

RESOLUTION NO. 2018-73

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A PERPETUAL RIGHT OF WAY EASEMENT AGREEMENT FOR DRAINAGE AND STORM SEWER PURPOSES WITH KYLE T. HAMMOND AND MORGAN K. HAMMOND, 106 FOREST HILLS DRIVE, HURON, OH - PARCEL NO. 42-00991.000.

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 Kyle T. Hammond and Morgan K. Hammond, 106 Forest Hills Drive, Huron, OH, Parcel No. 42-00991.000, 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: 11 SEP 2018

EASEMENT FOR DRAINAGE & STORM SEWER PURPOSES

KNOW ALL MEN BY THESE PRESENTS, that **KYLE T. HAMMOND** and **MORGAN K. HAMMOND**, 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, **KYLE T. HAMMOND** and **MORGAN K. HAMMOND**, warrant that they have 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 _____, Page _____, of the Official Records of the Erie County Recorder's Office.

IN WITNESS WHEREOF, the said **KYLE T. HAMMOND** and **MORGAN K. HAMMOND** have executed this instrument the _____ day of _____, 2018.

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 _____, 2018, 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**