

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5730

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE TRADE-IN OF
POLICE FIREARMS NO LONGER NEEDED FOR
MUNICIPAL PURPOSES TO PRO ARMAMENT;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Article II of its Charter, the City of Brecksville may exercise its power of local self-government through the enactments of the Council; and

WHEREAS, the Mayor and Council have determined that certain equipment is no longer being used or is no longer needed for a municipal purpose and have been offered a trade-in amount of nineteen thousand, nine hundred sixty-five dollars (\$19,965.00) from Pro Armament.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be, and he hereby is, authorized to trade in equipment no longer needed for a municipal purpose to Pro Armament in the amount of nineteen thousand, nine hundred sixty-five dollars (\$19,965.00), as listed on Exhibit "A" attached hereto and expressly made a part hereof by reference

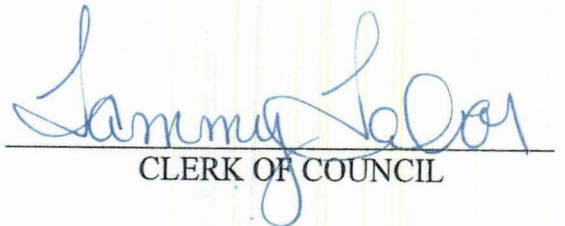
SECTION 2. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency relates to the need to dispose of the outdated equipment, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 20, 2024

APPROVED: August 20, 2024



MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5730 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 20 24.



CLERK OF COUNCIL

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5731

**AN ORDINANCE AUTHORIZING THE PURCHASE
OF RIFLES AND ACCESSORIES FOR USE BY THE
POLICE DEPARTMENT FROM PRO ARMAMENT;
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville,
County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be and is hereby authorized to enter into a contract on behalf of the City of Brecksville with Pro Armament for the purchase of the following rifles and accessories for use by the Police Department:

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>PRICE</u>	<u>AMOUNT</u>
Daniel Defense MK18 SBR	5	\$1,477.00	\$ 7,385.00
Surefire SOCOM suppressors	7	\$1,450.00	\$10,150.00
Surefire M640 Scout light & switch	7	\$ 482.00	\$ 3,374.00
Magpul backup front sights	5	\$ 35.00	\$ 175.00
Magpu backup rear sights	5	\$ 55.00	\$ 275.00
Surefire suppressor adaptors	7	\$ 140.00	\$ 980.00
		SUB TOTAL	\$22,339.00
		TRADE IN	- \$19,965.00
		STORE CREDIT	- \$ 500.00
		GRAND TOTAL	<u>\$ 1,874.00</u>

SECTION 2. The Mayor be and is hereby authorized and directed to enter into contract on behalf of the City of Brecksville with Pro Armament as set forth in Section 1 hereof, said contract to be in such form as is approved by the Director of Law.


SECTION 3. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

SECTION 4. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the Police Department's need for firearms, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.


PASSED: August 20, 2024

APPROVED: August 20, 2024

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5731 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.


CLERK OF COUNCIL


MAYOR


CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5589

**A RESOLUTION APPOINTING
DAVID M. INEMAN AS A PART-TIME
FIREFIGHTER/PARAMEDIC IN THE CITY
OF BRECKSVILLE FIRE DEPARTMENT;
AND DECLARING AN EMERGENCY**

WHEREAS, there exists a vacancy in the Fire Department of the City of Brecksville in the office of part-time Firefighter/Paramedic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Director of Public Safety, David M. Ineman be and he is hereby appointed to the position of part-time Firefighter/Paramedic for the Fire Department of the City of Brecksville, effective August 20, 2024.

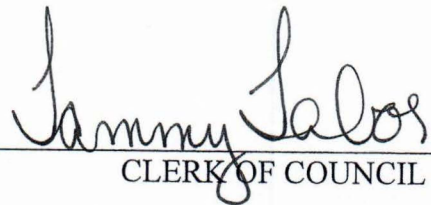
SECTION 2. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that it relates to the daily operation of a municipal department, therefore, this Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 20, 2024

APPROVED: August 20, 2024




MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5589 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5590

**A RESOLUTION APPOINTING
ALEXANDER M. CALERIS AS A PART-TIME
FIREFIGHTER/EMT IN THE CITY
OF BRECKSVILLE FIRE DEPARTMENT;
AND DECLARING AN EMERGENCY**

WHEREAS, there exists a vacancy in the Fire Department of the City of Brecksville in the office of part-time Firefighter/EMT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Director of Public Safety, Alexander M. Caleris be and he is hereby appointed to the position of part-time Firefighter/EMT for the Fire Department of the City of Brecksville, effective August 20, 2024.

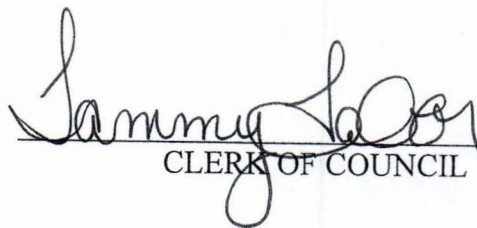
SECTION 2. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that it relates to the daily operation of a municipal department, therefore, this Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 20, 2024

APPROVED: August 20, 2024

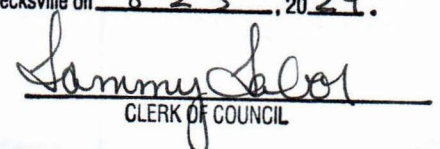


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5590 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024, and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5591

**A RESOLUTION PROMOTING AND APPOINTING
MATTHEW P. STERNAD TO THE POSITION OF
LIEUTENANT IN THE FIRE DEPARTMENT
OF THE CITY OF BRECKSVILLE;
AND DECLARING AN EMERGENCY**

WHEREAS, in order to fill a vacancy for the position of Lieutenant existing in the Fire Department, the Civil Service Commission of the City of Brecksville has provided the appointing authority with a list of eligible candidates to fill such vacancy.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Director of Public Safety, Matthew P. Sternad be and he is hereby promoted and appointed to the position of Lieutenant in the Fire Department of the City of Brecksville commencing any time after the effective date of August 25, 2024.


SECTION 2. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that it relates to the daily operation of a municipal department, therefore, this Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 20, 2024

APPROVED: August 20, 2024




MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5591 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 20 24.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5592

**A RESOLUTION APPOINTING VIOREL A. PSEPOLSCHI
TO THE POSITION OF POLICE OFFICER IN THE POLICE
DEPARTMENT OF THE CITY OF BRECKSVILLE;
AND DECLARING AN EMERGENCY**

WHEREAS, in order to fill a vacancy for the position of Police Officer existing in the Police Department, the Civil Service Commission of the City of Brecksville has provided the appointing authority with a list of eligible candidates to fill such vacancy.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Director of Public Safety, Viorel A. Psepolschi be and he is hereby appointed to the position of Police Officer in the Police Department of the City of Brecksville effective August 20, 2024.

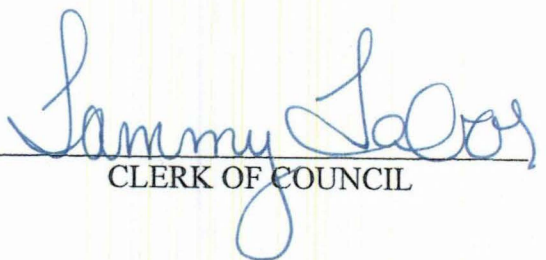
SECTION 2. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency being that it relates to the daily operation of a municipal department, therefore, this Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: August 20, 2024

APPROVED: August 20, 2024

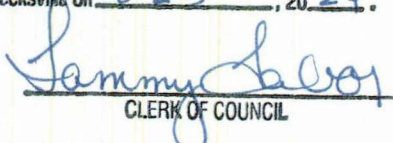


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5592 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.



CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5593

A RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, OPERATING, MAINTAINING, REPAIRING AND REPLACING PUBLIC UTILITIES, AND APPURTENANCES THERETO IN, UNDER, ACROSS AND THROUGH CERTAIN LANDS OWNED BY RAIMO PERTTU & CHARMIAN PERTTU AND KNOWN AS PPN 602-08-035; AND DECLARING AN EMERGENCY

WHEREAS, the City of Brecksville must accept a permanent sewer easement across certain lands owned by Raimo Perttu & Charmian Perttu to undertake a Flood Reduction at Riverview Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be, and he hereby is, authorized to accept a Permanent Easement for construction, reconstruction, operating, maintaining, repairing and replacing public utilities, and appurtenances thereto in, under, across and through certain lands owned by Raimo Perttu & Charmian Perttu and known as PPN 602-08-035, a copy of which Permanent Easement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1. hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1. hereof, said amounts to be charged to the appropriately designated Fund.


SECTION 3. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to obtain the easement to complete the Project, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.


I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5593 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.

PASSED: August 20, 2024

APPROVED: August 20, 2024


CLERK OF COUNCIL


MAYOR


CLERK OF COUNCIL

EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, OPERATING, MAINTAINING,
REPAIRING AND REPLACING PUBLIC UTILITIES, AND APPURTENANCES THERETO IN,
UNDER, ACROSS AND THROUGH CERTAIN LANDS OWNED BY

RAIMO PERTTU & CHARMIAN PERTTU

(Permanent Parcel No. 602-08-035)

KNOW ALL PERSONS BY THESE PRESENTS that Raimo Perttu & Charmian Perttu, their successors and assigns (hereinafter collectively referred to as "Grantor") who are the owners of certain land by deed recorded as AFN 200009120803 of Cuyahoga County Records, (hereinafter referred to as "Premises") in consideration of the sum of seven thousand one hundred dollar (\$7,100.00) the receipt of which is acknowledged by Grantor, and for other good and valuable consideration received to their full satisfaction, do hereby give, grant, bargain and convey, unto the City of Brecksville (hereinafter referred to as "Grantee"), its successors and assigns, the perpetual right and perpetual easement to enter upon that portion of the Grantors' Premises, as described in Exhibit "A", attached hereto and expressly made a part hereof by reference (hereinafter referred to as the "Easement Area"), and to remove trees and other obstructions when necessary and in, under, across and through the aforesaid Easement Area to lay, construct, relay, reconstruct, improve, maintain, operate, use, alter, repair, inspect, remove or replace public utilities and appurtenances thereto (herein, collectively the "Facilities") and also the right to enter upon the aforesaid Easement Area, or any part thereof at any time for any of the foregoing purposes and the doing of all things necessary or incident thereto. The exercise and nature of the rights granted herein shall be at the sole discretion of the Grantee.

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 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 Premises 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 willfully alter the Facilities.

The Grantee shall, at all times, have the right to access the Easement Area and Facilities to enter upon the Easement Area 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 for the activities and purposes set forth herein. Grantee agrees to promptly repair or replace, if necessary, any damages to the surface of the Premises disturbed by reason of or in connection with the activities and purposes herein granted, so that said Premises will return to substantially the same condition in which it was found prior to the commencement of such activities and purposes,

This grant of 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.

It is the intent of this Easement that the Grantee will assign the Northeast Ohio Regional Sewer District and its employees, consultants, contractors and agents access to the Easement Area for use of vehicles, equipment, materials and machinery for the activities and purposes set forth herein to construct the Facilities. The Grantee will also assign the private utility companies that supply gas, cable, electric, and phone companies, their consultants, contractors and agents access to the Easement Area for use of vehicles, equipment, materials and machinery for the purpose of relocating existing utilities, as necessary, to allow for the construction of said Facilities. Upon completion of the construction of the Facilities, the Grantee will retain the rights to the Easement Area for maintenance of said Facilities and to allow the private utility companies maintenance and repair of their facilities.

The Grantor hereby reserves the right to use said Premises within the limits of the above-described Easement Area as are not herein expressly prohibited by and are not inconsistent with the rights and easement hereby granted.

TO HAVE AND TO HOLD the above granted easement and the Facilities thereto which may be installed therein and any further additions installed by Grantee subsequently in, over and through such Easement Area for the purposes mentioned herein given unto Grantee by Grantor forever. And the Grantor does for themselves and their successors and assigns covenant with the Grantee and its successors and assigns, that at the time and until the sealing of these presents, the Grantor is well seized of the above described Premises as a good and indefeasible estate in fee simple and has good right to bargain and grant the same in manner and form as written above and that Grantor will warrant and defend said Premises with the 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, the undersigned have hereunto set their hands at Brecksville Ohio,
on the 10th day of August, 2024.

Raimo Perttu

Raimo Perttu

Charmian Perttu

Charmian Perttu

STATE OF OHIO)
)SS:
COUNTY OF CUYAHOGA)

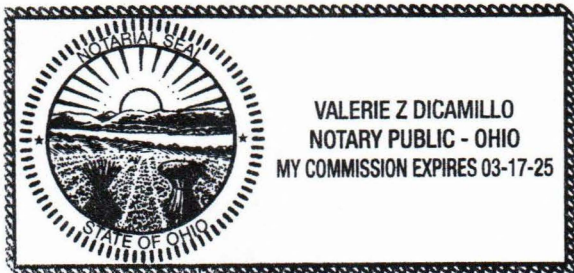
NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above
named (print name) RAIMO + CHARMIAN PERTTU, who acknowledged that they did
sign the foregoing instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville Ohio
this 10th day of August, 2024.

V. DiCamillo

Notary Public



CITY OF BRECKSVILLE

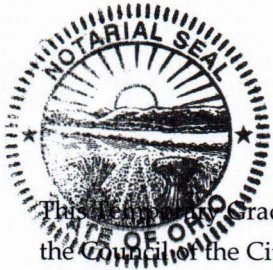
By: [Signature]
Daryl J. Kingston Mayor

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Daryl J. Kingston, the duly elected and acting Mayor of the City of Brecksville, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Brecksville, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville, Ohio, this 20 day of August, 2024.



TAMMY TABOR
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES

[Signature]
Notary Public
8-9-2028

This Grading and Access Easement was authorized by Resolution No. 5593, adopted by the Council of the City of Brecksville on the 20 day of August, 2024.

[Signature]
Tammy Tabor, Clerk of Council

Approved as to Form:

[Signature]
Law Director, City of Brecksville
Law Director

[Handwritten signature]

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TAMMY TADOR
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES



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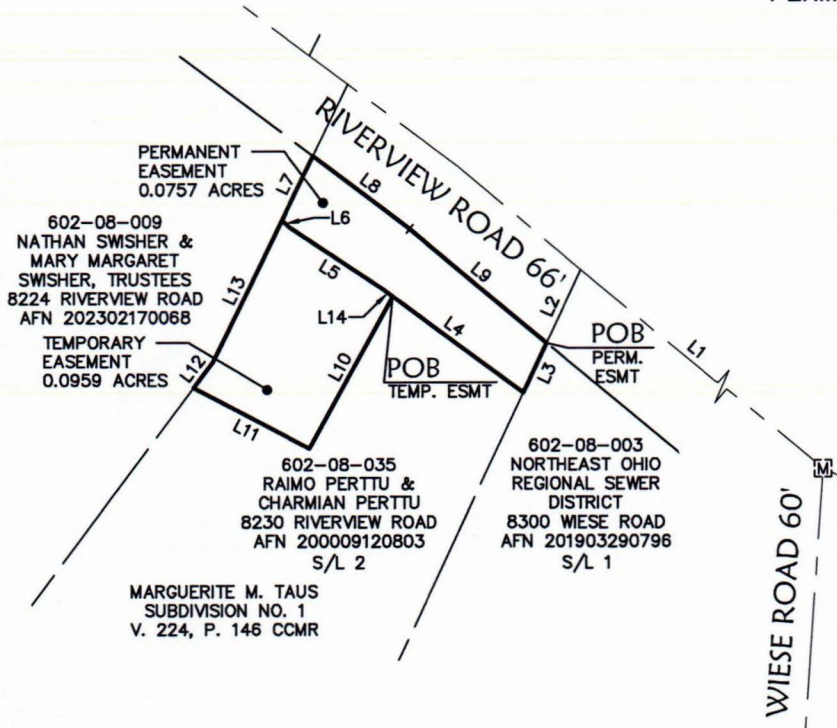
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PERMANENT & TEMPORARY EASEMENTS

ACROSS PARCEL NO. 602-08-035
PART OF ORIGINAL BRECKSVILLE
TOWNSHIP LOT NO. 96
CITY OF BRECKSVILLE,
COUNTY OF CUYAHOGA,
STATE OF OHIO



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N50°18'14"W	207.34'
L2	S25°09'59"W	34.09'
L3	S25°09'59"W	23.21'
L4	N53°28'19"W	73.47'
L5	N56°47'31"W	47.90'
L6	N46°47'56"W	3.72'
L7	N26°10'54"E	30.03'
L8	S53°08'09"E	50.92'
L9	S50°18'14"E	74.99'
L10	S28°45'13"W	73.40'
L11	N62°13'28"W	55.31'
L12	N36°57'14"E	13.50'
L13	N26°10'54"E	66.39'
L14	S53°28'19"E	5.05'

ABBREVIATIONS

- AFN AUTOMATIC FILE NUMBER
- CCMR CUYAHOGA COUNTY MAP RECORDS
- P PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- V VOLUME

SCALE: 1"=60'
MAY 16, 2024

Trevor A. Bixler 5-16-24

TREVOR A. BIXLER
PROFESSIONAL SURVEYOR, OHIO NO. 7730



KS KS Associates, Inc.
260 Burns Road, Suite 100
Elyria, OH 44035
P 440 365 4730
F 440 365 4790
KS ASSOCIATES www.ksassociates.com

R:\20000\20222-EMHT\Task 6\CIVIL 3D 2019\CURRENT DRAWINGS\BASE DRAWINGS\DWG\ESMT\NEORSO SW GES 3-602-08-035-PT_R.dwg

**Permanent Easement
Across PPN 602-08-035
0.0757 Acres
Page 1 of 2**

Situated in the City of Brecksville, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Marguerite M. Taus Subdivision No. 1 of part of Original Brecksville Township Lot No. 96 as recorded in Volume 224, Page 146 of the Cuyahoga County Map Records. Also being part of the land conveyed to Raimo Perttu and Charmian Perttu as recorded in AFN 200009120803 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin in a monument box found at the intersection of the centerline of Riverview Road (66 feet wide) and the centerline of Wiese Road (60 feet wide);

Thence, along the centerline of Riverview Road, North $50^{\circ} 18' 14''$ West, 207.34 feet to the most easterly corner of said land conveyed to Raimo Perttu and Charmian Perttu;

Thence, leaving the centerline of Riverview Road, along the southeasterly line of said land conveyed to Raimo Perttu and Charmian Perttu, South $25^{\circ} 09' 59''$ West, 34.09 feet to the southwesterly right of way of Riverview Road and the **True Point of Beginning** for the easement herein described;

Thence, leaving the southwesterly right of way, along the southeasterly line of said land conveyed to Raimo Perttu and Charmian Perttu, South $25^{\circ} 09' 59''$ West, 23.21 feet;

Thence, leaving said southeasterly line, North $53^{\circ} 28' 19''$ West, 73.47 feet;

Thence, North $56^{\circ} 47' 31''$ West, 47.90 feet;

Thence, North $46^{\circ} 47' 56''$ West, 3.72 feet to the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu;

Thence, along the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu, North $26^{\circ} 10' 54''$ East, 30.03 feet to the southwesterly right of way of Riverview Road;

Thence, leaving the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu, along the southwesterly right of way of Riverview Road, South $53^{\circ} 08' 09''$ East, 50.92 feet;

Thence, continuing along the southwesterly right of way of Riverview Road, South $50^{\circ} 18' 14''$ East, 74.99 feet to the point of beginning.

Containing within said bounds 0.0757 acres (3,298 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November, 2023.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Permanent Easement
Across PPN 602-08-035
0.0757 Acres
Page 2 of 2

Trevor A. Bixler 12-20-23

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730

KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730



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RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5594

**A RESOLUTION ACCEPTING A TEMPORARY
EASEMENT ACROSS CERTAIN LANDS OWNED
BY RAIMO PERTTU & CHARMIAN PERTTU
AND KNOWN AS PPN 602-08-035; AND DECLARING
AN EMERGENCY**

WHEREAS, the City of Brecksville must accept an easement across certain lands owned by Raimo Perttu & Charmian Perttu to undertake a Flood Reduction at Riverview Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be, and he hereby is, authorized to accept a Temporary Easement across certain lands owned by Raimo Perttu & Charmian Perttu and known as PPN 602-08-035, a copy of which Temporary Easement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

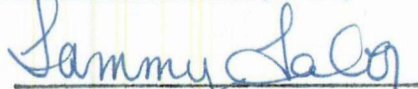
SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1. hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1. hereof, said amounts to be charged to the appropriately designated Fund.


SECTION 3. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to obtain the easement for access to complete the Project, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

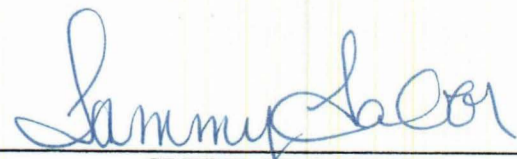
I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5594 duly passed by the Council of the City of Brecksville, Ohio, on 8-20, 2024 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 8-23, 2024.

PASSED: August 20, 2024

APPROVED: August 20, 2024


CLERK OF COUNCIL


MAYOR


CLERK OF COUNCIL

TEMPORARY EASEMENT ACROSS CERTAIN LANDS OWNED BY

RAIMO PERTTU & CHARMIAN PERTTU

(Permanent Parcel No. 602-08-035)

This Temporary Access Easement is made this 20 day of August, 2024, by Raimo Perttu & Charmian Perttu, together with their heirs, administrators, executors, successors and assigns (hereinafter collectively referred to as "Grantor") who are the owners of certain land by deed recorded as AFN 200009120803 of Cuyahoga County Records, (hereinafter referred to as "Premises"), in consideration of the sum of one dollar (\$1.00) the receipt of which is acknowledged by Grantor, and for other good and valuable consideration received to their full satisfaction to the City of Brecksville, Ohio, and/or its duly authorized departments, divisions employees, agents, contractors and/or subcontractors (hereinafter referred to as "City").

WITNESSETH

WHEREAS, the Northeast Ohio Regional Sewer District will be undertaking CSPA04 – Flood Reduction at Riverview Road project (hereinafter referred to as "Project"), of which the City of Brecksville is a project sponsor and ultimate owner of the improvements, and portions of which will involve the Grantors' Property, and it is therefore necessary that the City be granted the temporary right to enter onto the Grantors' Property for the purposes related to such Project and other matters incident thereto:

NOW, THEREFORE, in exchange of the mutual covenants express herein the parties hereto agree as follows:

1. Grantor hereby grants to the City, its agents or employees, the temporary uninterrupted access, ingress, and egress rights to enter onto certain areas of their Property delineated in the attached sketch, attached hereto, expressly made a part hereof by reference, and marked Exhibit A (hereinafter the "Temporary Easement"), for the purposes of undertaking and constructing the Project and all matters incident and related thereto.
2. Grantors grants further permission to the City to remove trees and landscaping; store materials and equipment; removal and replacement of portions of the driveway; and complete all restoration within said easement area on the Property of the Grantor related to the construction of the Project. The Project shall be substantially complete within 300 days after initial mobilization. Access for final restoration and addressing project punch list items shall not exceed 540 days after initial mobilization.
3. It is further understood and agreed that the right to enter upon the Property and appurtenances thereto shall be for the limited purpose of the aforesaid Project and the other work to be performed

by the City hereunder and this Temporary Easement and the rights granted to the City shall terminate and be held for naught upon the completion of the Project as reasonably determined by the City.

4. The City shall restore the project as follows:
 - a. All lawn areas shall be graded and restored upon completion with grass per the specifications included in the improvement plans.
 - b. The City is responsible for any damage and/or restoration caused by the construction of the project. All cost associated with such shall be at the expense of the project. Any other items within the work limits damaged by construction shall be replaced/repared as part of construction.
5. During the period of construction, the City shall have the right to enclose the Temporary Easement area with a temporary security fence for the purpose of prohibiting access onto the Temporary Easement by persons other than the Grantee's authorized agents, representatives and employees. Upon completion of construction, Grantee shall remove the temporary fence at its sole expense.
6. The Grantor hereby reserves the right to the use of said premises within the limits of the above described Temporary Easement area for purposes which are not herein expressly prohibited by, and are not inconsistent with, the easement and rights herein granted.
7. The City will assume no obligation of maintenance as it related to the temporary easement area after the completion of the aforementioned work and acceptance by the City.
8. It is the intent of this Temporary Easement that the Northeast Ohio Regional Sewer District and its employees, consultants, contractors and agents will access the Temporary Easement area and use vehicles, equipment, materials and machinery within the Temporary Easement area for the activities and purposes set forth herein to construct the Project.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at Bucksville Ohio,
on the 10th day of August, 2024.

Raimo Perttu

Raimo Perttu

Charmian Perttu

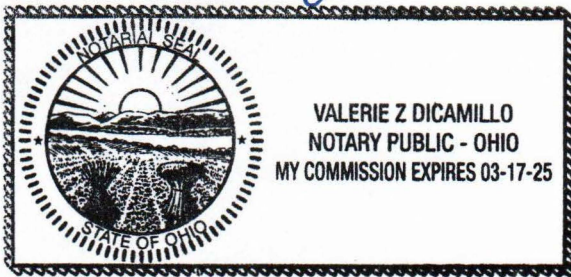
Charmian Perttu

STATE OF OHIO)
)SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above
named (print name) RAIMO + CHARMIAN PERTTU who acknowledged that they did
sign the foregoing instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Bucksville Ohio
this 10th day of August, 2024.



V. DiCamillo

Notary Public

[Faint, illegible handwriting]

[Faint, illegible handwriting]



CITY OF BRECKSVILLE

By: [Signature]
Daryl J. Kingston Mayor

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Daryl J. Kingston, the duly elected and acting Mayor of the City of Brecksville, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Brecksville, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville, Ohio, this 20 day of August, 2024.



TAMMY TABOR
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 8.9.2028

[Signature]
Notary Public

Grading and Access Easement was authorized by Resolution No. 5594, adopted by the ~~Council~~ of the City of Brecksville on the 20 day of August, 2024.

[Signature]
Tammy Tabor, Clerk of Council

Approved as to Form:

[Signature]
Law Director, City of Brecksville
Law Director

[Faint handwritten signature]

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[Faint handwritten signature]

TAMMY TABOR
GOVERNOR PUBLIC - OHIO
MY COMMISSION EXPIRES 8/1/2012



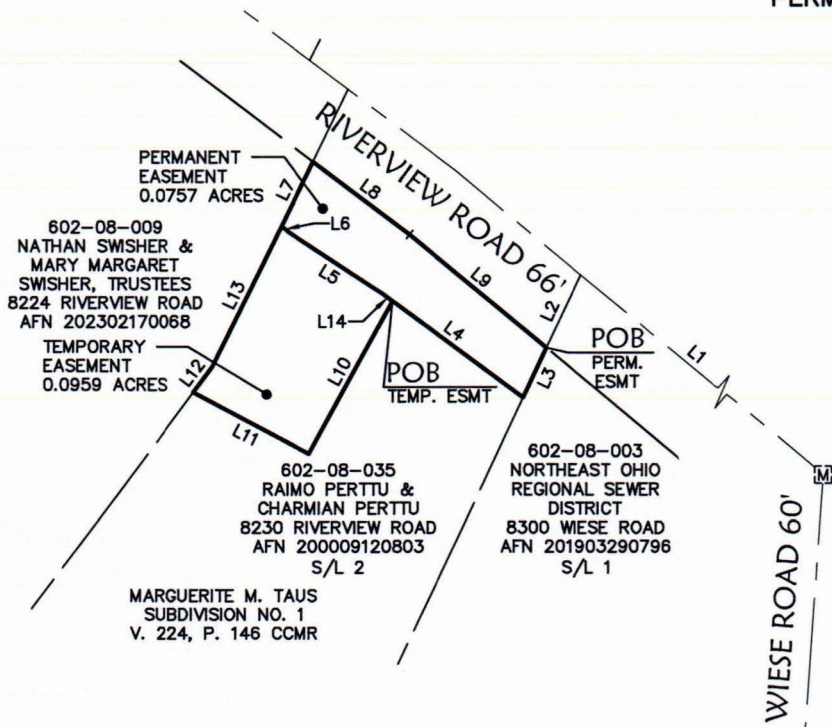
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PERMANENT & TEMPORARY EASEMENTS

ACROSS PARCEL NO. 602-08-035
 PART OF ORIGINAL BRECKSVILLE
 TOWNSHIP LOT NO. 96
 CITY OF BRECKSVILLE,
 COUNTY OF CUYAHOGA,
 STATE OF OHIO



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N50°18'14"W	207.34'
L2	S25°09'59"W	34.09'
L3	S25°09'59"W	23.21'
L4	N53°28'19"W	73.47'
L5	N56°47'31"W	47.90'
L6	N46°47'56"W	3.72'
L7	N26°10'54"E	30.03'
L8	S53°08'09"E	50.92'
L9	S50°18'14"E	74.99'
L10	S28°45'13"W	73.40'
L11	N62°13'28"W	55.31'
L12	N36°57'14"E	13.50'
L13	N26°10'54"E	66.39'
L14	S53°28'19"E	5.05'



SCALE: 1"=60'
 MAY 16, 2024

Trevor A. Bixler 5-16-24

TREVOR A. BIXLER
 PROFESSIONAL SURVEYOR, OHIO NO. 7730



ABBREVIATIONS

- AFN AUTOMATIC FILE NUMBER
- CCMR CUYAHOGA COUNTY MAP RECORDS
- P PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- V VOLUME

KS KS Associates, Inc.
 260 Burns Road, Suite 100
 Elyria, OH 44035
 P 440 365 4730
 F 440 365 4790
KS ASSOCIATES www.ksassociates.com

**Temporary Easement
Across PPN 602-08-035
0.0959 Acres
Page 1 of 2**

Situated in the City of Brecksville, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Marguerite M. Taus Subdivision No. 1 of part of Original Brecksville Township Lot No. 96 as recorded in Volume 224, Page 146 of the Cuyahoga County Map Records. Also being part of the land conveyed to Raimo Perttu and Charmian Perttu as recorded in AFN 200009120803 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin in a monument box found at the intersection of the centerline of Riverview Road (66 feet wide) and the centerline of Wiese Road (60 feet wide);

Thence, along the centerline of Riverview Road, North 50° 18' 14" West, 207.34 feet to the most easterly corner of said land conveyed to Raimo Perttu and Charmian Perttu;

Thence, leaving the centerline of Riverview Road, along the southeasterly line of said land conveyed to Raimo Perttu and Charmian Perttu, South 25° 09' 59" West, 34.09 feet to the southwesterly right of way of Riverview Road;

Thence, leaving said southwesterly right of way, along the southeasterly line of said land conveyed to Raimo Perttu and Charmian Perttu, South 25° 09' 59" West, 23.21 feet;

Thence, leaving said southeasterly line, North 53° 28' 19" West, 73.47 feet to the **True Point of Beginning** for the easement herein described;

Thence, South 28° 45' 13" West, 73.40 feet;

Thence, North 62° 13' 28" West, 55.31 feet to the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu;

Thence, along the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu, North 36° 57' 14" East, 13.50 feet;

Thence, continuing along the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu, North 26° 10' 54" East, 66.39 feet;

Thence, leaving the northwesterly line of said land conveyed to Raimo Perttu and Charmian Perttu, South 46° 47' 56" East, 3.72 feet;

Thence, South 56° 47' 31" East, 47.90 feet;

Thence, South 53° 28' 19" East, 5.05 feet to the point of beginning.

Containing within said bounds 0.0959 acres (4,179 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November, 2023.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Temporary Easement
Across PPN 602-08-035
0.0959 Acres
Page 2 of 2

T. A. Bixler 5-16-24

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730

KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730

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