

## AD TEXT

### Public Notices

LEGAL NOTICE Pursuant to ORC 721 and North Royalton Ord. No. 20-46, Notice is hereby published that the City of North Royalton ("Owner"), is seeking bids for the sale of municipal real property no longer necessary for public use located in North Royalton, OH, PPN 483-23-011, (12.8133) acres to the highest responsible bidder, in an amount equal to or greater than \$320,000, the appraised value. Bids will be received at The Office of the Mayor, North Royalton City Hall, 14600 State Rd., North Royalton, OH 44133 until 12:00 p.m., local time on Friday, April 24, 2020. Each bid must contain the full names of the party or parties making the offer, the bid offer amount and the intended use of the parcel in a notarized letter. Copies of the legal description and all property details and documents are available on the City's website and may also be obtained at the office of the North Royalton Community Development Director at 11545 Royalton Rd., North Royalton, OH. The City of North Royalton reserves the right to reject any and all bids, to waive any informalities in the bids received, and to accept any bid which it deems most favorable. A Contract for the sale of the real property shall be made only after subsequent approval of City Council.  
p.d.march18,25,april1,8,15,2020-9549680

Related Categories: Notices and Announcements - Legal Notice

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p.d.march18,25,april1,8,15,2020-9549680

Notices and Announcements - Legal Notice

## DRIVEWAY AND UTILITY EASEMENT AGREEMENT

This DRIVEWAY AND UTILITY EASEMENT AGREEMENT ("Agreement") is made and entered into as of the 15<sup>TH</sup> day of MAY, 2019 by and between THE BOARD OF EDUCATION OF THE NORTH ROYALTON CITY SCHOOL DISTRICT, Ohio (the "District"), and THE CITY OF NORTH ROYALTON, an Ohio municipal corporation ("City"). References herein to "Party" refers to either the District or City, separately, and references herein to "Parties" refers to the District and the City, collectively.

### RECITALS:

- A. The City is the owner of the real property located in Cuyahoga County, Ohio and legally described on Exhibit A.

NOW, THEREFORE, in consideration of the forgoing recitals, which shall be incorporated below as if rewritten below in their entirety, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### ARTICLE I

#### DRIVEWAY EASEMENT

- 1.1. **Reservation of Easement.** The City reserves, for the benefit of City, its successors and assigns and City Authorized Users and subsequent owner, an easement over and across the Driveway Easement Area as defined on Exhibit B for the purpose of providing vehicular and pedestrian access to and from Royalton Road (the "Driveway Easement") to the City's retained land as described in Exhibit D. The Driveway Easement shall be nonexclusive.
- 1.2. **Maintenance of Driveway Easement.** The District shall maintain the Driveway Easement in a good, safe operating condition and repair, inclusive of snow/ice removal on as reasonably required for the use of the Driveway Easement as contemplated in this Agreement.
- 1.3. **Snow and Ice Removal.** The District shall be responsible for the moving of snow and ice on days when students report to school. The City and its successors and assigns shall be responsible for snow and ice removal on District calamity days when the District is not in session, at City and its successors or assigns sole option.
- 1.4. **Allocation of Maintenance Costs.** The City and its successors and assigns shall pay Twenty-five percent (25%) of costs associated with repairs to the driveway as determined by the District, with the prior consent and approval of City, including but not limited to: seal coating, resurfacing, asphalt patching, and utility repairs that serve either property along the access drive within thirty (30) days from the District's invoice therefore along with applicable supporting documentation.
- 1.5. **Reservation of Rights.** The City, for itself and its successors and assigns, reserves the right to use the Nonexclusive Easement Area for any purpose which is not inconsistent with this Agreement and which does not unreasonably interfere with the use of the same by the District as permitted under this Agreement. Without expanding the City's rights with respect to the Nonexclusive Easement Area as provided herein, the City shall not permit or suffer the Nonexclusive Easement Area and access to its retained property across the Nonexclusive

Easement Area as permitted herein, to be obstructed, blocked, interfered with, or otherwise impeded.

## ARTICLE II

### UTILITY EASEMENT

- 2.1. **Reservation of Easement.** The City hereby retains, for the benefit of City, its successors and assigns and City Authorized Users, a utility easement as defined on Exhibit C for the purpose of providing utilities to the City's property (the "Utility Easement"). The Utility Easement shall be nonexclusive.
- 2.2. **Reservation of Rights.** The City, for itself and its successors and assigns, reserves the right to use the Nonexclusive Easement Area for any purpose which is not inconsistent with this Agreement and which does not unreasonably interfere with the use of the same by the District as permitted under this Agreement. Without expanding the City's rights with respect to the Nonexclusive Easement Area as provided herein, the City shall not permit or suffer the Nonexclusive Easement Area and access across the Nonexclusive Easement Area as permitted herein, to be obstructed, blocked, interfered with, or otherwise impeded.

## ARTICLE III

### MISCELLANEOUS

- 3.1. **Binding Effect.** The easements, agreements and covenants contained herein shall run with the land and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns in interest with respect to the North Royalton Bus Garage and the City's retained parcel.
- 3.2. **Severability.** This Agreement is intended to be performed in accordance with, and only to the extent permitted by, applicable law. If any provision of this Agreement, or the application thereto to any party or circumstance shall, for any reason and to any extent, be invalid or unenforceable, such provision shall to that extent be omitted, and the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the maximum extent permitted by law.
- 3.3. **Headings.** The captions and headings in this Agreement are for convenience only and shall not be used to interpret its provisions.
- 3.4. **Exhibits.** All exhibits referred to herein and attached hereto shall be deemed part of this Agreement.
- 3.5. **Execution of Further Documents.** The Parties each agree that they will join in the execution and delivery of such further and additional documentation reasonably requested by the other in order to carry out the purposes and intent of this Agreement.
- 3.6. **Signage.** City, its successors and assigns, shall retain an easement for signage in an area approved by the Parties, within the driveway and utility easement area.



COUNTY OF CUYAHOGA )

The forgoing instrument was acknowledged before me this 14<sup>th</sup> day of May, 2019 by Robert Stefanik, the Mayor of the City of North Royalton, an Ohio municipal corporation, on behalf of the corporation.

Iris L. Zielinski  
Notary Public

Approved as to Form:

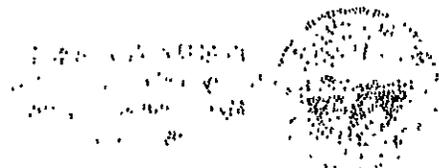
Thomas A. Kelly  
City Law Director

THIS INSTRUMENT PREPARED  
BY:

David J. Riley, Esq.  
24502 Cornerstone  
Westlake, Ohio 44145



IRIS L. ZIELINSKI  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Cuyahoga County  
My Comm. Exp. 10/11/2022



LEGAL DESCRIPTION

Exhibit A

2019009 DE-02

13.3118 Acres

Parcel 1

Situated in the City of North Royalton, County of Cuyahoga and State of Ohio and known as being a part of Original Royalton township section No. 3, also being lands conveyed to The City of North Royalton as recorded in Deed Volume 91-3632, Page 34 of the Cuyahoga County Recorder's Office, further described as follows;

Commencing at a 1-inch iron rod in ODOT monument box assembly, located at station 307+14.30 in the centerline of Royalton Road, State Route 83 (variable width), as shown on Centerline Plat GUY-82.4.83; thence Southeasterly along the centerline of said SR-83 and along an arch of a curve deflecting to the right a distance of 3.77 feet to a point, said curve having a radius of 1910.04 feet and a chord distance of 3.77 feet that bears South 85°28'45" East; thence South 00°49'48" East, a distance of 40.18 feet to an iron pin set on a Southerly line of said SR-83 said point also being known as the Principle Place of Beginning of the parcel herein described;

Course No. 1: Thence Southeasterly along said Southerly line of SR-83 and along an arch of a curve deflecting to the right a distance of 266.55 feet to an iron pin set on said Southerly line of SR-83 and a Northwesterly corner of lands now or formerly owned by Gerard Loznak Enterprises, LLC (PPN 483-22-003) by deed, as recorded in AFN 201006180517 of the Cuyahoga County Recorder's Office, said curve having a radius of 1870.04 feet and a chord distance of 266.33 feet that bears South 81°13'24" East;

Course No. 2: Thence South 08°34'39" West along a Westerly line of said Gerard Loznak Enterprises, LLC lands, a distance of 373.84 feet to a 5/8-inch found iron pin at a Southwesterly corner of said Gerard Loznak Enterprises, LLC lands;

Course No. 3: Thence North 87°57'49" East along a southerly line of said Gerard Loznak Enterprises, LLC lands, a distance of 144.47 feet to a 5/8-inch found iron pin on a Westerly line of land now or formerly owned by North Royalton Storage, LLC (PP 483-22-004) by deed, as recorded in AFN 201508130664 of the Cuyahoga County Recorder's Office;

Course No. 4: Thence South 01°13'44" East along a Westerly line of said North Royalton Storage, LLC land, a distance of 1388.79 feet to a 1/2-inch iron pin found (South-0.15 feet) (East-0.14 feet) at a Southwesterly corner of said North Royalton Storage, LLC land;

Course No. 5: Thence South 87°58'10" West along a new dividing line, a distance of 355.67 feet to an iron pin set on an Easterly line of lands now or formerly owned by Richard Carlson, et.al. (PPN 483-23-003) by deed as recorded in Deed Volume 94-11682, Page 32 of the Cuyahoga County Recorder's Office;

Course No. 6: Thence North 00°49'48" West along said Easterly line of said Richard Carlson, et.al. land, and an Easterly line of land now or formerly owned by Beverly J. Sharkey (PPN 483-22-001) by deed, as recorded in AFN 200812240045 of the Cuyahoga County Recorder's Office, a distance of 1806.42 feet to the Principle Place of Beginning. Containing within said bounds 13.3118 acres (589,864 square feet) of land; 0.2454 acres (10,688 square feet) being within the road right-of-way, according to a survey by Daniel P. Engle, Ohio P.S. 8452 for Engle, Trotter & Associates in February 2019, being the same more or less and subject to all legal highways and easements.

The basis of bearing for this survey is State Plane Coordinate System NAD 83 Zone Ohio North, established by O.D.O.T. VRS observed in February 2019. Bearings, as shown, are used to describe angular measurements only. All pins set are 5/8-inch by 30-inch steel pin with cap "Engle 8452"

The above described Parcel 1 is subject to an "Access & Utility Easement" for use by adjacent Parcel 2

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

**Exhibit B- Drawing showing the driveway and utility easement.**

**Exhibit B- Also includes Legal Description of the Drive Way and Utility Easements**

Exhibit  
B and C

LEGAL DESCRIPTION

2019009 DE-04

1.6549 Acres

Access and Utility Easement

Situated in the City of North Royalton, County of Cuyahoga and State of Ohio and known as being a part of Original Royalton township section No. 3, also being lands conveyed to The City of North Royalton as recorded in Deed Volume 91-3632, Page 34 of the Cuyahoga County Recorder's Office, further described as follows:

Commencing at a 1-inch iron rod in ODOT monument box assembly, located at station 307+14.30 in the centerline of Royalton Road, State Route 83 (variable width), as shown on Centerline Plat CUY-82.4.83; thence Southeasterly along the centerline of said SR-83 and along an arch of a curve deflecting to the right a distance of 3.77 feet to a point, said curve having a radius of 1910.04 feet and a chord distance of 3.77 feet that bears South 85°28'45" East; thence South 00°49'48" East, a distance of 40.18 feet to an iron pin set on a Southerly line of said SR-83; thence Southeasterly along said Southerly line of SR-83 and along an arch of a curve deflecting to the right a distance of 189.32 feet to point on said Southerly line of SR-83, said curve having a radius of 1870.04 feet and a chord distance of 189.24 feet that bears South 82°24'23" East; said point also being known as the Principal Place of Beginning of the easement herein described;

Course No. 1: Thence continuing Southeasterly along said Southerly line of SR-83 and along an arch of a curve deflecting to the right a distance of 40.11 feet to a point on said Southerly line of SR-83, said curve having a radius of 1870.04 feet and a chord distance of 40.11 feet that bears South 78°53'30" East;

Course No. 2: Thence South 06°48'32" West, a distance of 405.43 feet to a point;

Course No. 3: Thence South 21°44'58" West, a distance of 319.17 feet to a point;

Course No. 4: Thence South 00°49'48" East, a distance of 1072.82 feet to a point, on a Northerly line of Parcel 2;

Course No. 5: Thence South 87°58'10" West, along said Northerly line of Parcel 2, a distance of 40.01 feet to a point;

Course No. 6: Thence North 00°49'48" West, a distance of 1081.64 feet to a point;

Course No. 7: Thence North 21°44'58" East, a distance of 321.91 feet to a point;

Course No. 8: Thence North 06°48'32" East, a distance of 403.19 feet to the Principal Place of Beginning. Containing within said bounds 1.6549 acres (72,086 square feet) of land, according to a survey by Daniel P. Engle, Ohio P.S. 8452 for Engle, Trotter & Associates in February 2019, being the same more or less and subject to all legal highways and easements.

The basis of bearing for this survey is State Plane Coordinate System NAD 83 Zone Ohio North, established by O.D.O.T. VRS observed in February 2019. Bearings, as shown, are used to describe angular measurements only.

# LOT SPLIT AND CONSOLIDATION PLAT

Z.P.N: 48S-22-002, 48S-23-005 & 008  
 SITUATED IN THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA, AND STATE OF OHIO,  
 AND KNOWN AS BEING PART OF ORIGINAL MATRIALATION TOWNSHIP SECTION No. 3

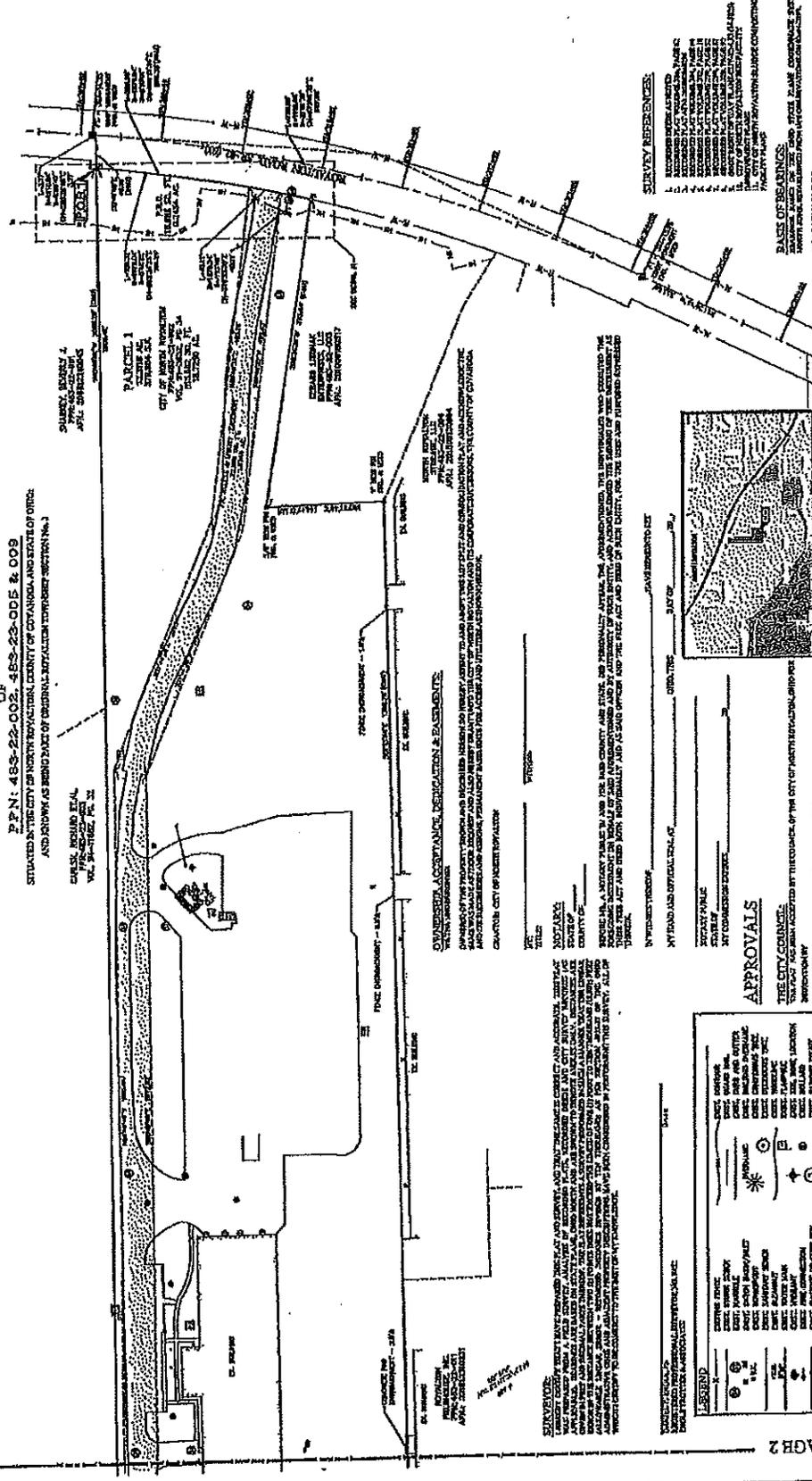


## ETA

ERHLE, VLOTTER & ASSOCIATES  
 PROFESSIONAL LAND SURVEYORS

NORTH ROYALTON, OHIO

LOT SPLIT AND  
 CONSOLIDATION



**AREA TABULATION**

ACRES	0.00
SQUARE FEET	0.00
TOTAL	0.00
PERCENTAGE	0.00%
TOTAL	0.00%

**SECTION 3**  
**SECTION 8**

LOCATION MAP  
NORTH OHIO

**APPROVALS**

THE CITY COUNCIL HAS REVIEWED AND APPROVED THE MATRIALATION AND THIS PLAT HAS BEEN ACCEPTED BY THE BOARD OF THE CITY OF NORTH ROYALTON, OHIO.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

**LEGEND**

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[PPN 483-23-011]

**LEGAL DESCRIPTION**

2019009 DE-03

12.8133 Acres

Parcel 2

Situated in the City of North Royalton, County of Cuyahoga and State of Ohio and known as being a part of Original Royalton township section No. 3, also being lands conveyed to The City of North Royalton as recorded in Deed Volume 91-3632, Page 34 of the Cuyahoga County Recorder's Office, further described as follows;

Commencing at a 1-inch iron rod in ODOT monument box assembly, located at station 307+14.30 in the centerline of Royalton Road, State Route 83 (variable width), as shown on Centerline Plat CUY-82.4.83; thence Southeasterly along the centerline of said SR-83 and along an arch of a curve deflecting to the right a distance of 3.77 feet to a point, said curve having a radius of 1910.04 feet and a chord distance of 3.77 feet that bears South 85°28'45" East; thence South 00°49'48" East, a distance of 40.18 feet to an iron pin set on a Southerly line of said SR-83; thence continuing South 00°49'48" East, along an Easterly line of land now or formerly owned by Richard Carlson, et.al. (PPN 483-23-003) by deed as recorded in Deed Volume 94-11682, Page 32 of the Cuyahoga County Recorder's Office, a distance of 1806.42 feet to an iron pin set, said pin also being known as the Principle Place of Beginning of the parcel herein described;

Course No. 1: Thence North 87°58'10" East along a new dividing line and a Southerly line of land now or formerly owned by North Royalton Storage, LLC (PP 483-22-004) by deed, as recorded in AFN 201508130664 of the Cuyahoga County Recorder's Office and a Southerly line of land now or formerly owned by 10583/10655 Royalton Road LLC (PPN 483-23-009) by deed, as recorded in AFN 201410300548 of the Cuyahoga County Recorder's Office, a distance of 770.80 feet to an iron pin set at a Southwesterly corner of said 10583/10655 Royalton Road LLC land;

Course No. 2: Thence South 01°01'21" East along a Westerly line of said 10583/10655 Royalton Road LLC land, a distance of 680.80 feet to a 5/8-inch iron found (South-0.20 feet) (West-0.20 feet) at a Southwesterly corner of said 10583/10655 Royalton Road LLC land and on a Northerly line of lands now or formerly owned by Enzo Maddalena Jr. Trustee (PPN 483-23-008) by deed, as recorded in AFN 200904240270 of the Cuyahoga County Recorder's Office;

Course No. 3: Thence South 89°29'40" West along a Northerly line of said Enzo Maddalena Jr. Trustee land, a distance of 47.77 feet to a 5/8-inch iron found (South-0.43 feet) at a Northwesterly corner of said Enzo Maddalena Jr. Trustee land;

Course No. 4: Thence South 00°52'10" East along a Westerly line of said Enzo Maddalena Jr. Trustee land, a distance of 172.00 feet to a 5/8-inch capped iron pin (#7513) found at a Southwesterly corner of said Enzo Maddalena Jr. Trustee land;

Course No. 5: Thence South 89°29'40" West along a Northerly line of said Enzo Maddalena Jr. Trustee land, and a Northerly line of land now or formerly owned by Edsel P & Suzan J. Medina (PPN 483-23-006) by deed, as recorded in AFN 201506170522 of the Cuyahoga County Recorder's Office, and a Northerly line of land now or formerly owned by Enzo Maddalena Sr. (Trust) (PPN 483-23-004) by deed, as recorded in AFN 201702060394 of the Cuyahoga County Recorder's Office, a distance of 248.68 feet to a 5/8-inch capped iron pin (#7513) on an Easterly line of lands now or formerly owned by Lucilla Z. Manica (PPN 483-23-006) by deed, as recorded in AFN 201404150401 of the Cuyahoga County Recorder's Office;

Course No. 6: Thence North 01°04'48" West along an Easterly line of said Lucilla Z. Manica land, a distance of 171.47 feet to an iron pin set at a Northeasterly corner of said Lucilla Z. Manica land;

**Course No. 7:** Thence South  $89^{\circ}29'40''$  West along a Northerly line of said Lucilla Z. Manica land, a distance of 463.94 feet to a 1.25-inch iron pin found (South-2.75 feet) (West-1.60 feet) on an Easterly line of land now or formerly owned by Richard Carlson, et.al. (PPN 483-23-003) by deed as recorded in Deed Volume 94-11682, Page 32 of the Cuyahoga County Recorder's Office;

**Course No. 8:** Thence North  $02^{\circ}32'50''$  West along an Easterly line of said Richard Carlson, et.al. land, a distance of 402.27 feet to a 1-inch iron pin found on an Easterly line of said Richard Carlson, et.al. land;

**Course No. 9:** Thence North  $00^{\circ}49'48''$  West continuing along an Easterly line of said Richard Carlson, et.al. land, a distance of 258.78 feet to the Principal Place of Beginning. Containing within said bounds 12.8133 acres (558,149 square feet) of land, according to a survey by Daniel P. Engle, Ohio P.S. 8452 for Engle, Trotter & Associates in February 2019, being the same more or less and subject to all legal highways and easements.

The basis of bearing for this survey is State Plane Coordinate System NAD 83 Zone Ohio North, established by O.D.O.T. VRS observed in February 2019. Bearings, as shown, are used to describe angular measurements only.

All pins set are 5/8-inch by 30-inch steel pin with cap "Engle 8452"

The above described Parcel 2 is subject to the use of an "Access and Utility Easement" within adjacent Parcel 1.