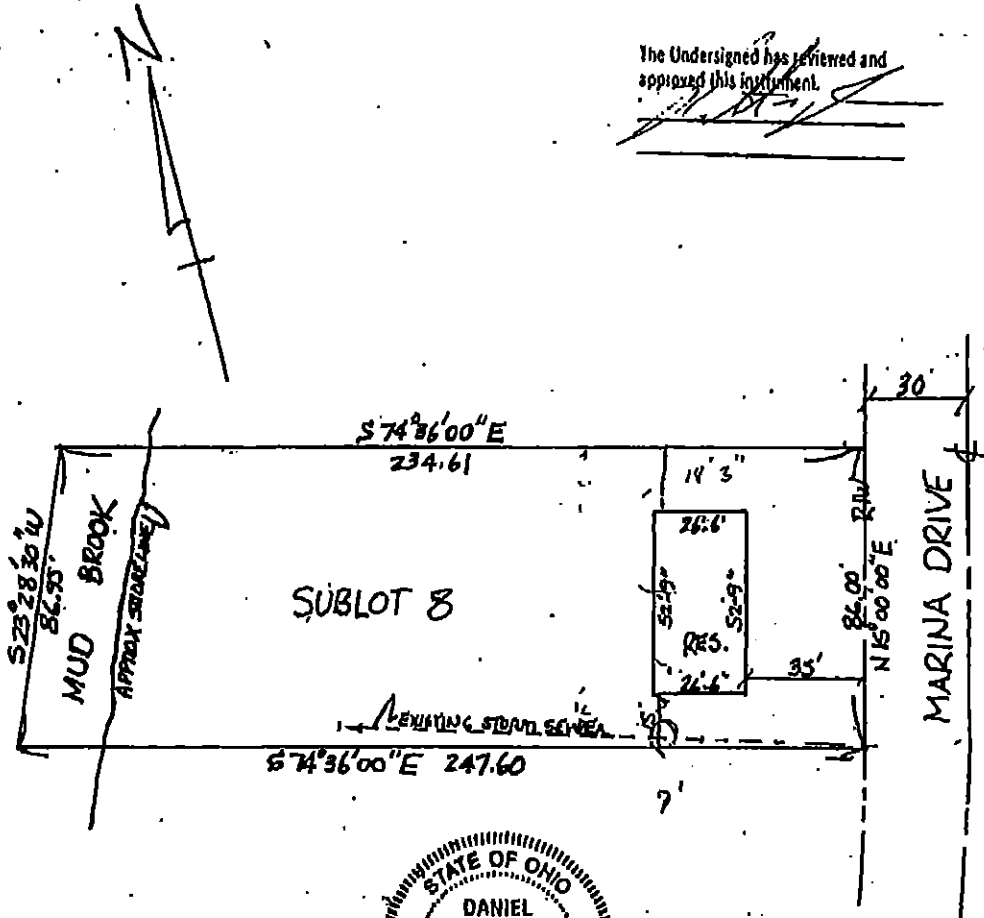
**HARTUNG & ASSOCIATES
ENGINEERS & SURVEYORS**

P.O. BOX 426, 421 WILLIAMS ST., HURON, OH 44839-0426
(419) 433-4321 • FAX (419) 433-7879

DANIEL E. HARTUNG JR., PE, PS

JOB NO. E 10894TL
DATE MARCH 15, 1999
SCALE 1" = 40'

The Undersigned has reviewed and approved this instrument.



Daniel E. Hartung Jr.
REGISTERED SURVEYOR

390154 0001 B ZONE C & A²

THESE PREMISES WERE INSPECTED AND FOUND TO EXIST AS SHOWN ON THIS SKETCH.
MADE FOR AND AT THE INSTANCE OF:

HARTUNG TITLE AGENCY, INC. &
NORWEST MORTGAGE

We hereby certify that the foregoing Mortgage Location Survey was prepared from actual field measurements in accordance with Chapter 4733-30, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
Identification Survey of Sublot 8, Block "A", Huron Heights Subdivision
No. 1, (P. 15 pg 1) City of Huron
ERIE County, Ohio
1233 MARINA DR

NOTE: THIS DOES NOT REPRESENT