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President of Council

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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
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RAYMOND C. SOMICH

ORDINANCE NO. 2011 – 5

AN ORDINANCE ACCEPTING A PERMANENT EASEMENT FOR THE FAIRVIEW DRIVE SANITARY SEWER EXTENSION ACROSS THE LANDS FOR EACH PROPERTY AS DESCRIBED IN EXHIBIT “A”, AND DECLARING AN EMERGENCY.

WHEREAS, the property owners *Scott E. Nameth and Jeanette Nameth; Richard J. Apanaites and Elaine D. Apanaites; The Labonte Family Trust (through Victor J. LaBonte and Yvonne C. LaBonte, its trustees)* as identified in **Exhibit “A”** have agreed to convey a permanent easement(s) to the City of Willoughby Hills, Lake County, Ohio, its Successors and Assigns and its Agents, Servants, Representatives and Employees; and thereby conveying the right to install, construct, reconstruct, maintain, repair, replace, rebuild, operate, improve, use, inspect, and remove said sanitary sewers and their appurtenances and improvements thereto; and

WHEREAS, such improvements shall be limited to ground level surface and subsurface installations only, and shall not interfere with the safe and continuous operations of the abovementioned “grantors” on the premises during or after construction, except for the purposes granted to the City; and

WHEREAS, this Council deems it to be in the best interest of the public health, safety and welfare to accept said easement(s).

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

SECTION 1. The aforementioned easement(s) as described in Exhibit “A” to the City of Willoughby Hills, conveying to the City the right to the right to install, construct, reconstruct, maintain, repair, replace, rebuild, operate, improve, use, inspect, and remove said sanitary sewers and their appurtenances and improvements thereto; and the same is hereby accepted by the City of Willoughby Hills for the purpose therein stated; a copy of the easement(s) is on file in the office of the Clerk of Council.

SECTION 2. Said easements as identified in **Exhibit “A”**, consisting of fifteen (15) pages, attached hereto and referenced herein authorizes the Mayor to remit the amount as stated for each easement identified in the attached Exhibit; in consideration of said easement.

SECTION 3. That the Clerk of Council be, and hereby is, directed to file such easement(s) for record in the Office of the Recorder of Lake County, Ohio.

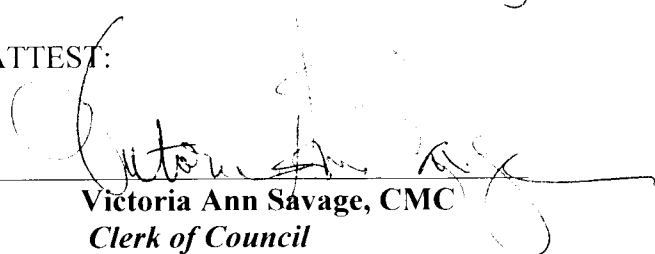
SECTION 4. The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

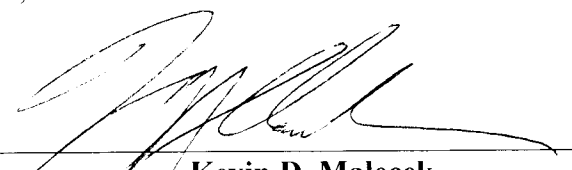
SECTION 5. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills; specifically for the acceptance of sanitary sewer easements and that said easements may be promptly filed with the Lake County Recorder's Office; wherefore, this Ordinance shall be in full force and effect from and after its approval by the Mayor.

PASSED: February 10, 2011

Submitted to the Mayor for his approval
on this 10 day of February, 2011

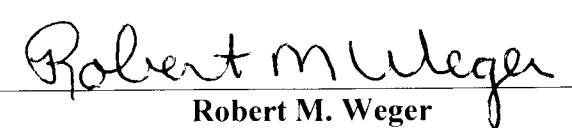
ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor

February 10, 2011


Robert M. Weger
Mayor