

ORDINANCE NO. 05-54 AC CMS

AN ORDINANCE ACCEPTING A WATERLINE FOR MUNICIPAL OWNERSHIP, OPERATION, AND MAINTENANCE AND APPROVING THE FORM OF AN EASEMENT RELATING THERETO AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the waterline currently in existence that is connected to the City of Oberlin water main on State Route 58, South, and which traverses property owned by Oberlin Land Company*, as designated on the map attached hereto as "Exhibit A", is hereby accepted by the City for ownership, operation and maintenance.

* and DeVecchio Investments, LLC

SECTION 2. That the Easement agreement relating to said waterline which is attached hereto as "Exhibit B" is hereby approved, and the City Manager is hereby authorized and directed to execute same on behalf of the City.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

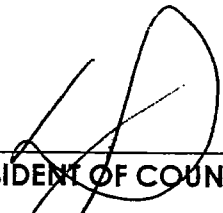
"to timely accept an existing waterline and associated easement for public ownership, operation and maintenance to facilitate proposed development in the area", and shall take effect immediately upon passage.

PASSED: 1st Reading – July 18, 2005 (E) (A)

ATTEST:


CLERK OF COUNCIL

POSTED: July 19, 2005


PRESIDENT OF COUNCIL
EFFECTIVE DATE: July 19, 2005



07-11-05 A09:40 IN

July 8, 2005

Oberlin City Council
CITY OF OBERLIN
69 South Main Street
Oberlin, OH 44074

Gentlemen:

RE: OBERLIN, OHIO

Oberlin Land Company requests that the City of Oberlin accept for public ownership and maintenance the waterline located on our property and described in the previous drawings submitted.

We agree to grant an easement to the City for access to the line for maintenance, repair and improvement purposes.

Very truly yours,

OBERLIN LAND COMPANY

A handwritten signature in black ink, appearing to read "L. DeVicchio", is written over the typed name and title.

Louis F. DeVicchio
Secretary

LFD/jag

Main Identity

From: "Eric Severs, Oberlin.net" <ersevers@oberlin.net>
To: "Rob DiSpirito" <citymanager@oberlin.net>
Cc: "Jeff Baumann" <jbaumann@cityofoberlin.com>; "Jean" <esimon@cityofoberlin.com>
Sent: Wednesday, October 05, 2005 5:06 PM
Subject: Oberlin Land, et al. to City of Oberlin waterline easement

KS Associates indicates that they have spoken to Lou Diveccio and he indicates he does not have the original waterline easement that City Council approved recently. Do any of you know of its whereabouts. Please advise. Thank you.

No!

05-54
✓

10/06/2005

City of Oberlin

85 South Main St. Oberlin, OH 44074

Public Works Department

July 13, 2005

TO: Rob DiSpirito, City Manager

FROM: Jeff Baumann, Public Works Director



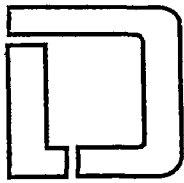
RE: Proposed dedication of waterline and acceptance of easement

In our discussions with the Walmart development team, it became clear that it would be in the City's best interest to own, operate and maintain the water line which formerly served the Ames Building. This line also provides service to Pizza Hut and to the Laser Car Wash; their service laterals would continue to be privately owned and maintained. This water line is to be improved and extended as part of the proposed Walmart development. The existing line is shown on the attached schematic prepared by the Engineering Division.

I believe that you have or shortly will have a request from Mr. DeVicchio on behalf of the Oberlin Land Company that the City accept this line for public maintenance.

In order for the City to accept this line an easement is required to provide clear access for maintenance purposes. A copy of the proposed "Utility Easement Agreement For Water Lines" is also attached. The easement language has been reviewed by me and by Mr. Severs. The Walmart development team has worked with us to develop language acceptable to both parties.

The Public Works Department recommends acceptance of the water line and the easement. If there are any questions, please let me know.



Louis F.
DeVicchio
& Associates, Inc.

07-11-05 A09:40 IN

July 8, 2005

Oberlin City Council
CITY OF OBERLIN
69 South Main Street
Oberlin, OH 44074

Gentlemen:

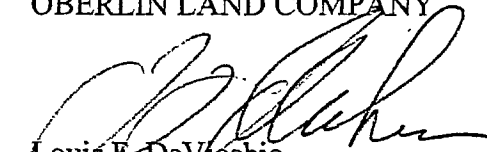
RE: OBERLIN, OHIO~

Oberlin Land Company requests that the City of Oberlin accept for public ownership and maintenance the waterline located on our property and described in the previous drawings submitted.

We agree to grant an easement to the City for access to the line for maintenance, repair and improvement purposes.

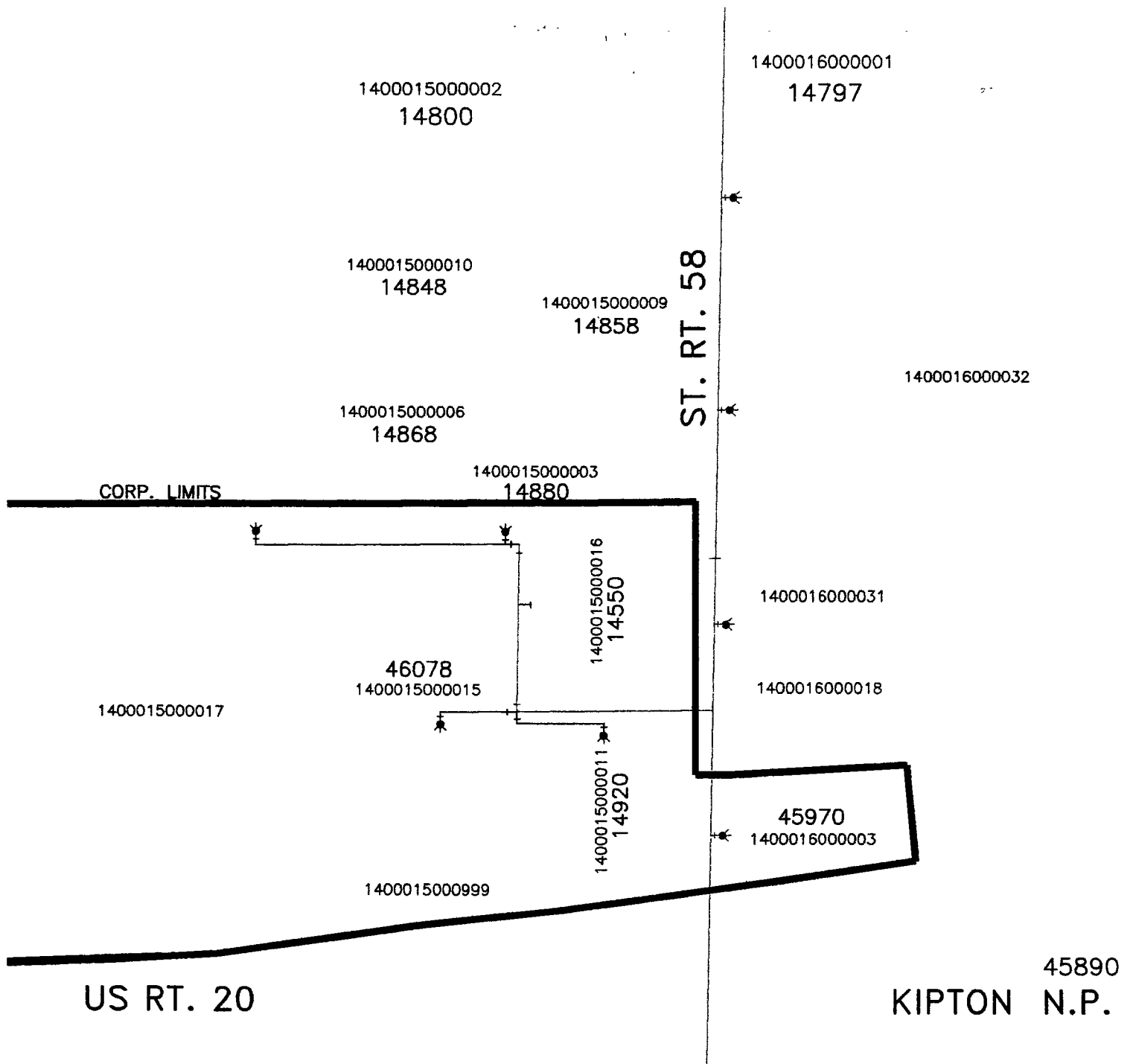
Very truly yours,

OBERLIN LAND COMPANY



Louis F. DeVicchio
Secretary

LFD/jag



LEGEND

—	6" WATER MAIN
—	8" WATER MAIN
—	10" WATER MAIN
—	12" WATER MAIN
+	HYDRANT
○	VALVE
—	DEDICATION

CITY OF OBERLIN	
1400015000017	= PERMANENT PARCEL NUMBER
46078	= PARCEL ADDRESS



Oberlin Wal-Mart
Total Parcel Description
37.40 Acres
Page 1 of 3

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 637.17 feet to southwesterly corner of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 2003.77 feet to the southwesterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the westerly line of Original Pittsfield Township Lot No. 15, North 00° 34' 48" East, 735.35 feet to a 1" iron pipe found at the southwesterly corner of land conveyed to Carol Varner as recorded in O.R. Volume 1044, Page 265 of the Lorain County Land Records and passing through an iron pin set 43.37 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15;

Thence, along Varner's southerly line and the southerly line of land conveyed to Nadine Glime as recorded in Instrument No. 970487481 of the Lorain County Land Records, North 89° 21' 29" East, 2647.48 feet to the easterly line of Original Pittsfield Township Lot No. 15 and passing through a 1" iron pipe found 49.99 feet westerly of said easterly line;

Thence, along said easterly line, South 01° 02' 19" West, 54.22 feet to the northeasterly corner of land conveyed to Oberlin Car Wash, LLC as recorded in Instrument No. 980562504 of the Lorain County Land Records;

Final copy

Oberlin Wal-Mart
Total Parcel Description
37.40 Acres
Page 2 of 3

Thence, along Oberlin Car Wash, LLC's northerly line, South 89° 23' 58" West, 216.17 feet to a 1" iron pipe found at the northwesterly corner thereof and passing through a 1" iron pipe found 49.96 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along Oberlin Car Wash, LLC's westerly line, South 00° 44' 36" East, 216.91 feet to a 1" iron pipe found in the northerly line of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records;

Thence, along DeVicchio Investments, LLC's northerly and westerly lines, the following six courses;

South 89° 23' 49" West, 23.53 feet to an iron pin set;

Thence North 00° 27' 07" West, 232.06 feet to an iron pin set;

Thence South 89° 20' 48" West, 355.05 feet to a MAG nail set;

Thence South 00° 49' 46" East, 232.59 feet to a drill hole set;

Thence North 89° 58' 22" West, 63.13 feet to an iron pin set;

Thence South 00° 24' 44" East, 484.67 feet to the point of beginning and passing through an iron pin set 87.53 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15.

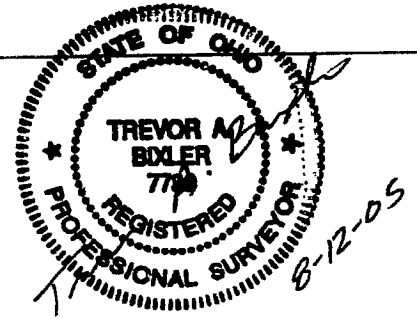
Containing within said bounds 35.29 acres (1,537,356 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

Together with the following described parcel.

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records, being more definitely described as follows;



Oberlin Wal-Mart
Total Parcel Description
37.40 Acres
Page 3 of 3

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 209.97 feet to southwesterly corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 383.50 feet to the southeasterly corner of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records;

Thence, leaving said southerly line, along DeVicchio Investments, LLC's easterly and southerly lines the following two courses;

North 00° 24' 44" West, 235.07 feet to a MAG nail set and passing through a MAG nail set 93.84 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15;

Thence North 89° 21' 41" East, 389.52 feet to an iron pin set in the westerly line of said land conveyed to A. Scott Ritchie, Trustee;

Thence, along Ritchie's westerly line, South 01° 01' 59" West, 239.03 feet to the point of beginning and passing through a 1" iron pipe found 144.96 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15.

Containing within said bounds 2.10 acres (91,608 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

Total Parcel containing within said bounds 37.40 acres (1,628,964 square feet) of land.

R:\04000\04038\word\legal descriptions\total-parcel.doc

EXHIBIT B

Legal Description for Oberlin Parcel

(See attached)



KS ASSOCIATES

SURVEY 322

Oberlin Land Company
East Remainder Parcel 1 Description
3.04 Acres
Page 1 of 2

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North $00^{\circ} 58' 25''$ East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South $89^{\circ} 56' 16''$ West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South $89^{\circ} 56' 16''$ West, 637.17 feet to southwesterly corner of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along said southerly line, South $89^{\circ} 56' 16''$ West, 110.45 feet;

Thence, leaving said southerly line, North $00^{\circ} 28' 21''$ West, 754.34 feet to an iron pin set in the southerly line of land conveyed to Carol Varner as recorded in O.R. Volume 1044, Page 265 of the Lorain County Land Records;

Thence, along Varner's southerly line and the southerly line of land conveyed to Nadine Glime as recorded in Instrument No. 970487481 of the Lorain County Land Records, North $89^{\circ} 21' 29''$ East, 767.70 feet to the easterly line of Original Pittsfield Township Lot No. 15 and passing through a 1" iron pipe found 49.99 feet westerly of said easterly line;

Thence, along said easterly line, South $01^{\circ} 02' 19''$ West, 54.22 feet to the northeasterly corner of land conveyed to Oberlin Car Wash, LLC as recorded in Instrument No. 980562504 of the Lorain County Land Records;

Thence, along Oberlin Car Wash, LLC's northerly line, South $89^{\circ} 23' 58''$ West, 216.17 feet to a 1" iron pipe found at the northwesterly corner thereof and passing through a 1" iron pipe found 49.96 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

260 Burns Road, Suite 100 • Elyria, Ohio 44035 • Phone (440) 365-4730

Email: mailroom@ksassoc.com • Web: www.ksassoc.com • Fax (440) 365-4790

Oberlin Land Company
East Remainder Parcel 1 Description
3.04 Acres
Page 2 of 2

Thence, along Oberlin Car Wash, LLC's westerly line, South 00° 44' 36" East, 216.91 feet to a 1" iron pipe found in the northerly line of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records;

Thence, along DeVicchio Investments, LLC's northerly and westerly lines, the following six courses;

South 89° 23' 49" West, 23.53 feet to an iron pin set;

Thence North 00° 27' 07" West, 232.06 feet to an iron pin set;

Thence South 89° 20' 48" West, 355.05 feet to a MAG nail set;

Thence South 00° 49' 46" East, 232.59 feet to a drill hole set;

Thence North 89° 58' 22" West, 63.13 feet to an iron pin set;

Thence South 00° 24' 44" East, 484.67 feet to the point of beginning and passing through an iron pin set 87.53 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15.

Containing within said bounds 3.04 acres (132,280 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

EXHIBIT B-1

Legal Description for Devicchio Parcel

(See attached)

JEAN -

ORDINANCE OS-54
substitute for Exhibit
B of the easement
agreement
Overlaid
see attached
corrected
copy



KS ASSOCIATES

20040035651

DeVicchio Investments, LLC
4.8391 Acres
Page 1 of 2

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being the land conveyed to Devicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the easterly line of Original Pittsfield Township Lot No. 15, North 01° 02' 19" East, 446.97 feet to the northeasterly corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, along Ritchie's northerly line, South 89° 18' 03" West, 210.07 feet to a 1" iron pipe found at the northwesterly corner thereof and passing through a 1" iron pipe found 50.11 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along Ritchie's westerly line, South 01° 01' 59" West, 205.61 feet to an iron pin set;

Thence, leaving Ritchie's westerly line, South 89° 21' 41" West, 389.52 feet to a MAG nail set;

Thence South 00° 24' 44" East, 235.07 feet to the southerly line of Original Pittsfield Township Lot No. 15 and passing through a MAG nail set 93.84 feet northerly of said southerly line of Original Pittsfield Township Lot No. 15;

Thence, along said southerly line, South 89° 56' 16" West, 43.70 feet;

Thence, leaving said southerly line, North 00° 24' 44" West, 484.67 feet to an iron pin set and passing through an iron pin set 87.53 feet northerly of said southerly line of Original Pittsfield Township Lot No. 15;

Thence South 89° 58' 22" East, 63.13 feet to a drill hole set;

260 Burns Road, Suite 100 • Elyria, Ohio 44035 • Phone (440) 365-4730

Email: mailroom@ksassoc.com • Web: www.ksassoc.com • Fax (440) 365-4790

KS ASSOCIATES

DeVicchio Investments, LLC

4.8391 Acres

Page 2 of 2

Thence North $00^{\circ} 49' 46''$ West, 232.59 feet to a MAG nail set;

Thence North $89^{\circ} 20' 48''$ East, 355.05 feet to an iron pin set;

Thence South $00^{\circ} 27' 07''$ East, 232.06 feet to an iron pin set in the westerly prolongation of the southerly line of land conveyed to Oberlin Car Wash, LLC as recorded in Instrument No. 980562504 of the Lorain County Land Records;

Thence, along Oberlin Car Wash, LLC's southerly line and its westerly prolongation, North $89^{\circ} 23' 49''$ East, 232.95 feet to the easterly line of Original Pittsfield Township Lot No. 15 and passing through a 1" iron pipe found 49.98 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along the easterly line of Original Pittsfield Township Lot No. 15, South $01^{\circ} 02' 19''$ West, 44.05 feet to the point of beginning.

Containing within said bounds 4.8391 acres (210,793 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are $5/8'' \times 30''$ capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

EXHIBIT C

Legal Description for Easement Area

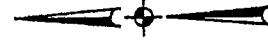
(See attached)

ASHLAND OBERLIN ROAD STATE ROUTE 58

O.L 16

(R/W VARIES)

O.L 15



SCALE: 1"=100'
JUNE 15, 2005
KS JOB NO. 04038

**EASEMENT C
PROPOSED WATER MAIN
EASEMENT EXHIBIT**

OF PART OF ORIGINAL PITTSFIELD
TOWNSHIP LOT NO. 15, CITY OF OBERLIN,
COUNTY OF LORAIN, STATE OF OHIO

14-00-015-000-017
OBERLIN LAND COMPANY
OR. VOL. 83 P 488

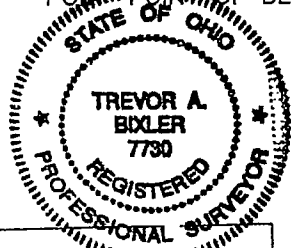
14-00-015-000-016
OBERLIN CAR WASH, LLC
INST. #980562504

14-00-015-000-011
A. SCOTT RITCHIE,
TRUSTEE ET AL
OR. VOL. 1269 P 241

14-00-015-000-015
DEVICCHIO INVESTMENTS, LLC
INSTRUMENT NO. 20040035651

ABBREVIATIONS

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING



14-00-015-000-006
CAROL VARNER
OR. VOL. 1044 P 265

14-00-015-000-017
OBERLIN LAND COMPANY
OR. VOL. 83 P 488

EASTERLY PROPERTY LINE OF
PROPOSED WAL-MART PARCEL

EASEMENT C
PROPOSED WATER
MAIN EASEMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°18'03"W	50.02'
L2	S89°18'03"W	196.78'
L3	N00°27'07"W	30.13'
L4	N44°32'53"E	11.31'
L5	N00°27'07"W	223.10'
L6	S89°51'39"W	532.19'
L7	S00°28'21"E	616.13'
L8	S02°00'28"E	15.90'
L9	N02°00'28"W	16.76'
L10	N00°28'21"W	665.84'
L11	N89°21'29"E	20.00'
L12	S00°28'21"E	29.50'
L13	N89°51'39"E	552.19'
L14	S00°27'07"E	260.53'
L15	S89°37'40"E	169.25'
L16	S01°02'19"W	17.32'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	20.01'	11399.20'	0°06'02"	20.01'	S86°17'40"W

L11

L12

L10

L7

L9

(R/W VARIES)
EXISTING R/W
KIPTON EAST ROAD
STATE ROUTE 10
U.S. ROUTE 20

Trevor A. Bixler 6-16-05
TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730



KS Associates, Inc.
260 Burns Rd., Suite 100
Elyria, Ohio 44035
Phone (440) 365-4730
Fax (440) 365-4790
mailto:matroom@ksassoc.com
www.ksassoc.com



KS ASSOCIATES

SURVEY GROUP

**Description of
Easement C
Water Main Easement
0.77 Acres
Page 1 of 2**

Situated in the City of Oberlin, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records and part of the land conveyed to Devicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the northeast corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records;

Thence, along Ritchie's northerly line, South $89^{\circ} 18' 03''$ West, 50.02 feet to the westerly right of way of Ashland Oberlin Road (State Route 58) (width varies), and the **True Point of Beginning** for the easement herein described;

Thence, continuing along Ritchie's northerly line and the westerly extension thereof, South $89^{\circ} 18' 03''$ West, 196.78 feet;

Thence North $00^{\circ} 27' 07''$ West, 30.13 feet;

Thence North $44^{\circ} 32' 53''$ East, 11.31 feet;

Thence North $00^{\circ} 27' 07''$ West, 223.10 feet;

Thence South $89^{\circ} 51' 39''$ West, 532.19 feet;

Thence South $00^{\circ} 28' 21''$ East, 616.13 feet;

Thence South $02^{\circ} 00' 28''$ East, 15.90 feet to the northerly right of way of Kipton East Road (State Route 10) (U.S. Route 20) (width varies);

Thence, along said northerly right of way, along the arc of a curve which deflects to the right, 20.01 feet, said curve having a radius of 11399.20 feet, a central angle of $0^{\circ} 06' 02''$, and a chord of 20.01 feet which bears South $86^{\circ} 17' 40''$ West;

Thence, leaving said northerly right of way, North $02^{\circ} 00' 28''$ West, 16.76 feet;

260 Burns Road, Suite 100 • Elyria, Ohio 44035 • Phone (440) 365-4730

Email: mailroom@ksassoc.com • Web: www.ksassoc.com • Fax (440) 365-4790

KS ASSOCIATES

Description of
Easement C
Water Main Easement
0.77 Acres
Page 2 of 2

Thence North $00^{\circ} 28' 21''$ West, 665.84 feet to the southerly line of land conveyed to Carol Varner, as recorded in O.R. Volume 1044, Page 265 of the Lorain County Land Records;

Thence, along Varner's southerly line, North $89^{\circ} 21' 29''$ East, 20.00 feet;

Thence, leaving Varner's southerly line, South $00^{\circ} 28' 21''$ East, 29.50 feet;

Thence North $89^{\circ} 51' 39''$ East, 552.19 feet;

Thence South $00^{\circ} 27' 07''$ East, 260.53 feet;

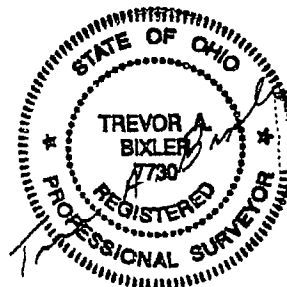
Thence South $89^{\circ} 37' 40''$ East, 169.25 feet to the westerly right of way of Ashland Oberlin Road (State Route 58);

Thence, along said westerly right of way, South $01^{\circ} 02' 19''$ West, 17.32 to the point of beginning.

Containing within said bounds 0.77 acres (33,373 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in June of 2005.

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

R:\04000\04038\Legal Descriptions\C-WAT EASE.doc



UTILITY EASEMENT AGREEMENT FOR WATER LINES

THIS UTILITY EASEMENT AGREEMENT (this "Agreement") is made as of the 19th day of July, 2005, by and among OBERLIN LAND COMPANY, an Ohio corporation, whose address is 3680 Starr's Center Drive, Suite B, Garfield, Ohio 44406, DEVICCHIO INVESTMENTS, LLC, whose address is 3680 Starr's Center Drive, Suite B, Garfield, Ohio 44406 (collectively, the "Grantor") and THE CITY OF OBERLIN, an Ohio municipal corporation, whose address is 85 South Main Street, Oberlin, Ohio 44074 (the "Grantee").

WITNESSETH:

WHEREAS Oberlin Land Company is the owner of that certain land situated in the City of Oberlin, Lorain County, State of Ohio, as shown on the site plan attached hereto as Exhibit A (the "Site Plan") and more particularly described by the legal description attached hereto as Exhibit B (the "Oberlin Property"); and

WHEREAS Devicchio Investments, LLC is the owner of that certain land situated in the City of Oberlin, Lorain County, State of Ohio, as shown on the Site Plan and more particularly described by the legal description attached hereto as Exhibit B-1 (the "Devicchio Property"). The Devicchio Property and the Oberlin Property shall be collectively referred to as the "Grantor Property".

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, a perpetual right and easement to enter upon and to construct, reconstruct, use, operate and maintain water lines and related equipment, across or under a strip of land located in the Grantor Property, more particularly described in Exhibit C attached hereto and made a part hereof (the "Easement Area").

THE EASEMENT IS GRANTED SUBJECT TO THE FOLLOWING:

1. The Grantor shall have the right to use and enjoy fully the Easement Area subject to the rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over the Easement Area.
2. In exercising any of the rights granted herein, the Grantee will not unreasonably interfere with the normal use of the Easement Area and will, at its sole cost and expense and with due diligence, restore the

nail
205
✓

Easement Area to its condition immediately prior to the exercise of any of the rights granted herein including, but not limited to, the replacement of any sod, landscaping, paving or other improvements that existed within the Easement Area prior to Grantee's use. Grantee agrees to use due care in any use of the Easement Area and in the construction, installation, repair, replacement and maintenance of either Grantee's improvements or the Easement Area as provided for herein so as not to unreasonably disturb Grantor's use of its adjacent property. Grantee shall not interfere with grantor's business operations on its adjacent property while utilizing the Easement Area.

3. The Grantee will indemnify, defend, protect and hold the Grantor harmless from any claims for damages or injuries arising out of or connected directly or indirectly with the use by the Grantee of the easement granted herein.

4. The easement granted hereunder is a perpetual easement that runs with the land. The prior sentence notwithstanding, Grantor shall have the right at its sole option and expense to relocate said easement upon the Grantor Property so long as: (a) a commercially reasonable alternative easement is available which satisfies the original intent of this document and which is reasonably acceptable in design and location to Grantee; and (b) Grantor pays any and all costs of relocation of any and all municipal infrastructure occupying the easement to be relocated. The easement granted pursuant to this Agreement will continue in full force and effect so long as the easement is used by the Grantee, its successors and assigns. If the easement is no longer being used by Grantee, its successors and assigns, Grantor shall have the right to send written notice to Grantee requesting termination of the Agreement (the "Easement Termination Notice"). If Grantee does not object to the Easement Termination Notice within thirty (30) days of Grantee's receipt of same, this Agreement will automatically terminate and the easement granted herein shall be rendered null and void.

5. Grantor shall not grant another utility easement in all or a portion of the Easement Area without the Grantee's prior written consent which consent shall not be unreasonably conditioned, delayed or withheld; provided, however, that this restriction shall not affect existing easements or utility lines already located in all or a portion of the Easement Area.

6 In exercising any rights and privileges under this easement, Grantee shall comply fully with any federal, state or local laws, regulations, ordinances, permits or other authorizations or approvals or other requirements relating to storm water discharges or the control of erosion or sediment discharges from construction

projects, including but not limited to the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, and the Storm Water General Permit for Discharges Associated with Construction Activities (collectively the "Storm Water Requirements").

7. Grantee shall secure, maintain and comply with all required licenses, permits and certificates relating to, or otherwise necessary or appropriate for, the construction, installation, repair, replacement and maintenance of either Grantee's improvements or the easement area as provided for herein. Grantee shall comply with any and all applicable federal, state and local laws, rules, regulations, statutes, codes, orders and ordinances, including, but not limited to, those governing the prevention, abatement and elimination of pollution and/or protection of the environment and the employment of its workers.

8. This Agreement contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective successors and assigns.

9. Grantee shall procure and maintain in full force and effect throughout the term of this Agreement general public liability insurance and property damage insurance against claims for personal injury, death or property damage occurring upon, in or about the easement in the amount of, not less than \$5,000,000 for injury or death of a single person, and to the limit of not less than \$5,000,000 for any one occurrence, and to the limit of not less than \$5,000,000 for property damage. Grantee shall provide Grantor with certificates of such insurance from time to time upon written request to evidence that such insurance is in force. Such insurance may be written by additional premises endorsement on any master policy of insurance carried by Grantee which may cover other property in addition to the property covered by this easement. Such insurance shall provide that the same may not be canceled without thirty (30) days prior written notice to Grantor.

10. The laws of the State of Ohio shall apply to the Agreement.

11. If any term, provision or condition contained in the Agreement shall, to any extent, be invalid or unenforceable, the remainder of the Agreement (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision or condition of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

12. No waiver of breach of any of the covenants and/or agreements herein contained shall be construed as, or constitute a waiver of, any other breach or waiver, acquiescence in or consent to any further or succeeding breach of the same or any other covenant and/or agreement.

13. Except as provided specifically above, this Agreement, or any easement, covenant, or restriction or undertaking contained herein, may be terminated, extended or amended as to each of the portions of any of the properties subject hereto only by the recording of the appropriate documents in the records of Lorain County, State of Ohio, which documents must be executed by all of the parties hereto.

14. All exhibits referred to herein and attached hereto shall be deemed part of the Agreement.

15. This Agreement may be executed in several counterparts, each of which may be deemed an original, and all of such counterparts together shall constitute one and the same Agreement.

[Remainder of page intentionally left blank; Signatures appear on following page]

The undersigned have executed this easement agreement the date first written above.

GRANTOR:

OBERLIN LAND COMPANY,
an Ohio corporation

By: 

Name:

Its: President

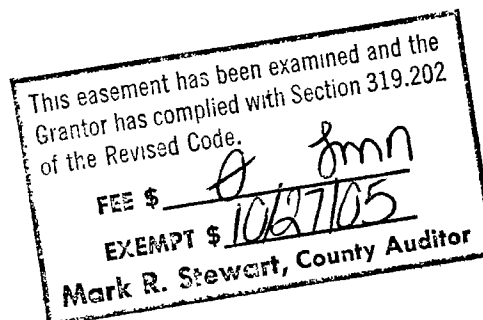
STATE OF OHIO)
)ss.
COUNTY OF MAHONING)

The foregoing instrument was acknowledged before me this 12TH day of OCTOBER, 2005, by HENRY D. DI RIENZO, the PRESIDENT of Oberlin Land Company, an Ohio corporation, on behalf of the corporation.

Karen J Morgan
, Notary Public
County, Ohio
My Commission Expires: _____

KAREN J. MORGAN, Notary Public
In and for the State of Ohio
My Commission Expires May 30, 2007

[Signatures continue on following page]



DEVICCHIO INVESTMENTS, LLC,
an Ohio limited liability company

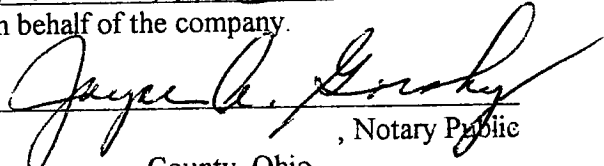
By: 

Name:

Its: PRESIDENT

STATE OF OHIO)
)ss.
COUNTY OF MAHONING)

The foregoing instrument was acknowledged before me this 26 day of JULY,
2005, by LOUIS F. DEVICCHIO the REPRESENTATIVE of Devicchio
Investments, LLC, an Ohio limited liability company, on behalf of the company.

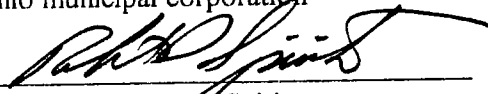
, Notary Public
County, Ohio
My Commission Expires: _____

JOYCE A. GORSKY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 26, 2009

[Signatures continue on following page]

GRANTEE:

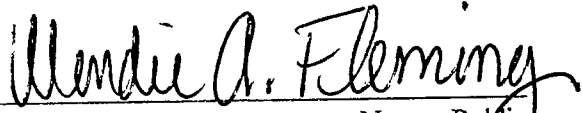
THE CITY OF OBERLIN,
an Ohio municipal corporation

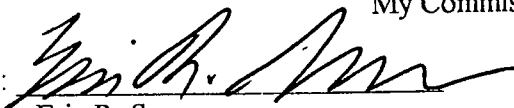
By: 
Name: Robert DiSpirito

Its: City Manager

STATE OF OHIO)
)ss.
COUNTY OF LORAIN)

The foregoing instrument was acknowledged before me this 19th day of July, 2005, by Robert DiSpirito, the City Manager of the City of Oberlin, an Ohio municipal corporation, on behalf of the corporation.


), Notary Public
 Lorain County, Ohio
My Commission Expires: 4-22-06

Approved as to form: 
Eric R. Severs
City of Oberlin Law Director

Drafted by and when recorded return to:

City of Oberlin
85 South Main Street
Oberlin, Ohio 44074
Attention: Eric R. Severs



WENDIE A. FLEMING
Notary Public, State of Ohio
My Commission Expires: 4-22-06

EXHIBIT A

Site Plan

(See attached)



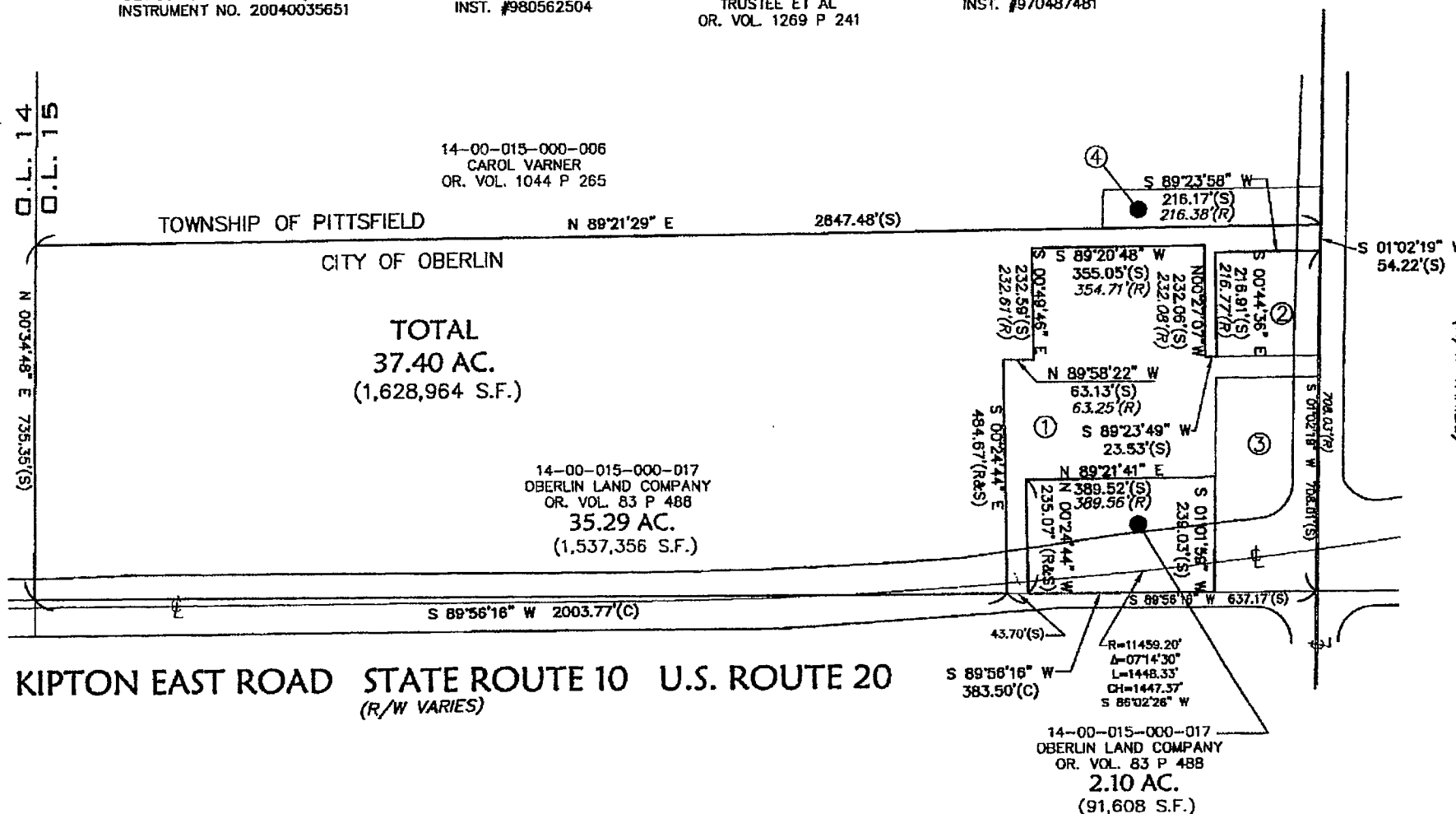
ASHLAND OBERLIN ROAD STATE ROUTE 58
(R/W VARIES)

① 14-00-015-000-015
DEVICCHIO INVESTMENTS, LLC
INSTRUMENT NO. 20040035651

② 14-00-015-000-016
OBERLIN CAR WASH, LLC
INST. #980562504

③ 14-00-015-000-011
A. SCOTT RITCHIE,
TRUSTEE ET AL
OR. VOL. 1269 P 241

④ 14-00-015-000-003
NADINE GLIME
INST. #970487481



KIPTON EAST ROAD STATE ROUTE 10 U.S. ROUTE 20
(R/W VARIES)

EXHIBIT B

Legal Description for Oberlin Parcel

(See attached)



**Oberlin Wal-Mart
Total Parcel Description
37.40 Acres
Page 1 of 3**

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 637.17 feet to southwesterly corner of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 2003.77 feet to the southwesterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the westerly line of Original Pittsfield Township Lot No. 15, North 00° 34' 48" East, 735.35 feet to a 1" iron pipe found at the southwesterly corner of land conveyed to Carol Varner as recorded in O.R. Volume 1044, Page 265 of the Lorain County Land Records and passing through an iron pin set 43.37 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15;

Thence, along Varner's southerly line and the southerly line of land conveyed to Nadine Glime as recorded in Instrument No. 970487481 of the Lorain County Land Records, North 89° 21' 29" East, 2647.48 feet to the easterly line of Original Pittsfield Township Lot No. 15 and passing through a 1" iron pipe found 49.99 feet westerly of said easterly line;

Thence, along said easterly line, South 01° 02' 19" West, 54.22 feet to the northeasterly corner of land conveyed to Oberlin Car Wash, LLC as recorded in Instrument No. 980562504 of the Lorain County Land Records;

Oberlin Wal-Mart

Total Parcel Description

37.40 Acres

Page 2 of 3

Thence, along Oberlin Car Wash, LLC's northerly line, South 89° 23' 58" West, 216.17 feet to a 1" iron pipe found at the northwesterly corner thereof and passing through a 1" iron pipe found 49.96 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along Oberlin Car Wash, LLC's westerly line, South 00° 44' 36" East, 216.91 feet to a 1" iron pipe found in the northerly line of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records;

Thence, along DeVicchio Investments, LLC's northerly and westerly lines, the following six courses;

South 89° 23' 49" West, 23.53 feet to an iron pin set;

Thence North 00° 27' 07" West, 232.06 feet to an iron pin set;

Thence South 89° 20' 48" West, 355.05 feet to a MAG nail set;

Thence South 00° 49' 46" East, 232.59 feet to a drill hole set;

Thence North 89° 58' 22" West, 63.13 feet to an iron pin set;

Thence South 00° 24' 44" East, 484.67 feet to the point of beginning and passing through an iron pin set 87.53 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15.

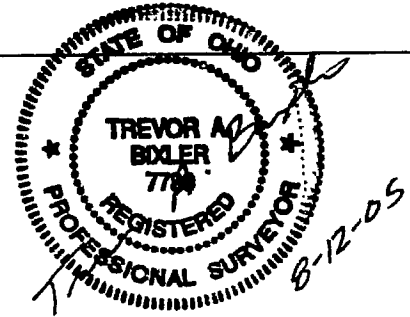
Containing within said bounds 35.29 acres (1,537,356 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

Together with the following described parcel.

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records, being more definitely described as follows;



Oberlin Wal-Mart
Total Parcel Description
37.40 Acres
Page 3 of 3

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the southerly line of Original Pittsfield Township Lot No. 15, South 89° 56' 16" West, 209.97 feet to southwesterly corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along said southerly line, South 89° 56' 16" West, 383.50 feet to the southeasterly corner of land conveyed to DeVicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records;

Thence, leaving said southerly line, along DeVicchio Investments, LLC's easterly and southerly lines the following two courses;

North 00° 24' 44" West, 235.07 feet to a MAG nail set and passing through a MAG nail set 93.84 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15;

Thence North 89° 21' 41" East, 389.52 feet to an iron pin set in the westerly line of said land conveyed to A. Scott Ritchie, Trustee;

Thence, along Ritchie's westerly line, South 01° 01' 59" West, 239.03 feet to the point of beginning and passing through a 1" iron pipe found 144.96 feet northerly of the southerly line of Original Pittsfield Township Lot No. 15.

Containing within said bounds 2.10 acres (91,608 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

Total Parcel containing within said bounds 37.40 acres (1,628,964 square feet) of land.

R:\04000\04038\word\legal descriptions\total-parcel.doc

EXHIBIT B-1

Legal Description for Devicchio Parcel

(See attached)



Survey 2010

DeVicchio Investments, LLC
4.8391 Acres
Page 1 of 2

Situated in the City of Oberlin and Township of Pittsfield, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being the land conveyed to Devicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the intersection of the centerline of State Route 58 and the southerly line of Original Pittsfield Township Lot No. 16, said point being distant North 00° 58' 25" East, 29.45 feet from a 1" iron pin found in a monument box on the centerline of State Route 58;

Thence, along said southerly line, South 89° 56' 16" West, 4.16 feet to the southeasterly corner of Original Pittsfield Township Lot No. 15;

Thence, along the easterly line of Original Pittsfield Township Lot No. 15, North 01° 02' 19" East, 446.97 feet to the northeasterly corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records and the **True Point of Beginning** for the parcel herein described;

Thence, along Ritchie's northerly line, South 89° 18' 03" West, 210.07 feet to a 1" iron pipe found at the northwesterly corner thereof and passing through a 1" iron pipe found 50.11 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along Ritchie's westerly line, South 01° 01' 59" West, 205.61 feet to an iron pin set;

Thence, leaving Ritchie's westerly line, South 89° 21' 41" West, 389.52 feet to a MAG nail set;

Thence South 00° 24' 44 East, 235.07 feet to the southerly line of Original Pittsfield Township Lot No. 15 and passing through a MAG nail set 93.84 feet northerly of said southerly line of Original Pittsfield Township Lot No. 15;

Thence, along said southerly line, South 89° 56' 16" West, 43.70 feet;

Thence, leaving said southerly line, North 00° 24' 44" West, 484.67 feet to an iron pin set and passing through an iron pin set 87.53 feet northerly of said southerly line of Original Pittsfield Township Lot No. 15;

Thence South 89° 58' 22" East, 63.13 feet to a drill hole set;

260 Burns Road, Suite 100 • Elyria, Ohio 44035 • Phone (440) 365-4730

Email: mailroom@ksassoc.com • Web: www.ksassoc.com • Fax (440) 365-4790

DeVicchio Investments, LLC

4.8391 Acres

Page 2 of 2

Thence North 00° 49' 46" West, 232.59 feet to a MAG nail set;

Thence North 89° 20' 48" East, 355.05 feet to an iron pin set;

Thence South 00° 27' 07" East, 232.06 feet to an iron pin set in the westerly prolongation of the southerly line of land conveyed to Oberlin Car Wash, LLC as recorded in Instrument No. 980562504 of the Lorain County Land Records;

Thence, along Oberlin Car Wash, LLC's southerly line and its westerly prolongation, North 89° 23' 49" East, 232.95 feet to the easterly line of Original Pittsfield Township Lot No. 15 and passing through a 1" iron pipe found 49.98 feet westerly of the easterly line of Original Pittsfield Township Lot No. 15;

Thence, along the easterly line of Original Pittsfield Township Lot No. 15, South 01° 02' 19" West, 44.05 feet to the point of beginning.

Containing within said bounds 4.8391 acres (210,793 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in March 2004.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

EXHIBIT C

Legal Description for Easement Area

(See attached)

ASHLAND OBERLIN ROAD STATE ROUTE 58

O.L. 16

O.L. 15

(R/W VARIES)

EXISTING R/W

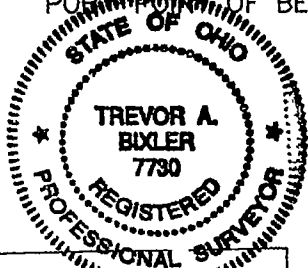
14-00-015-000-016
OBERLIN CAR WASH, LLC
INST. #980562504

14-00-015-000-011
A. SCOTT RITCHIE,
TRUSTEE ET AL
OR. VOL. 1269 P 241

14-00-015-000-015
DEVICCHIO INVESTMENTS, LLC
INSTRUMENT NO. 20040035651

ABBREVIATIONS

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING



14-00-015-000-006
CAROL VARNER
OR. VOL. 1044 P 265

14-00-015-000-017
OBERLIN LAND COMPANY
OR. VOL. 83 P 488

EASTERLY PROPERTY LINE OF
PROPOSED WAL-MART PARCEL

EASEMENT C
PROPOSED WATER
MAIN EASEMENT

SCALE: 1"=100'
JUNE 15, 2005
KS JOB NO. 04038

EASEMENT C PROPOSED WATER MAIN EASEMENT EXHIBIT

OF PART OF ORIGINAL PITTSFIELD
TOWNSHIP LOT NO. 15, CITY OF OBERLIN,
COUNTY OF LORAIN, STATE OF OHIO

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°18'03"W	50.02'
L2	S89°18'03"W	198.78'
L3	N00°27'07"W	30.13'
L4	N44°32'53"E	11.31'
L5	N00°27'07"W	223.10'
L6	S89°51'39"W	532.19'
L7	S00°28'21"E	616.13'
L8	S02°00'28"E	15.90'
L9	N02°00'28"W	16.76'
L10	N00°28'21"W	665.84'
L11	N89°21'29"E	20.00'
L12	S00°28'21"E	29.50'
L13	N89°51'39"E	552.19'
L14	S00°27'07"E	260.53'
L15	S89°37'40"E	169.25'
L16	S01°02'19"W	17.32'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	20.01'	11399.20'	0°06'02"	20.01'	S86°17'40"W

Trevor A. Bixler 6-16-05

TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730



KS Associates, Inc.
260 Burns Rd., Suite 100
Elyria, Ohio 44035
Phone (440) 365-4730
Fax (440) 365-4790
mailroom@ksassoc.com
www.ksassoc.com



**Description of
Easement C
Water Main Easement
0.77 Acres
Page 1 of 2**

Situated in the City of Oberlin, County of Lorain, State of Ohio and known as being part of Original Pittsfield Township Lot No. 15. Also being part of the land conveyed to Oberlin Land Company as recorded in O.R. Volume 83, Page 488 of the Lorain County Land Records and part of the land conveyed to Devicchio Investments, LLC as recorded in Instrument No. 20040035651 of the Lorain County Land Records, being more definitely described as follows;

Commencing at the northeast corner of land conveyed to A. Scott Ritchie, Trustee as recorded in O.R. Volume 1269, Page 241 of the Lorain County Land Records;

Thence, along Ritchie's northerly line, South 89° 18' 03" West, 50.02 feet to the westerly right of way of Ashland Oberlin Road (State Route 58) (width varies), and the **True Point of Beginning** for the easement herein described;

Thence, continuing along Ritchie's northerly line and the westerly extension thereof, South 89° 18' 03" West, 196.78 feet;

Thence North 00° 27' 07" West, 30.13 feet;

Thence North 44° 32' 53" East, 11.31 feet;

Thence North 00° 27' 07" West, 223.10 feet;

Thence South 89° 51' 39" West, 532.19 feet;

Thence South 00° 28' 21" East, 616.13 feet;

Thence South 02° 00' 28" East, 15.90 feet to the northerly right of way of Kipton East Road (State Route 10) (U.S. Route 20) (width varies);

Thence, along said northerly right of way, along the arc of a curve which deflects to the right, 20.01 feet, said curve having a radius of 11399.20 feet, a central angle of 0° 06' 02", and a chord of 20.01 feet which bears South 86° 17' 40" West;

Thence, leaving said northerly right of way, North 02° 00' 28" West, 16.76 feet;

**Description of
Easement C
Water Main Easement
0.77 Acres
Page 2 of 2**

Thence North 00° 28' 21" West, 665.84 feet to the southerly line of land conveyed to Carol Varner, as recorded in O.R. Volume 1044, Page 265 of the Lorain County Land Records;

Thence, along Varner's southerly line, North 89° 21' 29" East, 20.00 feet;

Thence, leaving Varner's southerly line, South 00° 28' 21" East, 29.50 feet;

Thence North 89° 51' 39" East, 552.19 feet;

Thence South 00° 27' 07" East, 260.53 feet;

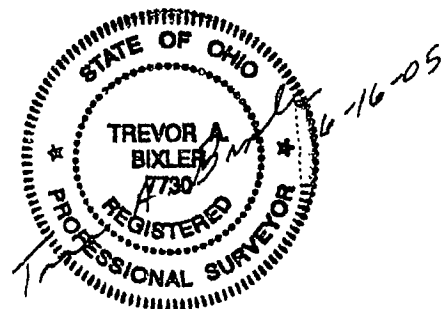
Thence South 89° 37' 40" East, 169.25 feet to the westerly right of way of Ashland Oberlin Road (State Route 58);

Thence, along said westerly right of way, South 01° 02' 19" West, 17.32 to the point of beginning.

Containing within said bounds 0.77 acres (33,373 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in June of 2005.

Bearings are based on Ohio State Plane, North Zone NAD83 (1986) Grid North based on GPS observations performed in January 2003.

R:\04000\04038\Legal Descriptions\C-WAT EASE.doc



ORDINANCE NO. 05-54 AC CMS

AN ORDINANCE ACCEPTING A WATERLINE FOR MUNICIPAL OWNERSHIP, OPERATION, AND MAINTENANCE AND APPROVING THE FORM OF AN EASEMENT RELATING THERETO AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the waterline currently in existence that is connected to the City of Oberlin water main on State Route 58, South, and which traverses property owned by Oberlin Land Company,* as designated on the map attached hereto as "Exhibit A", is hereby accepted by the City for ownership, operation and maintenance.

* and DeVecchio Investments, LLC

SECTION 2. That the Easement agreement relating to said waterline which is attached hereto as "Exhibit B" is hereby approved, and the City Manager is hereby authorized and directed to execute same on behalf of the City.

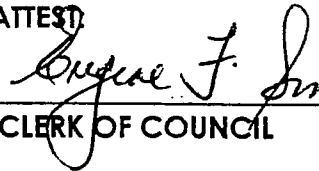
SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, or to provide for the usual daily operation of a municipal department, to wit:

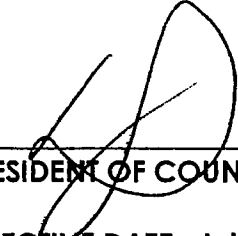
"to timely accept an existing waterline and associated easement for public ownership, operation and maintenance to facilitate proposed development in the area", and shall take effect immediately upon passage.

PASSED: 1st Reading – July 18, 2005 (E) (A)

ATTEST:


CLERK OF COUNCIL

JOHN M. NEDWICK
LORAIN COUNTY
RECORDER


PRESIDENT OF COUNCIL

POSTED: July 19, 2005

EFFECTIVE DATE: July 19, 2005

a:/ORD05-54Waterline

2005 OCT 27 P 3:13

RECEIVED FOR RECORD

188⁰⁰ MW
Laura