

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ELECTRIC POWER SERVICE EASEMENT WITH THE ILLUMINATING COMPANY, A FIRST ENERGY COMPANY, AND DECLARING AN EMERGENCY.

WHEREAS, the Illuminating Company has requested an unrestricted perpetual electrical power service easement for Avon Lake Regional Water's facilities at 201 Miller Road, Avon Lake; and

WHEREAS, Council coming to consider said easement has determined that it is acceptable to this Council.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: The Mayor of the City of Avon Lake is hereby authorized to sign an electric power service easement with the Illuminating Company, a First Energy Company of Cleveland, Ohio. (Exhibit A)

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: This Resolution is hereby declared to be an emergency measure, the emergency being the necessity of providing the Illuminating Company access for the installation of electrical power service at 201 Miller Road, Avon Lake, thus for the preservation of the public peace, health, safety, and welfare. Therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: 4/24/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 4/28/2023

APPROVED: 4/25/2023

ATTEST: /s/ Valerie E. Rosmarin  
Clerk of Council

/s/ Gregory J. Zilka  
Mayor

## ELECTRIC POWER SERVICE EASEMENT

The following Perpetual Electrical Power Service easement(s) are being granted to the Illuminating Company, A FirstEnergy Company, Cleveland, Ohio for Avon Lake Regional Water's facilities located at 201 Miller Road, Avon Lake, Ohio 44012.

KNOWN BY ALL THESE PRESENT:

The CITY OF AVON LAKE, Gregory J. Zilka, Mayor, being the Grantor as authorized by motion of City Council on April 24, 2023, plus such other valuable considerations that hereby acknowledged that the CITY OF AVON LAKE, a MUNICIPAL CORPORATION, the Grantor, who's Tax Mailing Address will be **150 Avon Belden Road, Avon Lake, Ohio 44012**. The Grantor does hereby grant, sell, convey, and releases to the Illuminating Company, the Grantee, its successors, assigns or agents, Electric Power Service easements, unrestricted and at all times to the Grantee over the lands herein described. These Electric Power Service easements are on the property of Avon Lake Regional Water facilities.

Situated in the City of Avon Lake, County of Lorain and State of Ohio and part of Original Avon Township Section No. 6 as being parts of permanent parcel numbers 04-00-006-114-029, 04-00-006-114-030, 04-00-006-114-031, 04-00-006-114-077, properties owned by the City of Avon Lake.

and more fully described as follows:

See Attachment "A & B" Legal Descriptions and Exhibit "1 & 2" Survey Maps.

The Grantee, its successors, assigns or agents, upon any repair, shall at their expense be responsible to restore any grass or gravel, as it existed immediately prior to any repair work being performed in the above easement. Landscaping replacement shall be limited to the repair and restoration of grass only.

IN WITNESS WHEREOF, the said Grantors hereby convey to the Illuminating Company, its successors, assigns or agents, said ingress and egress access easement, have hereunto set their hands.

This \_\_\_\_\_ day of April, 2023

*SIGNED AND ACKNOWLEDGED*

*IN THE PRESENCE OF:*

\_\_\_\_\_

\_\_\_\_\_

Gregory J. Zilka, Mayor

\_\_\_\_\_

STATE OF OHIO,            )

:           SS

COUNTY OF LORAIN        )

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the Avon Lake, Ohio this \_\_\_\_\_ day of April 2023.

PREPARED BY:

The City of Avon Lake 150 Avon Belden Road, Avon Lake, Ohio 44012

**-ATTACHMENT A-**

**Legal Description For**

**Electric Power Service Easement No. 1**

**P.P.N.: 04-00-006-114-029, 04-00-006-114-030, 04-00-006-114-031, 04-00-006-114-032**

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being know as part of Original Avon Township Section No. 6, Range 16 west, Township 8 north in the Connecticut Western Reserve and being a perpetual Electric Power Service easement and for installation, construction and maintenance of underground electric cables and/or transformer & appurtenances. Said easement is located through portions of Sublot Nos. 194, 195, 261 and 262 in the Avon Lake Harbor Estates, as shown by the recorded plat in Volume 12 of Maps, Page 24 of Lorain County Records, part of land of a 7.92 acre parcel conveyed August 17, 2001 to City of Avon lake, by deed filed in Instrument No. 2001-0771979 of the Lorain County Recorder's Office further bounded and more fully described as follows:

Beginning at the intersection of the easterly right-of-way of Miller Road (60 feet wide) and the southerly right-of-way of Clinton Avenue (50 feet wide), and the northwesterly corner of subplot 195, said point being the Point of Beginning.

Thence, S-02°20'00"-W, a distance of 31.5 feet to and the **True Place of Beginning** of the lands hereinafter described;

Thence, S-87°09'59"-E, 167.94 feet to a point.

Thence, S-02°50'01"-W, 16.53 feet to a point.

Thence, N-87°09'59"-W, 5.34 feet to a point.

Thence, S-02°50'01"-W, 7.07 feet to a point.

Thence, S-87°09'59"-E, 111.75 feet to a point on the westerly right-of-way of Alameda Avenue (50' R/W).

Thence, S-02°12'23"-W along said westerly right-of-way, 12.00 feet to a point.

Thence, N-87°09'59"-W, 111.89 feet to a point.

Thence, S-02°50'11"-W, 6.41 feet to a point.

Thence, S-87°09'59"-E, 25.02 feet to a point.

Thence, S-02°53'33"-W, 25.48 feet to a point.

Thence, S-87°09'59"-E, 7.65 feet to a point.

Thence, N-02°50'01"-E, 4.53 feet to a point.

Thence, N-87°09'59"-W, 155.89 feet to a point in the easterly right-of-way of said Miller Road.

Thence, N-02°20'00"-E, along the easterly right-of-way of Miller Road and the westerly property line of sublots 194 and 195, 12.00 feet and the **True Place of Beginning** for the lands hereinbefore described and containing within said bounds of 4,048.15 sq. ft. (0.0929 acre) of land, more or less.

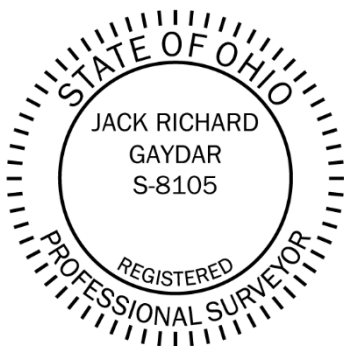
The bearings used are based upon the recorded values for Miller Road as listed in the recorded deed by Ray W. Gasbarre, P.S., Registered Professional Surveyor, S-4153, dated June 08, 1963.

Legal description written by Jack Richard Gaydar, P.S., P.E., Registered Professional Surveyor, (S-8105), March 9, 2023, based upon written records, no physical monumentation has been set to delineate easement.

Jack Richard Gaydar, P.S., P.E.

Registered Professional Surveyor (S-8105)

Date: 03/09/2023



**-ATTACHMENT B-**  
**Legal Description For**  
**Electric Power Service Easement No. 2**  
**P.P.N.: 04-00-006-114-077**

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being know as part of Original Avon Township Section No. 6, Range 16 west, Township 8 north in the Connecticut Western Reserve and being a perpetual Electric Power Service easement and for installation, construction and maintenance of underground electric cables and/or transformer & appurtenances. Said easement is located on the southerly portion of a 40.06-acre parcel of land, as shown by the recorded plat in Volume 108 of Maps, Pages 5 and 6 of Lorain County Records, conveyed May 14, 2020 to City of Avon lake, by deed filed in Instrument No. 2020-0760252 of the Lorain County Recorder's Office further bounded and more fully described as follows:

Beginning at the intersection of the southerly and easterly right-of-way of Alameda Avenue (50 feet wide) and a point on the northerly line of a 7.92-acre parcel of land conveyed August 17, 2001 to the City of Avon Lake, by deed filed in Instrument No. 2001-0771979 of the Lorain County Recorder's Office further bounded and more fully described as follows, said point being the Point of Beginning.

Thence, N-02°21'02"-E along the easterly right-of-way of Alameda Avenue (50' R/W), a distance of 11.18 feet to and the **True Place of Beginning** of the lands hereinafter described.

Thence, continuing N-02°21'02"-E along said Alameda Avenue easterly right-of-way, 12.00 feet to a point.

Thence, S-87°09'59"-E, 140.60 feet to a point.

Thence, N-02°53'33"-E, 5.85 feet to a point.

Thence, S-87°09'59"-E, 24.99 feet to a point.

Thence, S-02°50'01"-W, 25.48 feet to a point.

Thence, N-87°09'59"-W, 25.02 feet to a point.

Thence, N-02°53'33"-E, 7.63 feet to a point.

Thence, N-87°09'59"-W, 140.49 feet to a point in the easterly right-of-way of said Alameda Avenue and the **True Place of Beginning** for the lands hereinbefore described and containing within said bounds of 2,323.80 sq. ft. (0.0533 acre) of land, more or less.

The bearings used are based upon the recorded values for Miller Road as listed in the recorded deed by Ray W. Gasbarre, P.S., Registered Professional Surveyor, S-4153, dated June 08, 1963.

Legal description written by Jack Richard Gaydar, P.S., P.E., Registered Professional Surveyor, (S-8105), March 9, 2023, based upon written records, no physical monumentation has been set to delineate easement.



Jack Richard Gaydar, P.S., P.E.

Registered Professional Surveyor (S-8105)

Date: 03/09/2023