

RESOLUTION NO. 43-2009

Offered by All of Council

A RESOLUTION ACCEPTING A PERPETUAL EASEMENT FOR A HIKE/BIKE TRAIL FROM MARK E. PARKER AND SUZANNE J. SERDINAK

BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That there is hereby accepted a perpetual Easement for a hike/bike trail from Mark E. Parker and Suzanne J. Serdinak, a copy of which Easement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 8/4/09

[Signature]
President of Council

[Signature]
Mayor

Dated: 8/4/09

ATTEST:

[Signature]
Clerk of Council

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that MARK E. PARKER and SUZANNE J. SERDINAK, hereinafter together with their successors and assigns called the Grantor, whose address is _____, Richfield, Ohio 44286, claiming title by virtue of an instrument recorded at Volume _____, Page _____ of the Summit County Deed Records and for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration received of the VILLAGE OF RICHFIELD, 4410 West Streetsboro Road, P.O. Box 387, Richfield, Ohio 44286-0387, hereinafter together with its successors and assigns called the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby give and grant unto Grantee a perpetual easement for the purposes hereinafter set forth ("Hike/Bike Trail Easement") through and over the following described premises:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO

The purposes of this Hike/Bike Trail Easement are to install a trail that will connect State Route 303 to the Richfield Woods Park. **The Village will construct a paved trail/path on the property and provide appropriate landscaping. The location of the trail and landscaping and any subsequent modifications thereof shall be subject to the approval of the Grantor or their assigns.** The Village shall provide year-round management of the premises and shall maintain the trail including, without limitation: picking up litter; maintaining landscaped areas, fences, and any other improvements to the premises in an aesthetically pleasing manner; maintaining a good and safe condition park trail; adhere to and enforce practices which encourage safe use by the public of the premises and any facilities thereon. Grantee shall not remove any trees without the Grantor's prior written approval.

For valuable consideration, Mark E. Parker and Suzanne J. Serdinak hereby each release their dower rights in the Hike/Bike Trail Easement described herein.

IN WITNESS WHEREOF, the Grantor Mark E. Parker and Suzanne J. Serdinak have hereunto set their hands and seals this _____ day of _____, 2006.

Signed in the presence of:

Mark E. Parker

Suzanne J. Serdinak

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Mark E. Parker and Suzanne J. Serdinak, who acknowledged that they did sign the foregoing instrument and that the same was their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Richfield, Ohio this _____ day of _____, 2008.

Notary Public

This instrument prepared by:

Charles T. Riehl, Esq.
Walter & Haverfield LLP
The Tower at Erieview
1301 East Ninth Street, Suite 3500
Cleveland, Ohio 44114-1821

Mark Parker and Suzanne J. Serdinak
20' Trail Easement
Exhibit "A"

Situated in the Village of Richfield, and being part of Original Richfield Township Lot 23, Tract 1, County of Summit, and State of Ohio, and bounded and described as follows:

Commencing at a 5/8" rebar found at the Grantor's northeast corner, and being the TRUE PLACE OF BEGINNING for the parcel of land herein described;

Thence S 00° 37' 11" E along the Grantor's east line, a distance of 664.26 feet to a point on the northerly existing right of way line of West Streetsboro Road (S.R. 303) and the Grantor's southeast corner;

Thence S 88° 53' 32" W, along the northerly existing right of way line of West Streetsboro Road (S.R. 303) and the Grantor's south line, a distance of 20.00 feet to a point on the proposed easement line;

Thence N 00° 37' 11" W along the proposed easement line, a distance of 664.23 feet to a point on the Grantor's north line;

Thence N 88° 49' 01" E along the Grantor's north line, a distance of 20.00 feet to the TRUE PLACE OF BEGINNING and containing 0.305 acres, more or less, as surveyed by McCoy Associates, Inc., a Division of KCI Technologies under the direct supervision of Leland B. Dillworth, P.S. No. 7481.

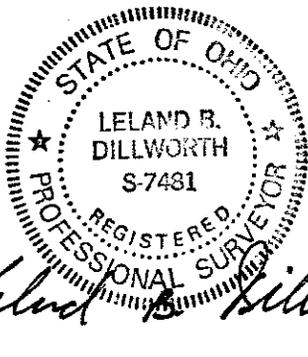
The above described area is contained within the Summit County Auditor's Permanent Parcel Number 5002205.

The description was prepared in September 2008 by Paul K. Miller, P.S. No. 7587 and reviewed by Leland B. Dillworth, P.S. No. 7481 of McCoy Associates, Inc., a division of KCI Technologies.

The Grantors claim title by instrument recorded in Instrument No. 55243142 of the Summit County Deed Records.

The basis of bearings in this description: the bearings are relative to NAD 83 Ohio State Plane Grid Datum, North Zone, which was derived from the Summit County GIS Control Network. The distances shown are ground distances.

10-1-08



Leland B. Dillworth

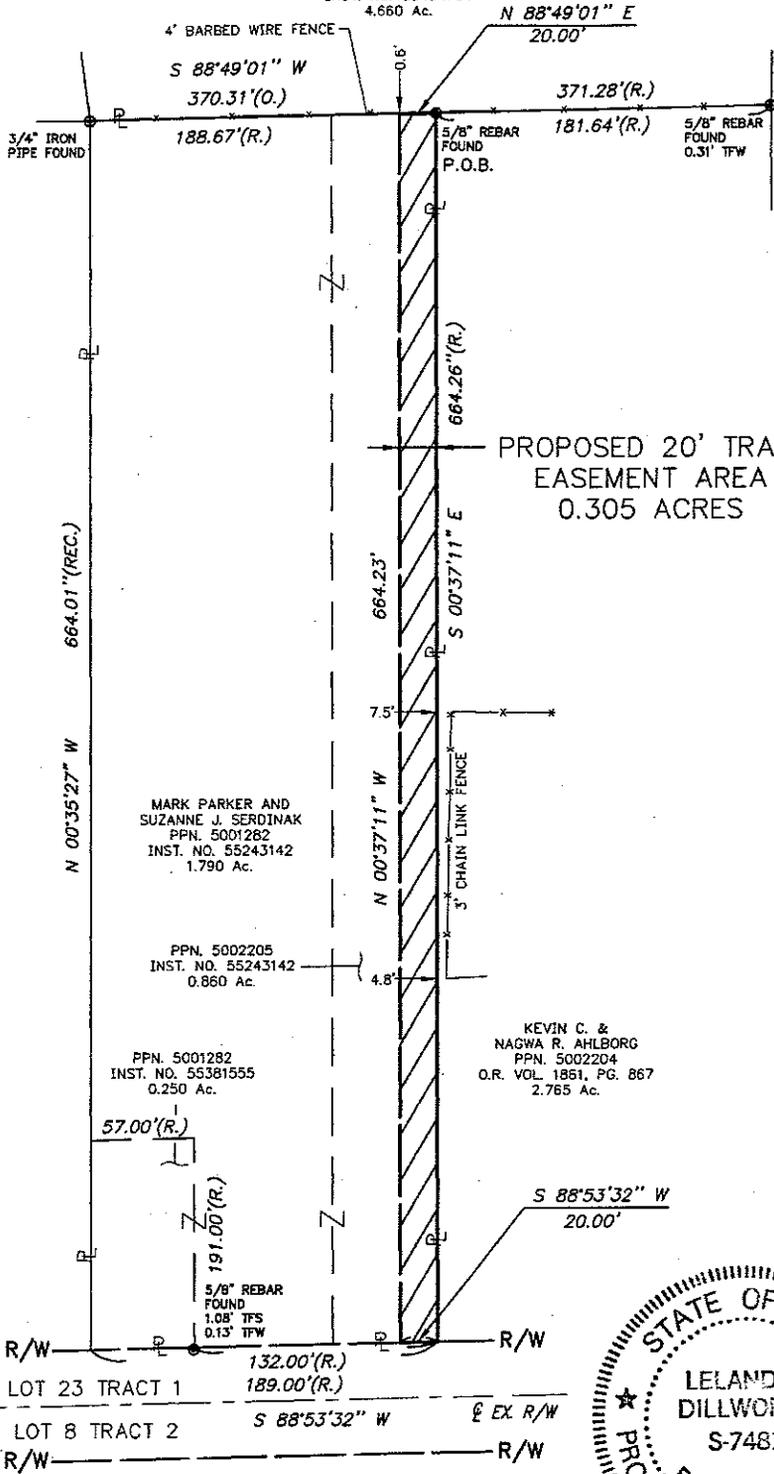
EXHIBIT 'A'

VILLAGE OF RICHFIELD, OHIO
 PPN. 5000643
 INST. NO. 55434784
 4.660 Ac.



SCALE: 1"=100'

BASIS OF BEARING: THE BEARINGS ARE RELATIVE TO NAD 83 OHIO STATE PLANE GRID DATUM, NORTH ZONE, WHICH WAS DERIVED FROM THE SUMMIT COUNTY GIS CONTROL NETWORK. THE DISTANCES SHOWN ARE GROUND DISTANCES.



**PROPOSED 20' TRAIL
 EASEMENT
 LANDOWNER: MARK PARKER
 AND SUZANNE J. SERDINAK
 0.305 ACRES**

PART OF
 ORIGINAL RICHFIELD
 TOWNSHIP LOT 23, TRACT 1
 VILLAGE OF RICHFIELD
 COUNTY OF SUMMIT
 STATE OF OHIO



W. STREETSBORO RD.
 (S.R. 303) - 60' R/W

Plan Prepared By:

McCoy Associates, Inc.

A DIVISION OF KCI TECHNOLOGIES
 388 S. MAIN STREET, SUITE 401
 AKRON, OHIO 44311
 (330) 564-9100

Leland B. Dillworth
 LELAND B. DILLWORTH
 SURVEYOR NO. 7481 DATE 10-1-08