

PPN:

202211220439 OFFICIAL

11/22/2022 03:33 PM

AMT \$0.00

RCPT# 20221122000163

CONV \$0.00

PAID BY NORTHEAST OHIO SEWER DIST



CUYAHOGA COUNTY FISCAL OFFICE

EASEMENT FOR THE INSTALLATION
OF THE
WEST CREEK BANK STABILIZATION BROOKLYN HEIGHTS PROJECT
Part PPN: 531-30-007

KNOW ALL MEN BY THESE PRESENTS:

That Brooklyn Landfill, Inc., an Ohio corporation, the GRANTOR herein, claiming title by or through instrument recorded in Instrument No. 201801110241, Cuyahoga County Records, for valuable consideration received in full satisfaction, does hereby give, grant, bargain and convey, to the NORTHEAST OHIO REGIONAL SEWER DISTRICT, a regional sewer district organized and existing as a political subdivision of the State of Ohio under Chapter 6119 of the Ohio Revised Code, acting pursuant to Resolution No. ~~2022-23~~, adopted by its Board of Trustees on September 1, 2022, the GRANTEE herein, the temporary right of way and easement, for the purposes hereinafter mentioned, in, upon, over and under the premises described in Exhibit "A" and shown on the plat in Exhibit "B" attached hereto and made a part hereof (the "Easement Area").

The easement and rights herein granted shall include the right of the GRANTEE, its agents or employees, of uninterrupted access, ingress to and egress from the herein described premises from the adjacent Permanent Easement granted separately and concomitantly, for the purpose of installing and constructing and maintaining this stormwater project together with appurtenances; the right to remove trees and other landscaping features within the area of the easement; and to store earth, materials and machinery, and for such other purposes as may be necessary to facilitate the construction, all in compliance with

applicable law, for the duration of this easement. 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. During the period of construction, the GRANTEE shall have the right to enclose the Easement Area with a temporary security fence for the purpose of prohibiting access onto the Easement Area by persons other than the GRANTOR and GRANTEE'S authorized agents, representatives, and employees. Upon completion of construction, GRANTEE shall remove the temporary fence at its sole expense.

The GRANTOR hereby reserves the right to the use of said premises within the limits of the above describe temporary easement for purposes which are not herein expressly prohibited by, and are not inconsistent with, the easement and rights herein granted.

It is a further condition of this instrument that the GRANTEE shall restore the surface to the condition existing prior to being disturbed, including, but not by way of limitation, the replacement of driveway, sidewalks, native vegetation, fences, paving and signs as necessary, excepting therefrom the planting of trees necessarily taken during the period of construction.

The duration of the temporary easement herein granted to the GRANTEE is three years immediately following the date on which the work described above is first commenced by the GRANTEE, or its duly authorized employees, agents, and contractors.

And the GRANTOR, also binding heirs, successors and assigns, covenants with the said GRANTEE, and its successors and assigns, that, at and until the sealing of these presents, except for existing easements, is well seized of the above described premises as a good and indefeasible estate in fee simple, have good right to bargain and grant in the same manner and forms as above written, and will warrant and defend said premises with appurtenances thereunto belonging to the GRANTEE, its successors and assigns, against all lawful claims and demands whatsoever for the purposes herein described.

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

BROOKLYN LANDELL, INC.

By: 

Print: Quinton Durham Jr.

Title: President

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

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 S. Gardner, Attorney
NOTARY PUBLIC, STATE OF OHIO
My Commission No. 003456789
Expires 11/11/2025

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
Chief Executive Officer

AND: 

Darrell Brown
President, Board of Trustees

This instrument prepared by:

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

EXHIBIT A

TEMPORARY CONSTRUCTION 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 201801110741 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.

Thence N. 48° 14' 39" E., a distance of 113.03', leaving the southeast corner of said 4.127 acre tract and through said 42.760 acre tract to a point, said point being the True Point of Beginning;

Thence continuing through said 42.760 acre tract the following six (6) courses;

- 1.) N. 16° 46' 01" W., a distance of 203.57', to a point;
- 2.) N. 03° 05' 16" W., a distance of 104.02', to a point;
- 3.) N. 20° 38' 43" W., a distance of 59.12', to a point;
- 4.) N. 07° 06' 02" W., a distance of 42.23', to a point;
- 5.) S. 44° 45' 47" E., a distance of 45.20', to a point;
- 6.) S. 12° 43' 13" E., a distance of 280.27', to a point;

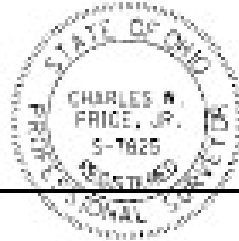
S. 01° 59' 33" W., a distance of 90.58', to the True Point of Beginning;

Containing 0.2320 acres (10105.16 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. Lorancy, 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).



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



TEMPORARY CONSTRUCTION EASEMENTS
 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



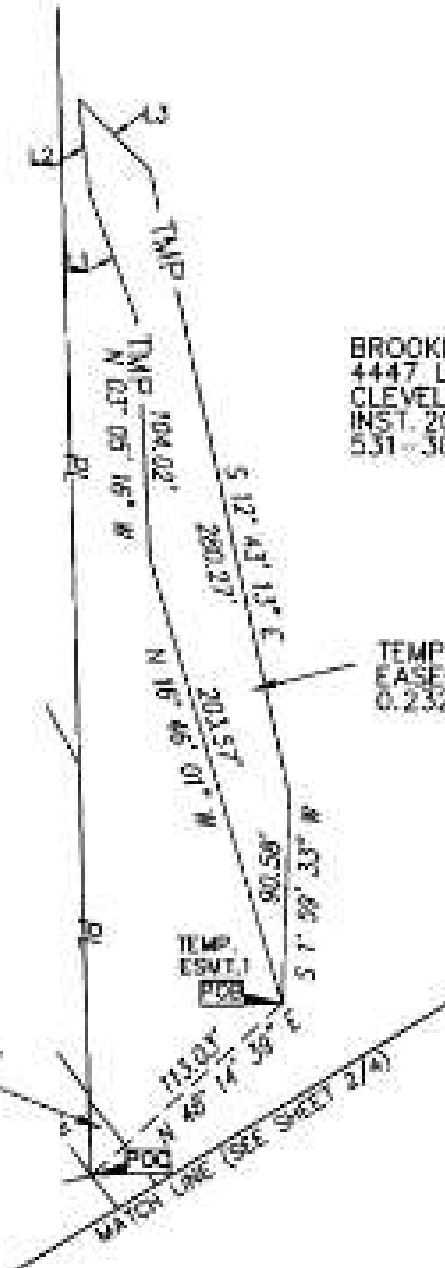
LINE DATA (TEMP. EASEMENT)		
REF.	BEARING	DISTANCE
L1	N.20°38'43"W.	58.12'
L2	N.07°06'02"W.	42.23'
L3	S.44°45'47"E.	45.20'

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

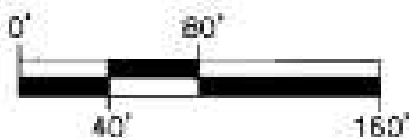
BROOKLYN LANDFILL INC.
 4447 LEE ROAD
 CLEVELAND, OHIO 44128
 INST. 201801110241
 531-30-007

TEMPORARY CONSTRUCTION
 EASEMENT 1
 0.2320 ACRES

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



Charles W. Price, Jr.



SCALE: 1" = 80'

- LEGEND:
- POC = POINT OF COMMENCEMENT
 - POB = POINT OF BEGINNING
 - Ex R/W — R/W LINE
 - — — CENTERLINE OF RIGHT OF WAY
 - TAMP — TEMPORARY CONSTRUCTION EASEMENT LINE
- 02-28-22



TEMPORARY CONSTRUCTION EASEMENTS
ACROSS PARCEL NO. 531-30-007
PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT 8, TRACT 2
STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS

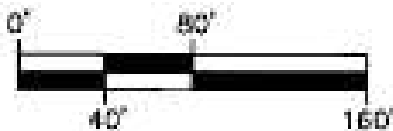


BROOKLYN LANDFILL INC.
4447 LEE ROAD
CLEVELAND, OHIO 44128
INST. 20180110241
531-30-007



20' SEWER EASEMENT
THE BOARD OF COUNTY
COMMISSIONERS OF
CUYAHOGA COUNTY
VOL. 15488, PG. 353

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



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
- TMP — TEMPORARY CONSTRUCTION EASEMENT LINE

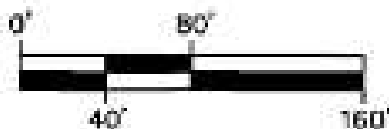


TEMPORARY CONSTRUCTION EASEMENTS
 ACROSS PARCEL NO. 531-30-007
 PART OF ORIGINAL INDEPENDENCE TOWNSHIP LOT 8, TRACT 2
 STATE OF OHIO, COUNTY OF CUYAHOGA, VILLAGE OF BROOKLYN HEIGHTS



LINE DATA (TEMP. EASEMENT)		
REF	BEARING	DISTANCE
L9	S 31°55'32" W	34.24'

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



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
- TMP — TEMPORARY CONSTRUCTION EASEMENT LINE

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