

SCANNER NOTE:

This file was received with pages that may have the following conditions: Areas that appear to have information cut off, extremely light text or handwriting, broken text, thin onion skins, torn, lines, skewed, or dark bands of ink.

ORDINANCE NO. 92-74 AC CMS

AN ORDINANCE GRANTING AN EASEMENT TO
RONALD J. AND KATHY GRESKO FOR THE INSTALLATION OF
A DISCHARGE LINE FROM A SEPTIC SYSTEM TO
SERVE A PROPOSED RESIDENCE

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the City of Oberlin hereby grants Ronald J. and Kathy Gresko an easement across City-owned land to Plum Creek for the installation of a discharge line for a septic system to serve their proposed residence on east Lorain Street in the City of Oberlin, and the City Manager is hereby authorized to execute said easement agreement.

SECTION 2. That said easement shall be limited to the property described in the legal description attached hereto and shall include the following restrictions:

- a.) The easement shall be for a residential septic system only, with no further taps or connections authorized. The residence shall be connected to the Oberlin sanitary sewer system, at the property-owner's expense, when same is reasonably available.
- b.) The plans and specifications for the proposed system, and the location of same shall be submitted to the City prior to installation and shall be subject to reasonable modification as requested by the City.
- c.) There shall be strict compliance with Sections 915.05 and 915.09 of the Codified Ordinances so as to ensure that no discharge violates the City of Oberlin NPDES permit and that no pollution or nuisance conditions occur. In that regard, the City shall be granted a reasonable right of entry upon the property of Gresko to inspect and test the system.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or 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 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 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - October 5, 1992 (Emergency)
2nd Reading -
3rd Reading -

ATTEST:

Julie A. Simonson
CLERK OF COUNCIL

Lynda D. Levin
CHAIRMAN OF COUNCIL

POSTED: October 8, 1992

EFFECTIVE DATE: October 5, 1992

EASEMENT

FOR AND IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned City of Oberlin, Ohio, hereinafter called the GRANTOR, hereby gives and grants unto Ronald J. Gresco and Kathy Gresco, Husband and Wife, hereinafter called the GRANTEE, a perpetual easement and right-of-way over, under, through and upon the following described premises:

SEE EXHIBIT "A" ATTACHED

The undersigned GRANTOR conveys to GRANTEE the limited right to construct, erect, inspect, operate, replace and permanently maintain upon, under, through and over the above described property, any and all fixtures, improvements and appurtenances determined necessary by GRANTEE for the construction, improvement and operation of a discharge line for an approved residential septic system, subject to the following restrictions:

1. The easement shall be for a residential septic system only, with no further taps or connections authorized. The residence shall be connected to the Oberlin sanitary sewer system, at the property-owner's expense, when same is reasonably available.
2. The plans and specifications for the proposed system and the location of same shall be submitted to the City prior to installation and shall be subject to reasonable modification as requested by the City.
3. There shall be strict compliance with Sections 915.05 and 915.09 of the Codified Ordinances so as to ensure that no discharge violates the City of Oberlin NPDES permit and that no pollution or nuisance conditions occur. In that regard, the City shall be granted a reasonable right of entry upon the property of Gresco to inspect and test the system.

GRANTEE agrees to restore the property described herein to the condition it was in prior to commencement of construction for purposes of improving, operating and maintaining the discharge line.

Except in case of emergency, GRANTEE shall give GRANTOR not less than seventy-two hours advance notice of any maintenance or

construction work upon the easement herein granted.

This easement, its benefits and burdens outlined herein, shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, GRANTOR herein sets its hand by its interim City Manager, this 7th day of October, 1992.

Signed in the Presence of:

Karen L. Smith

Michelle L. Streats

GRANTOR:

City of Oberlin, Ohio

By:

Dale Helsel

Dale Helsel, Interim City
Manager

STATE OF OHIO

§

LORAIN COUNTY

Before me, a Notary Public, personally appeared Dale Helsel, Interim City Manager for the City of Oberlin, Ohio, who acknowledged the execution of the foregoing instrument to be his voluntary act and deed for the uses and purposes herein mentioned, and that of said City of Oberlin, Ohio.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Oberlin, Ohio, this 7th day of October, 1992.

Julie A. Simonson

Notary Public

JULIE A. SIMONSON

Notary Public

My Commission Expires 6/23/93

Prepared by:

Eric R. Severs, Esq.
First Floor, Bank One Bldg.
5 South Main Street
Oberlin, Ohio 44074
(216) 774-1278, 322-7624
Supreme Court No. 0005864



LAUNDON • SIMON • CAHL & ASSOC., INC.
CONSULTING ENGINEERS & SURVEYORS

EXHIBIT A

September 22, 1992
JOB NO. 92-2190

Description provided to Ron Gresco

Situated in the Township of Russia, City of Oberlin, County of Lorain and State of Ohio and being part of Original Lot No. 89 of said township, also being a 10.00' by 150.00' Easement for drainage purposes, bounded and described as follows:

Beginning at a point in the centerline of East Lorain Street, at the Northeasterly corner of land conveyed to the City of Oberlin, by deed recorded in Deed Volume 1093, Page 760 of the Lorain County Record of Deeds.

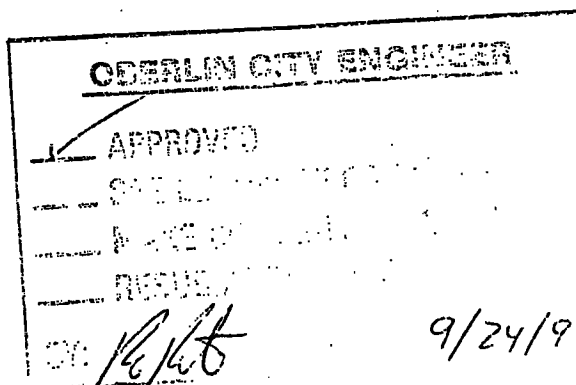
Thence Southerly in the Easterly line of land so conveyed to the City of Oberlin, a distance of 230.00 feet to the principle place of the beginning of the Easement herein described.

Thence continuing Southerly in said line a distance of 10.00 feet to a point.

Thence Westerly parallel with the centerline of East Lorain Street, a distance of 150.00 feet to a point.

Thence Northerly parallel with the Easterly line of land so conveyed to the City of Oberlin, a distance of 10.00 feet to a point.

Thence Easterly parallel with the centerline of East Lorain Street, a distance of 150.00 feet to the principle place of beginning of the Easement herein described.

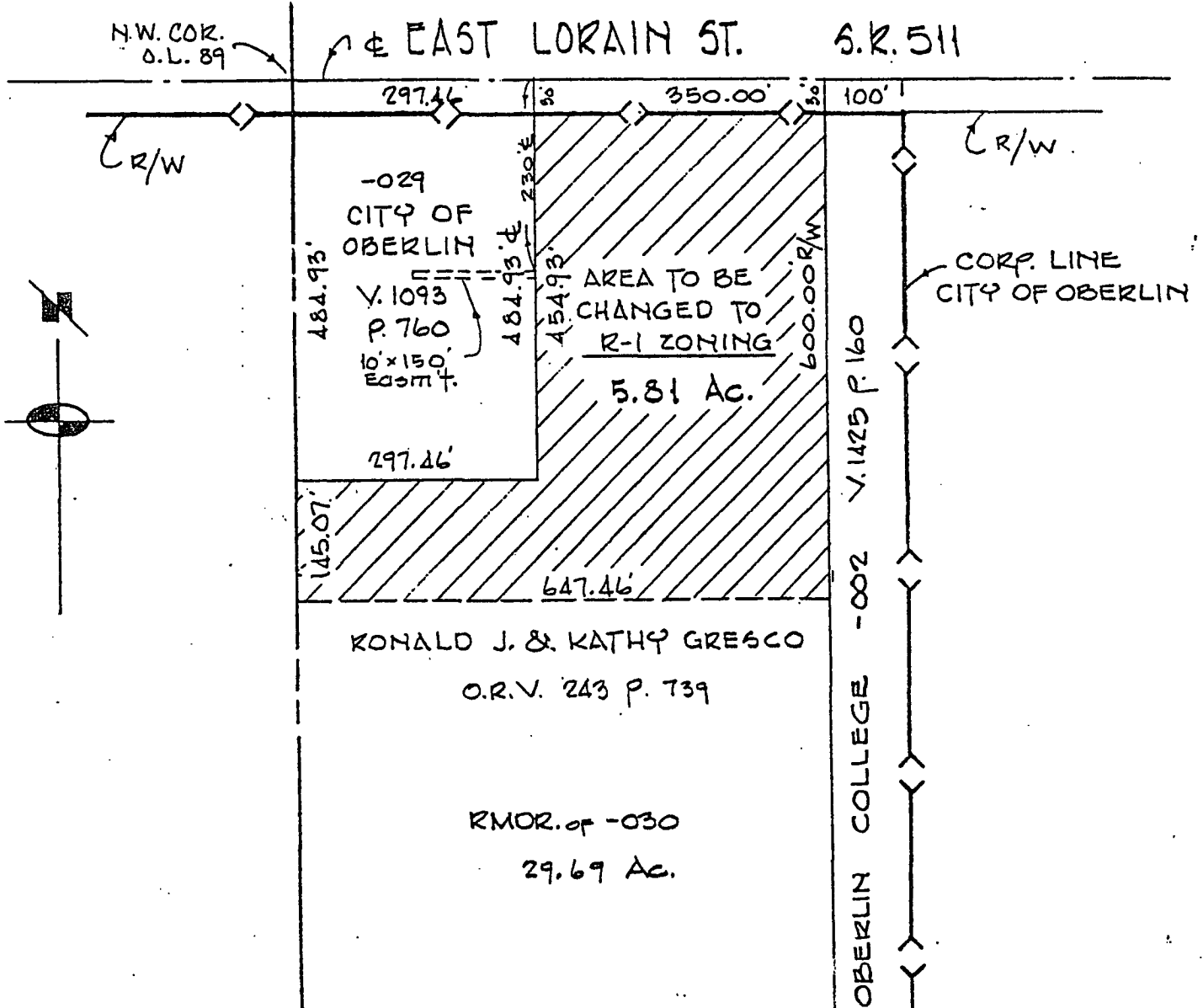




LAUNDON • SIMON • CARL & ASSOC., INC.
CONSULTING ENGINEERS & SURVEYORS
110 MIDDLE AVE., ELYRIA, O. 44035

PROPOSED ZONING CHANGE
FOR
RONALD J. & KATHY GRESKO

Orig. Lot 89	City of OBERLIN	Date APRIL '92 Scale 1"=200'
Orig. Sec	Village of	Dwn. by R.G.S Chkd. by
Tract	County of LORAIN	Job. No. 92-2190 F.B.
Township of RUSSIA	State of OHIO	Printed



OBERLIN D.L. 88 D.L. 89

- ☒ APPROVED
- ☐ SEE LETTER OF CONDITIONS
- ☐ MAP OF DISTRICT ATTACHED
- ☐ RESUBMITTAL REQUIRED

BY: *[Signature]* DATE: 9/24/92 KEY: 9-22-92 Add. 10' x 150' Easmt.

