

WAVE 24 HOUR KULE AND



**CITY OF BROADVIEW HEIGHTS
RESOLUTION NO. 2025-145**

INTRODUCED BY: MAYOR ALAI AND THE ENTIRE COUNCIL

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE GRANT OF
AN EASEMENT FROM PATRICK J. POWERS ON PARCEL NUMBER 583-27-
051 IN THE CITY OF BROADVIEW HEIGHTS AND DECLARING AN
EMERGENCY**

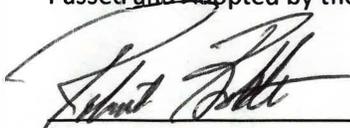
WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an agreement to accept the grant of an easement from Patrick J. Powers on Parcel Number 583-27-051.

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

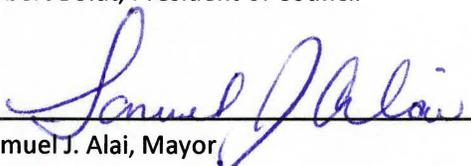
SECTION 1. The Mayor is hereby and herein authorized and directed to enter into an agreement to accept the grant of an easement from Patrick J. Powers on Parcel Number 583-27-051 as delineated in Exhibit "A" attached hereto and made a part hereof as if fully rewritten herein.

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 20th day of October, 2025



Robert Boldt, President of Council



Samuel J. Alai, Mayor

October 20, 2025

Date



Attest: Robin Parsons, Clerk of Council

October 20, 2025

Date

Engineering Department

Legislative Request

To: Clerk of Council, Vince Ruffa, Law Director

Date: 10/13/2025

From: Ethan Neff, City Engineer

Project: 2025 Avery Road Improvement Project

The Engineering Department is requesting approval to execute easements for storm sewer infrastructure.

Addresses: 9350 Avery Road, 9362 Avery Road

EASEMENT
FOR THE
INSTALLATION AND MAINTENANCE
OF UTILITIES: STORM

KNOWN ALL MEN BY THESE PRESENTS: that **Patrick J. Powers** 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 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 24 day of September, 2025.

Signed in the presence of
Ethan [Signature]
Witness:

Grantor:
By: Patrick J. Powers

Witness:

State of Ohio

County of Cuyahoga

BEFORE ME, a notary Public in and for said County and State, personally appeared the above named Patrick J. Powers, 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 Cuyahoga County, this 24 day of September, 2025.

[Signature]
Notary Public



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

No. 2025-145. Adopted this 20th day of October, 2025.

Robin Parsons
Clerk

October 20, 2025
Date

The legal form and correctness of the within instrument is hereby approved this

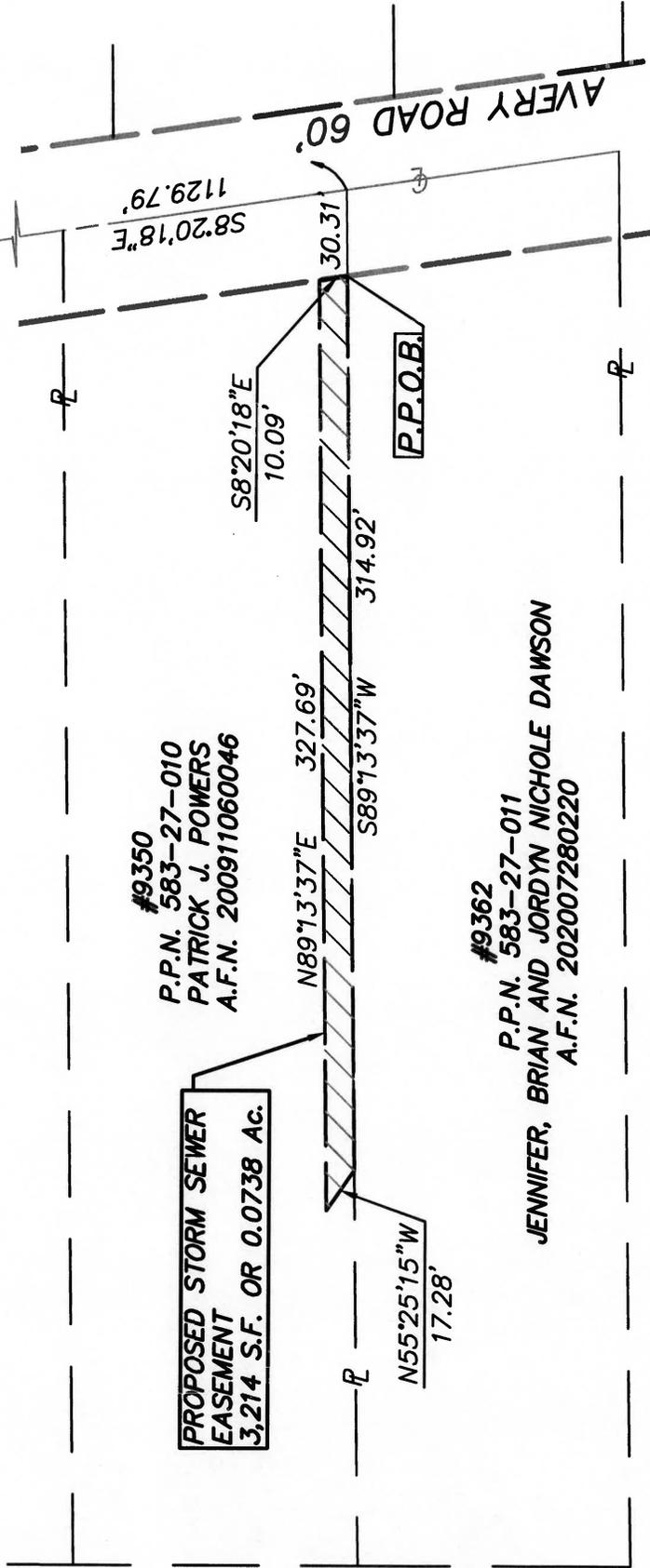
20th day of October, 2025.

[Signature]
Law Director



EAST ROYALTON ROAD (S.R. 82)
R/W VARIES

P.O.B.



P.P.N. 583-27-051
ILONA K. BROMLEY
A.F.N. 202108160293

#9350
P.P.N. 583-27-010
PATRICK J. POWERS
A.F.N. 200911060046

PROPOSED STORM SEWER
EASEMENT
3,214 S.F. OR 0.0738 Ac.

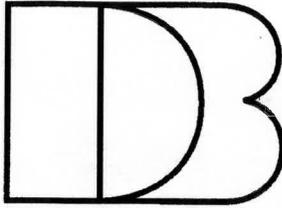
#9362
P.P.N. 583-27-011
JENNIFER, BRIAN AND JORDYN NICHOLE DAWSON
A.F.N. 202007280220

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
FOR PROPOSED STORM SEWER EASEMENT
BEING PART OF ORIGINAL BRECKSVILLE TOWNSHIP
LOT NO. 39
NOW IN CITY OF BROADVIEW HEIGHTS
CUYAHOGA COUNTY, OHIO

PREPARED BY:

DONALD G. BOHNING & ASSOCIATES, INC.
 CIVIL ENGINEERING & SURVEYING
 7979 HUB PARKWAY * VALLEY VIEW, OHIO 44125
 PHONE: (216) 642-1130 FAX: (216) 642-1132

ORDER No. 5656



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

Storm Sewer Easement
9350 Avery Road
0.0738 Acres
DGB 5656

July, 2025

LEGAL DESCRIPTION

Situated in the City of Broadview Heights, County of Cuyahoga, and State of Ohio, and known as being part of Original Brecksville Township Lot No. 39, and bounded and described as follows:

Beginning at a point in the centerline of Avery Road, 60 feet wide, at its intersection with the centerline of East Royalton Road (S.R. 82) variable width;

Thence South 8 degrees 20 minutes 18 seconds East along the centerline of Avery Road, 1129.79 feet to a point at its intersection with the southerly line of a parcel of land conveyed to Patrick J. Powers by deed recorded as A.F.N. 200911060046 of Cuyahoga County Records;

Thence South 89 degrees 13 minutes 37 seconds West along the southerly line of said land conveyed to Patrick J. Powers, 30.31 feet to a point in the westerly line of Avery Road, and the principal place of beginning of the easement herein described;

1. Thence South 89 degrees 13 minutes 37 seconds West along the southerly line of said land conveyed to Patrick J. Powers, 314.92 feet to a point;
2. Thence North 55 degrees 25 minutes 15 seconds West, 17.28 feet to a point;
3. Thence North 89 degrees 13 minutes 37 seconds East, 327.69 feet to a point in the westerly line of Avery Road;
4. Thence South 8 degrees 20 minutes 18 seconds East along westerly line of Avery Road, 10.09 feet to the principal place of beginning, and containing 3,214 square feet or 0.0738 acres of land, as described by Donald G. Bohning & Associates, Inc. in July, 2025.

The courses used in this description are referenced to assumed meridian, and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196



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