

**PERMANENT DRAINAGE EASEMENT  
AND TEMPORARY WORK AGREEMENT AT 29329 EDDY ROAD  
FOR THE CITY OF WILLOUGHBY HILLS**

KNOW ALL MEN BY THESE PRESENTS, that William T. O'Brien Trust (William O'Brien and Linda Cappelli, as individuals, husband and wife, and trustee(s)) whose tax mailing address is 29941 Chardon Road, Willoughby Hills, Ohio 44094 (hereinafter referred to as the "GRANTORS"), their heirs and assigns, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations including additional work performed by the City in conjunction with the intent of the easement, do hereby give, grant, bargain and convey to the "GRANTEE" the City of Willoughby Hills, an Ohio Municipal Corporation, 35405 Chardon Road, Willoughby Hills, Ohio 44094 (hereinafter referred to as the "CITY"), its successors and assigns, a Permanent Drainage Easement and Temporary Work Agreement upon and through lands of the said GRANTORS thereto, located in part on the following described premises, and as shown by those exhibits which are attached hereto and made a part hereof.

Exhibit A – Permanent Drainage Easement Description  
Exhibit B – Permanent Drainage Easement Sketch  
Exhibit C – Site Plan Drawing C1.1  
Exhibit D – Landscape Plan Drawing C4.1

This EASEMENT is granted subject to the following covenants, terms, and conditions, and the CITY, by the acceptance of this grant of easement, or through the exercise of any rights hereunder, shall be deemed to have accepted and agreed to all of the said covenants, terms and conditions;

1. The CITY, its Successors and Assigns, and its Agents, Servants, Representatives and Employees, agrees to install, construct, reconstruct, maintain, repair, replace, rebuild, operate, improve, use, inspect, and remove a *drainage swale and its appurtenances* and improvements thereto; and, shall not interfere with the safe and continuous operations of the GRANTORS on the above described premises during or after construction, except for the purposes granted to the said GRANTEE.
2. The CITY and its Representatives and Assigns are expressly authorized to enter from time to time upon the easement land, and if necessary, upon the adjoining lands of the GRANTOR for the purposes of ingress and egress to the permanent drainage easement area and the associated appurtenances thereto.
3. The CITY agrees to maintain ingress and egress to the GRANTORS' property adjacent to the subject easement while the drainage swale construction and other related activities are in progress on the GRANTORS' property.
4. The CITY agrees to install a new underground drainage pipe replacing the existing collapsed drainage pipe previously installed by others, and construct an overland drainage swale to supplement and/or potentially replace conveyance capacity of the underground storm water drainage pipe. The existing 24-inch pipe was previously installed by others without proper city supervision, and has subsequently collapsed.

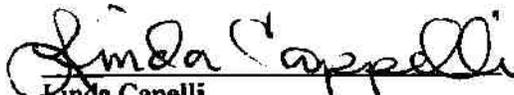
- 5. The CITY agrees that subsequent to exercising any of their rights hereunder that it shall restore the property insofar as is reasonably possible to the same condition existing prior to such construction activities and use of the easement areas, as shown on the attached exhibits.
- 6. The GRANTORS shall retain all other property rights and obligations, including turf maintenance. No buildings or other permanent structure shall be erected within the *permanent drainage easement*. There shall be no fillings, berms, levees, dumping, storage or stockpile of any material, or other changes in the general topography within the permanent drainage easement excepting that caused by the forces of nature. Any future trees, shrubs, or decorative landscaping located within the *banks of the drainage swale*, shall be staggered to maintain a minimum 6-foot wide by 6-foot tall clear drainage path at the surface.

TO HAVE AND TO HOLD said easement rights in said premises, to said GRANTEE, it's Successors and Assigns for the uses and purposes hereinbefore mentioned.

IN WITNESS WHEREOF, the parties hereto have executed this instrument and the said GRANTORS herein, William O'Brien and Linda Cappelli, as individuals, husband and wife, and trustee(s), who hereby grant this Permanent Drainage Easement and Temporary Work Agreement rights in said premises, hereunto set their hands on this 16<sup>th</sup> day of JANUARY 2015.

GRANTORS

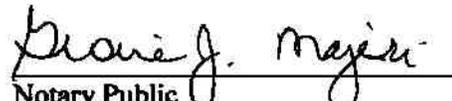
  
William O'Brien

  
Linda Cappelli

STATE OF OHIO            )  
  ) ss:  
COUNTY OF LAKE        )

BEFORE ME, a Notary Public, in and for said County and State, personally appeared, William O'Brien and Linda Cappelli, who acknowledge that they did sign the foregoing instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Willoughby Hills Ohio, this 16<sup>th</sup> day of January, 2015.

  
Notary Public

GLORIA J. MAJESKI  
Notary Public, State of Ohio  
My Commission Expires June 16, 2019  
(Recorded in Lake County)

GRANTEE

Robert M Weger  
The City of Willoughby Hills, Ohio  
Robert M. Weger, Mayor

STATE OF OHIO            )  
  ) ss  
COUNTY OF LAKE        )

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the CITY OF WILLOUGHBY HILLS, OHIO, by and through Robert M. Weger, its Mayor, who acknowledged that he did sign the foregoing instrument and the same is the free act and deed of him personally as the Mayor of the City of Willoughby Hills, Ohio.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Willoughby Hills, Ohio, this 21<sup>st</sup> day of January, 2015.

Gloria J. Majeski  
Notary Public

This instrument prepared by:  
  
Thomas G. Lobe, Director of Law.  
City of Willoughby Hills, Ohio  
  
Pietro A. DiFranco, City Engineer  
City of Willoughby Hills, Ohio

**GLORIA J. MAJESKI**  
*Notary Public, State of Ohio*  
**My Commission Expires June 16, 2019**  
**(Recorded in Lake County)**



EXHIBIT A

**ENGINEERING & SURVEYING CO., INC.**

5425 WARNER ROAD – SUITE 12  
VALLEY VIEW, OHIO 44125  
PH: 440-602-9071 FAX: 216-369-0259

**LEGAL DESCRIPTION OF A DRAINAGE EASEMENT  
FOR WILLIAM O'BRIEN**

Situated in the City of Willoughby Hills, County of Lake, State of Ohio and known as being part of Original Lot 8, Tract 8 and further described as follows.

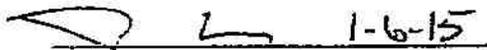
Beginning at a point in the centerline of Eddy Road, 60 foot R/W, said point being the Original Lot corners of Lot 1-Tract 3, Lot 1-Tract 4, Lot 2-Tract 7 & Lot 8-Tract 8 and also being the southeasterly corner of Lands conveyed to Janice Knecht (PP#31-A-025-0-00-050-0), as recorded in Volume 690, Page 543 of the Lake County Deed Records;

Thence North 86°43'10" West, along the centerline of said Eddy Road, a distance of 124.50 feet to a point, said point being the southwesterly corner of said Knecht and also being the southeasterly corner of lands conveyed to William O'Brien (PP#31-A-025-0-00-053-0), as recorded in Doc#2009R005215 of the Lake County Deed Records;

Thence North 02°12'23" East, along the westerly line of said Knecht and the easterly line of said O'Brien, passing through a ¾" iron pipe found at a distance of 32.85 feet, a total distance of 519.58 feet to a point and being the Principal Place of Beginning;

- Course I: Thence South 75°50'49" West, a distance of 3.38 feet to a point;
- Course II: Thence South 26°03'53" West, a distance of 109.53 feet to a point;
- Course III: Thence South 06°24'50" East, a distance of 21.26 feet to a point;
- Course IV: Thence South 83°35'10" West, a distance of 30.00 feet to a point;
- Course V: Thence North 06°24'50" West, a distance of 30.00 feet to a point;
- Course VI: Thence North 26°03'53" East, a distance of 132.19 feet to a point;
- Course VII: Thence North 75°50'49" East, a distance of 26.11 feet to a point, said point being on the westerly line of said Knecht and the easterly line of said O'Brien;
- Course VIII: Thence South 02°12'23" West, along the westerly line of said Knecht and the easterly line of said O'Brien, a distance of 31.27 feet to the Principal Place of Beginning.

Said Drainage Easement containing 0.1110 acres or 4,837 sq.ft. of land be the same more or less, but subject to all legal highways as described in January, 2015 by Stan R. Loch, Registered Ohio Surveyor Number 8249. Bearings are to an assumed meridian and are used to denote angles only. The intent of the above description is to describe a Drainage Easement on the lands conveyed to William O'Brien (PP#31-A-025-0-00-053-0), as recorded in Doc#2009R005215 of the Lake County Deed Records.

  
Stan R. Loch P.S. #8249 Date 1-6-15

Job No.20132832

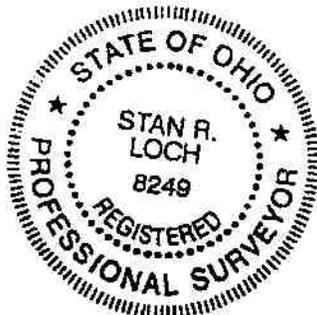
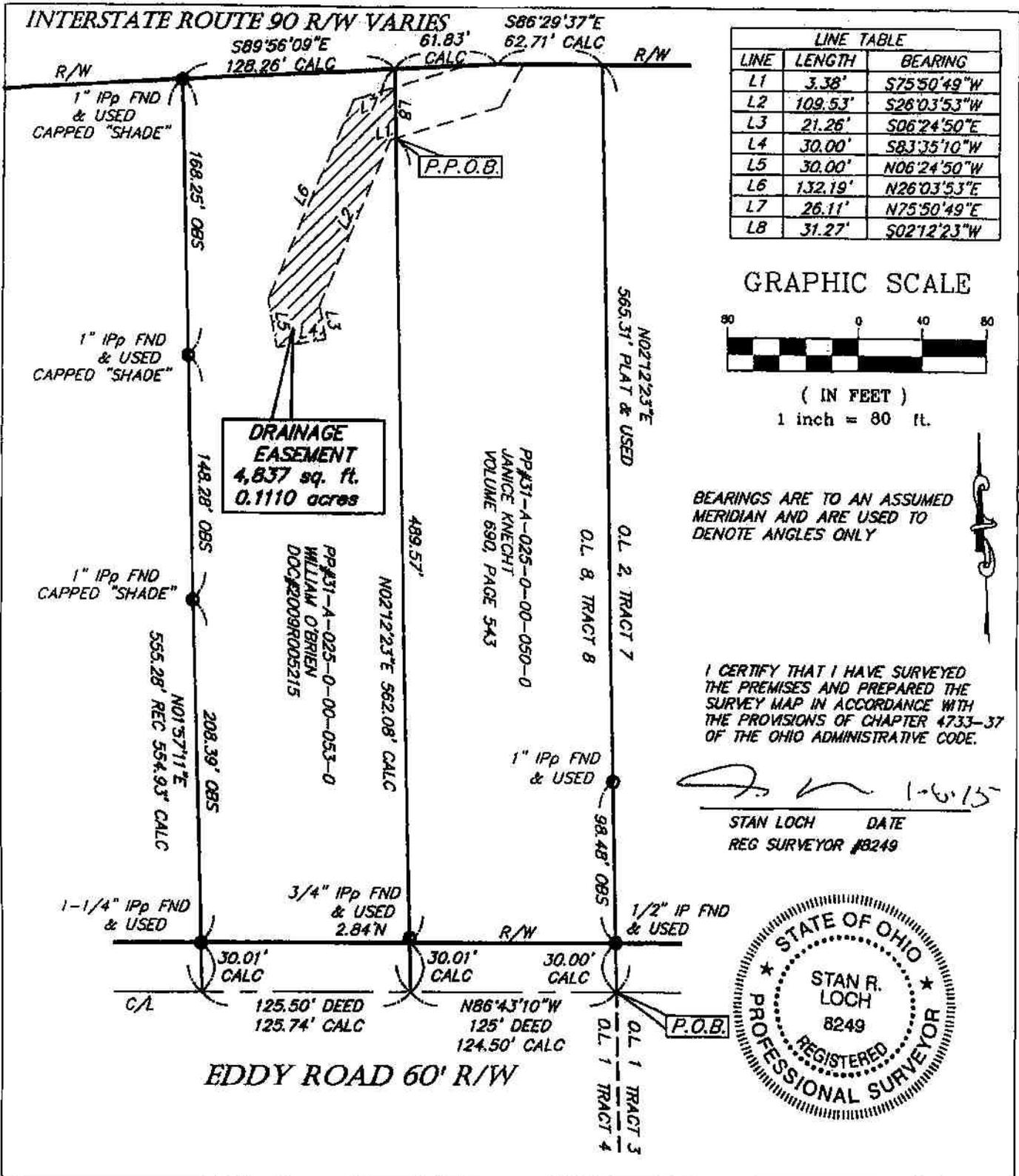
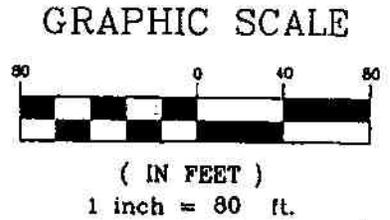


EXHIBIT B



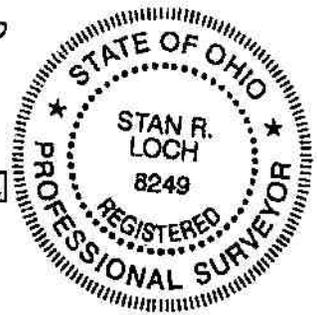
LINE TABLE		
LINE	LENGTH	BEARING
L1	3.38'	S75°50'49\"W
L2	109.53'	S26°03'53\"W
L3	21.26'	S06°24'50\"E
L4	30.00'	S83°35'10\"W
L5	30.00'	N06°24'50\"W
L6	132.19'	N26°03'53\"E
L7	26.11'	N75°50'49\"E
L8	31.27'	S02°12'23\"W



BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY

I CERTIFY THAT I HAVE SURVEYED THE PREMISES AND PREPARED THE SURVEY MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

*Stan Loch* 1-6-15  
 STAN LOCH DATE  
 REG SURVEYOR #8249



DRAINAGE EASEMENT EXHIBIT FOR  
 WILLIAM O'BRIEN  
 PP#31-A-025-0-00-053-0  
 BEING PART OF ORIGINAL LOT 8, TRACT 8  
 CITY OF WILLOUGHBY HILLS, LAKE COUNTY, OHIO

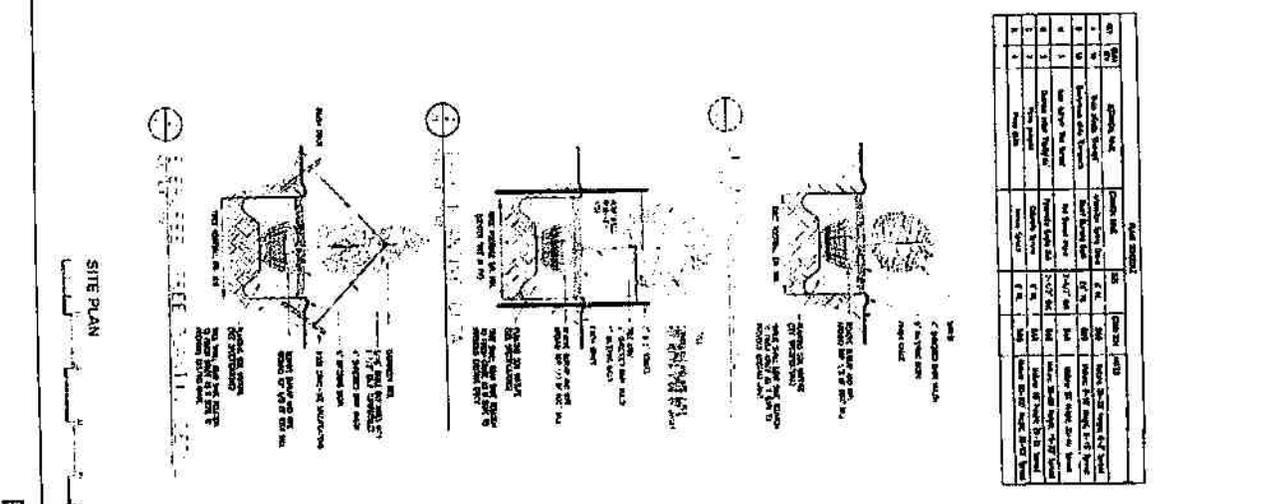
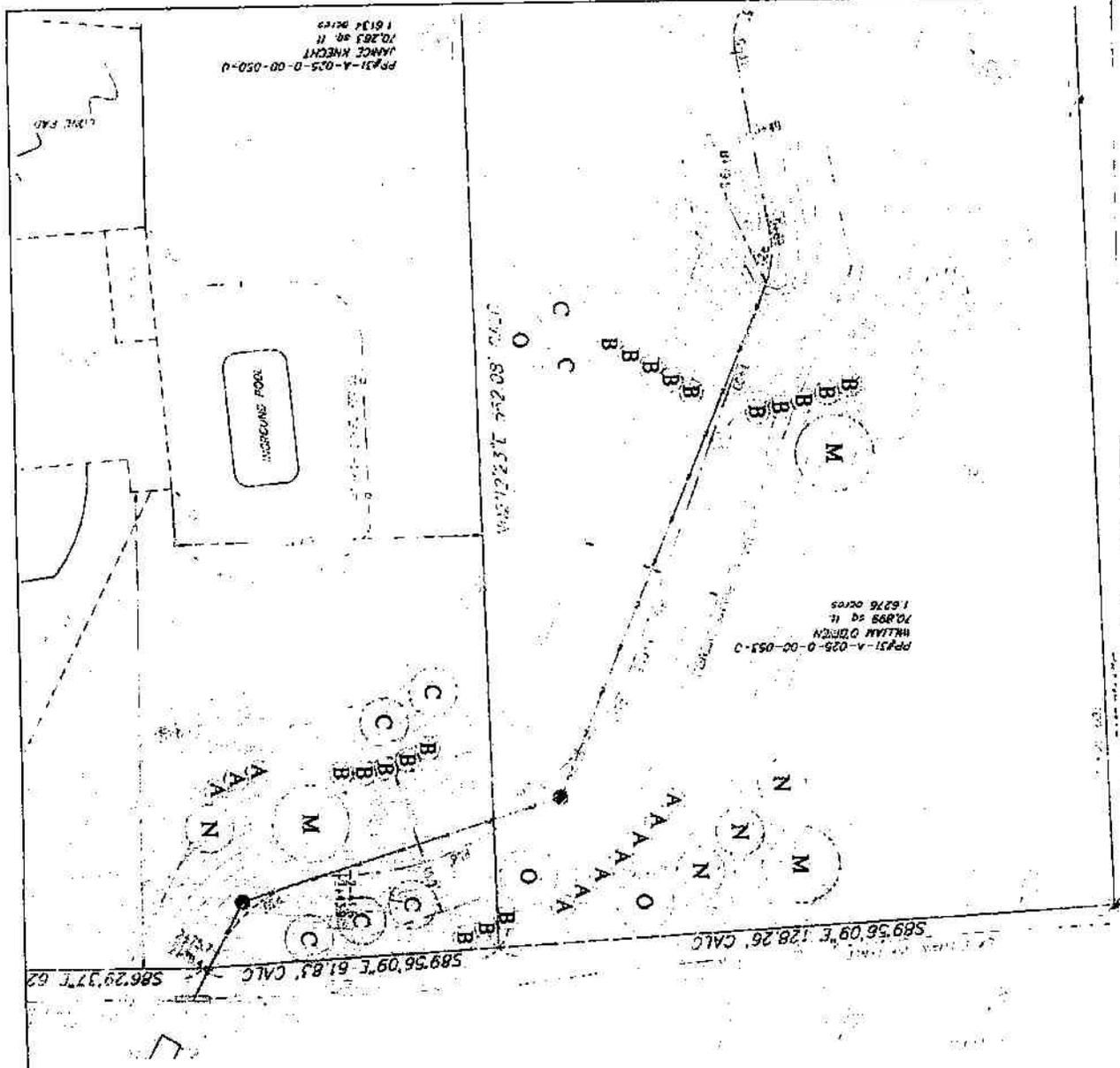
6425 WARNER ROAD - SUITE 12  
 VALLEY VIEW, OHIO 44125  
 440-802-9071  
 FAX: 216-369-0259



JOB NO.	DRAWING NO.	SCALE:	DRAWN BY	CHECKED BY	DATE
20132832	20132832	1"=80'	CL	SRL	1/6/2015



DATE: 11/13/15  
 TIME: 10:00 AM  
 LOCATION: 1100 E. 128th St. W. Willoughby Hills, OH 44094



NO.	PLANT	QUANTITY	NOTES
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...
11	...	...	...
12	...	...	...
13	...	...	...
14	...	...	...
15	...	...	...
16	...	...	...
17	...	...	...
18	...	...	...
19	...	...	...
20	...	...	...

EXHIBIT D

<p>DATE: 11/13/15                  TIME: 10:00 AM                  LOCATION: 1100 E. 128th St. W. Willoughby Hills, OH 44094</p>	<p><b>KNECHT-OBRIEN CHANNEL RESTORATION</b>                  29326-28341 EDDY RD                  WILLOUGHBY HILLS, OH 44094</p>	<p>NOTICE</p>	<p><b>RICHARD L. BOWEN &amp; ASSOCIATES INC.</b></p>	<p><b>CITY OF WILLOUGHBY HILLS</b>                  29405 CARRON ROAD                  WILLOUGHBY HILLS, OH 44094                  440-946-1234</p>	<p>DATE: 11/13/15                  TIME: 10:00 AM                  LOCATION: 1100 E. 128th St. W. Willoughby Hills, OH 44094</p>
--	--	---------------	--	---	--