



**CITY OF BROADVIEW HEIGHTS
RESOLUTION NO. 2025-101**

INTRODUCED BY MAYOR AND ENTIRE COUNCIL

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE GRANT OF AN
EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF WATER AND
STORM UTILITIES FROM 5025 BROADVIEW HEIGHTS LAND, LLC ON
PARCEL NUMBER 583-21-007 IN THE CITY OF BROADVIEW HEIGHTS AND
DECLARING AN EMERGENCY**

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an agreement to accept the grant of an easement for the installation and maintenance of water and storm utilities from 5025 Broadview Heights Land, LLC on Parcel Number 583-21-007.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROADVIEW HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. The Mayor is hereby and herein authorized and directed to enter into an agreement to accept the grant of an easement for the installation and maintenance of water and storm utilities from 5025 Broadview Heights Land, LLC on Parcel Number 583-21-007 as delineated in Exhibit "A" attached hereto and made a part hereof as if fully rewritten herein.

SECTION 2. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason stated in the preamble, and provided it receives the affirmative vote of five (5) or more of the members of Council and the signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed and Adopted by the Council on this 23rd day of June, 2025

Robert Boldt, President of Council

Samuel J. Alai, Mayor

June 23, 2025
Date

Attest: Robin Parsons, Clerk of Council

June 23, 2025
Date

Engineering Department

Legislative Request

To: Clerk of Council, Vince Ruffa, Law Director

Date: 06/16/2025

From: Ethan Neff, Assistant City Engineer

Project: Treeworth Extension Project Easements

The Engineering Department is requesting approval to execute two easements needed for utility connections included in the Treeworth Extension Project.

EASEMENT
FOR THE
INSTALLATION AND MAINTENANCE
OF UTILITIES: WATER SANITARY AND STORM

KNOWN ALL MEN BY THESE PRESENTS: that 5025 Broadview Heights Land LLC the "Grantor" herein, for valuable consideration received and to be received to its full satisfaction does hereby give, grant, bargain, and convey to the City of Broadview Heights, Ohio, a Municipal Corporation of the State of Ohio, the "Grantee" herein, the perpetual right-of-way and easement, for the purpose hereinafter mentioned, in, under, upon, and through the premises described and illustrated in a drawing labeled Exhibit "A", attached hereto and made a part hereof.

The mutual covenants herein contained shall convey unto the Grantee the right to enter upon said premises to construct, install, inspect, maintain, operate, repair, remove and replace storm sewers, waterlines, sanitary sewers and all appurtenant facilities. Further, at the time of initial installation or whenever maintenance or work of any kind is required hereunder, the Grantee, shall have the right to remove trees and landscape features, but shall at the Grantee's expense restore the landscape features or its environs to its original condition, less trees.

The Grantor hereby restricts said premises within the limits of the described easement against the construction of any buildings or a temporary or permanent type or other obstructions thereon, excepting sidewalks, driveways, or parking lots. Further, the Grantor shall be restricted from storing or placing any materials, equipment, or planting trees and shrubbery in such proximity thereto, which may restrict the accessibility for the maintenance of said sewers and appurtenances therein.

The Grantor hereby reserves the right to make such other use of said premises within the limits of the described easement as are not herein expressly prohibited by and are not inconsistent with the rights and easement hereby granted.

The Grantor further agrees that the Grantee, at the time of the initial construction or for the inspection, operation, maintenance, repair, removal or replacement of said easement facility, shall have the right to enter upon such easement premises and adjacent Grantor's lands. The Grantee in like manner, shall at the Grantee's expense restore the landscape features or its environs to its original condition including restoration of irrigation system and drainage systems; however, the Grantee shall not have the right to remove trees upon such adjacent lands unless given prior written consent by the Grantor.

TO HAVE AND TO HOLD the above granted easement, right-of-way, said sewers, appurtenances, further additions, and rights of entry to said Grantee, and their successors and assigns, for the purpose above mentioned forever.

And the Grantor, for itself, its successors and assigns, covenant with the said Grantee, and its successors and assigns, that at and until the sealing of these presents, the Grantor is well seized of the above described premises as a good and indefeasible estate in FEE SIMPLE and has good right to bargain and grant the same in manner and forms as above written.

IN WITNESS HEREOF, the undersigned has set his hand at Broadview Heights,

Ohio, this twelve (12th) day of June, 2025.
Signed in the presence of: Grantor:

Kaitlyn Pennington
Witness:

By: [Signature]

[Signature]
Witness:

State of Ohio

County of Cuyahoga

BEFORE ME, a notary Public in and for said County and State, personally appeared the above named Salvatore Mileti who acknowledged that he did sign the foregoing instrument and that the same, is the free act and deed of the Corporation and his free act and deed as said officer.

IN WITNESS WHEREOF, I have hereto set my hand and official seal at GNCW, this 12 day of June, 2025.



Laura M. Schwartz Gaydos
Notary Public
State of Ohio
My Comm. Expires
January 7, 2028

Laura M. Schwartz Gaydos 01/07/2028
Notary Public My Commission Expires

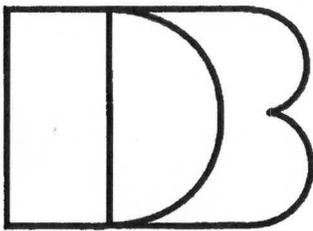
Approved by the Council of the City of Broadview Heights by Ordinance/Resolution

No. 2025-101. Adopted this 23rd day of June, 2025.

Robin Parsons June 23, 2025
Clerk Date

The legal form and correctness of the within instrument is hereby approved this 23rd day of JUNE, 2025.

[Signature]
Law Director



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

Utility Easement
P.P.N. 583-21-007
0.7063 acres
DGB 5531

November, 2024

LEGAL DESCRIPTION

Situated in the City of Broadview Heights, County of Cuyahoga, and State of Ohio, and known as being part of North Parcel in a Lot Split and Consolidation of part of Original Brecksville Township Lot 30 as shown by the plat recorded in Volume 259, Page 53 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at a point in the cul-de-sac of Treeworth Boulevard, 60 feet wide, as dedicated in A.F.N. 202312280231 of Cuyahoga County Records;

Thence North 55 degrees 19 minutes 24 seconds East, 55.00 feet to a point in the northeasterly curved line of Treeworth Boulevard at its intersection with the southwesterly line of a parcel of land conveyed to 5025 Broadview Heights Land LLC, by deed recorded as A.F.N. 202209130646 of Cuyahoga County Records, and being the principal place of beginning of the easement herein described;

Thence North 34 degrees 40 minutes 36 seconds West along the southwesterly line of said land conveyed to 5025 Broadview Heights Land LLC, 7.52 feet;

Thence North 78 degrees 38 minutes 07 seconds East, 69.61 feet to a point;

Thence North 54 degrees 54 minutes 49 seconds East, 169.79 feet to a point;

Thence North 87 degrees 21 minutes 18 seconds East, 367.90 feet to a point;

Thence South 28 degrees 08 minutes 13 seconds East, 99.06 feet to a point;

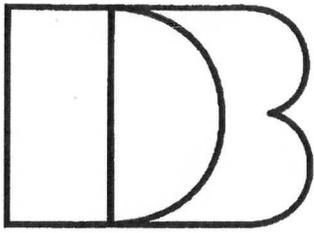
Thence South 35 degrees 03 minutes 25 seconds West, 142.82 feet to a point at its intersection with the southerly line of said land conveyed to 5025 Broadview Heights Land LLC;

Thence North 78 degrees 13 minutes 54 seconds West, 33.75 feet to a point;

Thence North 35 degrees 03 minutes 25 seconds East, 135.16 feet to a point;

Thence North 28 degrees 56 minutes 35 seconds West, 62.55 feet to a point;

Thence South 87 degrees 21 minutes 18 seconds West, 298.99 feet to a point;



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125
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Utility Easement
P.P.N. 583-21-007
0.7063 acres
DGB 5531

Thence South 52 degrees 10 minutes 59 seconds West, 161.11 feet to a point;

Thence South 64 degrees 34 minutes 08 seconds West, 70.36 feet to a point at its intersection with the southerly line of said land conveyed to 5025 Broadview Heights Land LLC;

Thence North 64 degrees 17 minutes 31 seconds West along the southerly line of said land conveyed to 5025 Broadview Heights Land LLC, 53.33 feet to an angle point, therein;

Thence North 34 degrees 40 minutes 36 seconds West, 20.90 feet to the principal place of beginning, and containing 30,766 square feet or 0.7063 acres of land, as described by Donald G. Bohning & Associates, Inc. in November, 2024.

The courses used in this description are referenced to gps observations made with the Ohio Department of Transportation Real Time Network System to the Ohio State Plane Coordinate System, North Zone (3401), NAD 83 (2011), in March, 2023, and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196

