

PPN:

202211220444 OFFICIAL

11/22/2022 03:33 PM

AMT \$0.00

RCPT# 20221122000183

CONV \$0.00

PAID BY NORTHEAST OHIO SEWER DIST



CUYAHOGA COUNTY FISCAL OFFICE

PERMANENT STORMWATER EASEMENT
Part PPN: 531-30-007

KNOW ALL MEN BY THESE PRESENTS: That: Brooklyn Landfill, Inc., hereinafter the "GRANTOR", for valuable consideration does hereby give, grant, bargain, and convey, to the Northeast Ohio Regional Sewer District, a regional sewer district organized and existing as an independent political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. SP2-22 adopted by its Board of Trustees on September 1, 2022, hereinafter the "GRANTEE", forever and in perpetuity, a Stormwater Easement for the purposes hereinafter described, in, across, through, upon, over, and under certain areas (herein, the "Easement Area", as described herein below) of the real estate situated in Brooklyn Heights, Ohio, and known as Parcel No. 531-30-007 (herein, the "Real Estate"). GRANTOR claims title to said Real Estate by deed recorded in the Cuyahoga County, Ohio Recorder's office at Instrument No. 201801110241.

The Easement Area contains 3.6383 acres, more or less, within said Real Estate and is more particularly described in Exhibit "A" which is attached hereto, made a part hereof, and incorporated herein. Said Stormwater Easement is hereby granted and conveyed together with all the rights, privileges, appurtenances, and advantages thereto belonging or appertaining to their use and benefit forever by the GRANTEE. This Stormwater Easement is provided to the GRANTEE for the purposes of installing, constructing, reconstructing, improving, operating, repairing, inspecting, renewing, maintaining, removing

and replacing existing stormwater facilities with new facilities (herein, collectively, the "Facilities") within the Easement Area. The exercise and nature of the rights granted herein shall be at the sole discretion of the GRANTEE, provided that GRANTEE shall exercise any such right granted hereby in strict compliance with applicable law at all relevant times.

GRANTOR agrees not to excavate or fill land or build, construct, place or permit any landscaping, planting, pavement, building or other structure or item upon or within the Easement Area or the Real Estate in a manner which would interfere with the activities and purposes of GRANTEE as set forth herein or to otherwise conduct activities or use the Real Estate in a manner which would interfere with the activities and purposes of GRANTEE as set forth herein. Further, GRANTOR shall not cause or permit others to remove or alter the Facilities.

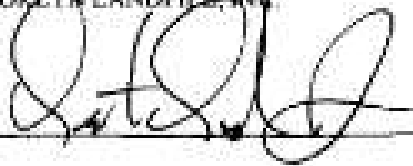
The GRANTEE shall, at all times, have the right to access the Easement Area and Facilities from adjacent and adjoining land only, to do all things necessary for the activities and purposes set forth herein, including, but not limited to, the use of vehicles, equipment, materials and machinery within the Easement Area. However, no consideration is hereby given or received herein for ingress to or egress from the Easement Area in, across, through, upon, or over the Real Estate outside of the Easement Area. GRANTEE agrees to repair or replace, if necessary, any damages to the surface of the Real Estate disturbed by reason of or in connection with the activities and purposes herein granted, so that said Real Estate will return to substantially the same condition in which it was found prior to the commencement of such activities and purposes, except that GRANTEE shall not be required to replace any trees within the Easement Area which are removed in accordance with GRANTEE's tree removal plan.

This grant of Stormwater Easement will run with the land and will be binding on and will inure to the benefit of the GRANTOR and GRANTEE, and their respective heirs, successors and assigns and the rights herein granted shall continue in perpetuity.

To have and to hold the land herein before described unto the GRANTEE for the aforesaid uses and purposes.

IN WITNESS WHEREOF, this instrument is executed this 20th day of August 2022.

BROOKLYN LANDFILL, INC

By: 

Print: Quinton Durham, Jr.

Title: President

Signed and acknowledged in
the presence of

STATE OF OHIO }
COUNTY OF CUYAHOGA } ss:

BEFORE ME, a Notary Public, in and for said County and State, personally appeared the above-named, Brooklyn Landfill, Inc., by Quinton Durham, Jr., its President who acknowledged that he did sign the foregoing, and that the same is his free act and deed personally and as said officer.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal at Cleveland, Ohio, this 20th day of August 2022



NOTARY PUBLIC



Michael B. Gardner, Attorney
at Law, Notary Public, State of Ohio
My Commission Expires on 08/31/2025
Number 147661 D.A.C.

The legal form of this instrument is approved.

DATE October 20, 2022



Eric Luckage
Chief Legal Officer
Northeast Ohio Regional Sewer District

Northeast Ohio Regional Sewer District

By: Kyle Dreyfuss-Wells

Kyle Dreyfuss-Wells
Chief Executive Officer



And: Darnell Brown
Darnell Brown
President, Board of Trustees

This instrument prepared by:

Julie A. Blair, Esq.
Northeast Ohio Regional Sewer District
3900 Euclid Avenue
Cleveland, Ohio 44115
(216) 881-6600

EXHIBIT A

PERMANENT STORMWATER EASEMENT 1

Situated in the State of Ohio, County of Cuyahoga, Village of Brooklyn Heights, being a part of original Independence Township Lot 8 Tract 2, and also being part of a 42.760 acre tract as conveyed to Brooklyn Landfill Inc., in Instrument Number 201801110241 at the Cuyahoga County Recorder's Office, being bounded and described as follows:

Commencing for reference at a point at the southeast corner of a 4.127 acre tract as conveyed to Summit Buildings, LLC in Instrument Number 201107150229, said point also being on the north right-of-way of a tract of land conveyed to the State of Ohio in Volume 13392, Page 562 and the True Point of Beginning;

Thence N. 01° 42' 35" W., a distance of 498.01', along the east property line of said 4.127 acre tract, to a point;

Thence leaving the east property line of said 4.127 acre tract and through said 42.760 acre tract the following eleven (11) courses;

- 1.) S. 18° 20' 18" E., a distance of 27.92', to a point;
- 2.) S. 07° 06' 02" E., a distance of 42.23', to a point;
- 3.) S. 20° 38' 43" E., a distance of 59.12', to a point;
- 4.) S. 03° 05' 16" E., a distance of 104.02', to a point;
- 5.) S. 16° 46' 01" E., a distance of 222.46', to a point;
- 6.) S. 16° 31' 42" E., a distance of 41.58', to a point;
- 7.) S. 12° 01' 50" W., a distance of 9.92', to a point;
- 8.) S. 20° 22' 37" E., a distance of 39.89', to a point;
- 9.) S. 38° 35' 51" E., a distance of 31.28', to a point;
- 10.) S. 64° 38' 36" E., a distance of 254.75', to a point;
- 11.) S. 53° 00' 25" E., a distance of 19.62', to a point at the northeast corner of said State of Ohio right-of-way;

Thence N. 77° 03' 24" W., a distance of 300.00', along said State of Ohio right-of-way to a point;

Thence N. 38° 55' 05" W., a distance of 138.26', continuing along said State of Ohio right-of-way to the True Point of Beginning;

Containing 0.9495 acres (41362.91 sq. ft.) of land more or less, and subject to all easements, restrictions, and covenants of record, as surveyed under the supervision of Daniel G. Losoncy, Ohio Professional Surveyor #7712 of National Engineering and Architectural Services Inc. in July of 2018 and is contained within Cuyahoga County Auditor's Permanent Parcel No. 531-30-007.

The bearings for this description is based on Grid North, of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).



02-28-22

Charles W. Price, Jr. Professional Surveyor No. 7825

Date

EXHIBIT A

PERMANENT STORMWATER EASEMENT 2

Situated in the State of Ohio, County of Cuyahoga, Village of Brooklyn Heights, being a part of original Independence Township Lot 8 Tract 2, and also being part of a 42.760 acre tract as conveyed to Brooklyn Landfill Inc., in Instrument Number 201801110241 at the Cuyahoga County Recorder's Office, being bounded and described as follows;

Commencing for reference at a point at the southwest corner of said 42.760 acre tract, said point being at the southeast corner of right-of-way of a tract of land conveyed to the State of Ohio in Volume 13392, Page 552 and on the northern Limited Access right-of-way line of Interstate 480, said point also being the True Point of Beginning;

Thence N. 12° 46' 44" E., a distance of 153.00', along said east State of Ohio right-of-way line, to a point at the northeast corner of said State of Ohio right-of-way line;

Thence leaving said State of Ohio right-of-way line and through said 42.760 acre tract the following three (3) courses;

- 1.) S. 61° 30' 50" E., a distance of 40.68', to a point;
- 2.) S. 75° 43' 28" E., a distance of 843.36', to a point;
- 3.) S. 14° 16' 32" W., a distance of 122.52', to a point along said northern Limited Access right-of-way line of Interstate 480;

Thence N. 77° 03' 24" W., a distance of 879.06', continuing along said northern Limited Access right-of-way line of Interstate 480 to the True Point of Beginning;

containing 2.6887 acres (117119.46 sq. ft.) of land more or less, and subject to all easements, restrictions, and covenants of record, as surveyed under the supervision of Daniel G. Losoncy, Ohio Professional Surveyor #7712 of National Engineering and Architectural Services Inc. in July of 2018 and is contained within Cuyahoga County Auditor's Permanent Parcel No. 531-30-007.

The bearings for this description is based on Grid North, of the Ohio State Plane Coordinate System, North Zone, NAD83(2011).



02-28-22

Charles W. Price, Jr. Professional Surveyor No. 7825

Date



PERMANENT STORMWATER EASEMENT
 ACROSS PARCEL NO. 531-30-007
 PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT 5, TRACT 2
 STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS



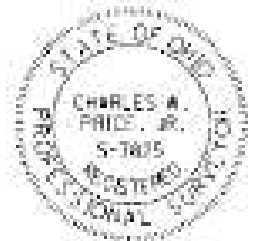
LINE DATA (PERM. EASEMENT)		
REF	BEARING	DISTANCE
L1	S 18° 20' 18" E	27.82'
L2	S 07° 06' 02" E	42.23'
L3	S 20° 38' 43" E	56.12'
L4	S 03° 09' 16" E	104.02'
L5	S 18° 31' 42" E	41.58'
L10	N 38° 55' 05" W	138.26'

BROOKLYN LANDFILL INC.
 4447 LEE ROAD
 CLEVELAND, OHIO 44128
 INST. 201801110241
 531-30-007

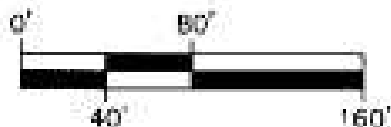
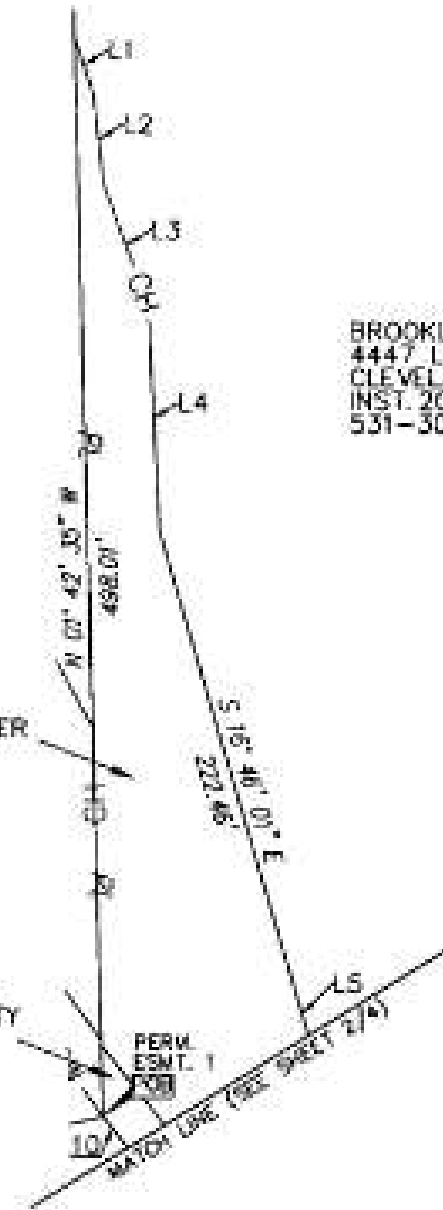
SUMMIT BUILDINGS, LLC
 RESOURCE DR. (REAR)
 BROOKLYN HEIGHTS, OH. 44131
 INST. 201107150229
 531-28-008

PERMANENT STORMWATER
 EASEMENT 1
 0.9486 ACRES

20' SEWER EASEMENT
 THE BOARD OF COUNTY
 COMMISSIONERS OF
 CUYAHOGA COUNTY
 VOL. 15488, PG 583



[Signature]
 02-28-22



SCALE: 1" = 80'

LEGEND:

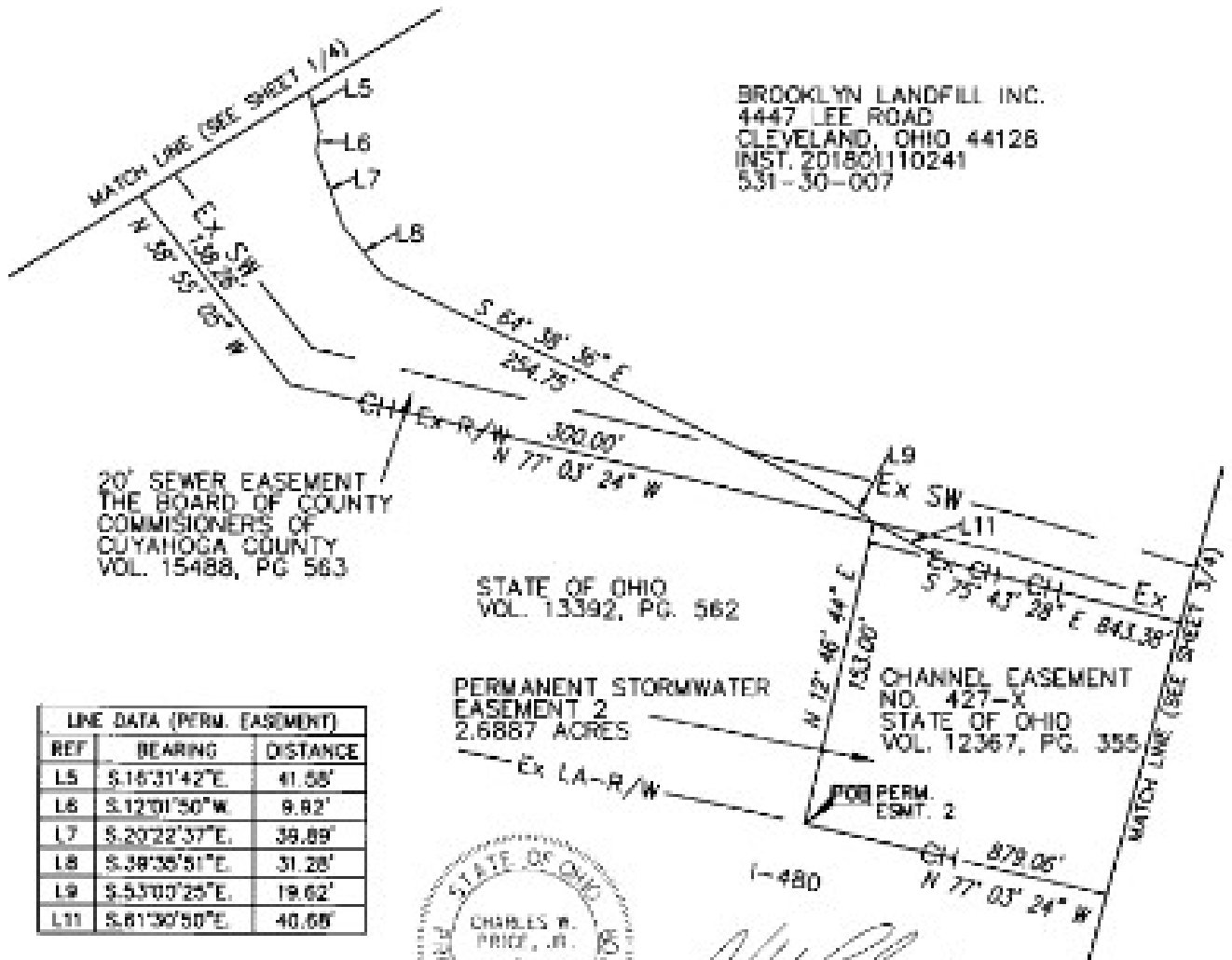
- POB = POINT OF BEGINNING
- Ex.R/W — R/W LINE
- — — CENTERLINE OF RIGHT OF WAY
- CH — PERMANENT STORMWATER EASEMENT LINE



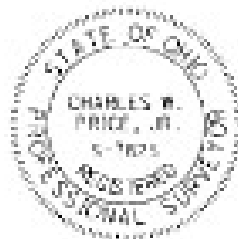
PERMANENT STORMWATER EASEMENT
 ACROSS PARCEL NO. 531-30-007
 PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT & TRACT 2
 STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS



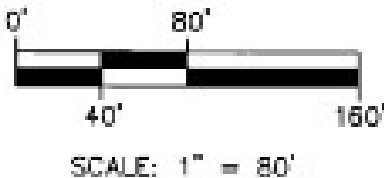
BROOKLYN LANDFILL INC.
 4447 LEE ROAD
 CLEVELAND, OHIO 44128
 INST. 201801110241
 531-30-007



LINE DATA (PERM. EASEMENT)		
REF	BEARING	DISTANCE
L5	S 18° 31' 42" E	41.55'
L6	S 12° 01' 50" W	9.92'
L7	S 20° 22' 37" E	39.89'
L8	S 38° 35' 51" E	31.28'
L9	S 53° 00' 25" E	19.62'
L11	S 81° 30' 50" E	40.55'



Charles W. Price
 02-28-22



- LEGEND:**
- POB = POINT OF BEGINNING
 - Ex LA R/W — LIMITED ACCESS R/W LINE
 - Ex R/W — R/W LINE
 - — CENTERLINE OF RIGHT OF WAY
 - CH — PERMANENT STORMWATER EASEMENT LINE



PERMANENT STORMWATER EASEMENT
ACROSS PARCEL NO. 531-30-007
PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT B, TRACT 2
STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS

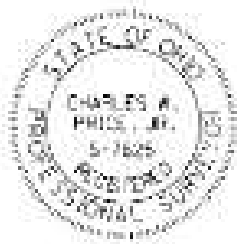


BROOKLYN LANDFILL INC.
4447 LEE ROAD
CLEVELAND, OHIO 44128
INST. 201801110241
531-30-007



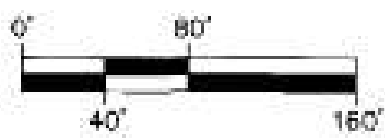
20' SEWER EASEMENT
THE BOARD OF COUNTY
COMMISSIONERS OF
CUYAHOGA COUNTY
VOL. 15488, PG 563

CHANNEL EASEMENT
NO. 427-X
STATE OF OHIO
VOL. 12367, PG. 355



1-480

02-28-22



SCALE: 1" = 80'

LEGEND:

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- Ex.LA R/W — LIMITED ACCESS R/W LINE
- Ex.R/W — R/W LINE
- — — CENTERLINE OF RIGHT OF WAY
- CH — PERMANENT STORMWATER EASEMENT LINE



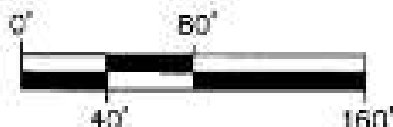
PERMANENT STORMWATER EASEMENT
ACROSS PARCEL NO. 531-30-007
PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT B, TRACT 2
STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS



BROOKLYN LANDFILL INC.
4447 LEE ROAD
CLEVELAND, OHIO 44128
INST. 201801110241
531-30-007



02-28-22



SCALE: 1" = 80'

LEGEND:

- POB = POINT OF BEGINNING
- Ex.LA R/W — LIMITED ACCESS R/W LINE
- Ex.R/W — R/W LINE
- — — CENTERLINE OF RIGHT OF WAY
- CH — PERMANENT STORMWATER EASEMENT LINE