

KEVIN D. MALECEK
President of Council

DAVID A. REICHEL
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

ORDINANCE NO. 2009-56

AN ORDINANCE ACCEPTING A STORM WATER DRAINAGE EASEMENT FOR THE USE, MAINTENANCE AND REPAIR OF A STORM SEWER TILE AND DRAINAGE DITCH LOCATED ACROSS A PORTION OF THE PROPERTY WITH A MAILING ADDRESS OF 35360 MARTIN ROAD, WILLOUGHBY HILLS, OHIO AS GRANTED TO THE CITY OF WILLOUGHBY HILLS BY JOSEPH K. DA PRANO AND DENISE A. BOTHE AND DECLARING AN EMERGENCY.

WHEREAS, on May 21, 1959 Council adopted Resolution No. 1959-12 entering into a contract with Goldie Mittleman for the securing of certain easements, repairs and other appurtenances relating to Sleepy Hollow Estates, Subdivision in the Village of Willoughby Hills; and

WHEREAS, on September 3, 1959, Goldie Mittleman granted the Village of Willoughby Hills an easement as recorded on September 10, 2009 in Volume 485, Page 639 of the Lake County Records; and

WHEREAS, on February 23, 2009 City Council adopted Ordinance No. 2009-6 authorizing and directing the Mayor to enter into a Real Estate Purchase Agreement for the sale of certain property located at 35360 Martin Road, Permanent Parcel No. 31A004C000150; and

WHEREAS, said real estate previously served as a waste water treatment plant and a pumping station which has since been abandoned and gravity sewers have been installed; and

WHEREAS, the City Engineer had determined that there is no public purpose for ownership of this real estate by the City of Willoughby Hills; and

WHEREAS, within said property lies the aforementioned easement as granted by Goldie Mittleman; and

WHEREAS, on May 28, 2009, City Council adopted Ordinance No. 2009-54 releasing said easement with the understanding that a new easement be granted to the City by the purchasers of certain property located at 35360 Martin Road for the use, maintenance and repair of a storm sewer tile and drainage ditch; and

WHEREAS, in furtherance of Ordinance No. 2009-54, the City of Willoughby Hills accepts the Storm Water Drainage Easement as granted to the City by the purchasers of certain property located at 35360 Martin Road.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor be and is hereby authorized and directed to accept the Storm Water Drainage Easement, attached hereto as **Exhibit A**, consisting of three (3) pages, as granted to the City by Joseph K. DaPrano and Denise A. Bothe, for the use, maintenance and repair of a storm sewer tile and drainage ditch located across a portion of the property with a mailing address of 35360 Martin Road, Willoughby Hills, Ohio, Lake County Permanent Parcel Number 31A004C000150.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of a Municipal Department, and further reason being that this Ordinance is required in order to proceed with and thereby finalize the sale of real estate located at 35360 Martin Road, Willoughby Hills, Ohio; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 28, 2009

Submitted to the Mayor for his approval on this 28 day of May, 2009

ATTEST:
Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

[Signature]
Kevin D. Malecek
President of Council

Approved by the Mayor
May 28, 2009

[Signature]
Robert M. Weger
Mayor

ORDINANCE NO. 2009-56

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2009-56** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **May 28, 2009**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the **Lake County News-Herald** on **June 3, 2009**. Effective date of Legislation: **May 28, 2009**.

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council