

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

5305

Resolution No. _____

**A RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE AN EXTINGUISHMENT OF A
SANITARY SEWER EASEMENT PREVIOUSLY
RECORDED IN VOL. 88-5013, PAGE 47 OF THE
CUYAHOGA COUNTY RECORDS AND DECLARING
THAT SUCH EASEMENT IS NO LONGER NEEDED
FOR MUNICIPAL PURPOSES; AND DECLARING
AN EMERGENCY**

WHEREAS, pursuant to Ohio Revised Code Section 723.121, the city desires to extinguish said sanitary sewer easement in whole and hereby determine that said easement is no longer needed for municipal purposes.

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 execute an Extinguishment of a Sanitary Sewer Easement previously recorded in Vol. 88-5013, Page 47 of the Cuyahoga County Records and declaring that such easement is no longer needed for municipal purposes, a copy of said Extinguishment of a Sanitary Sewer Easement is attached hereto as Exhibit "A" and expressly made a part hereof by reference.


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 extinguish said sanitary sewer easement, 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.

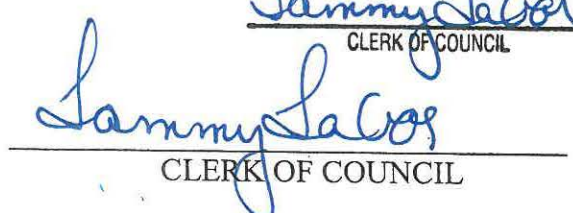
PASSED: _____ July 19, 2022

APPROVED: _____ July 19, 2022

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5305 duly passed by the Council of the City of Brecksville, Ohio, on 7.19, 2022, and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 7.22, 2022.



MAYOR



CLERK OF COUNCIL



CLERK OF COUNCIL

EXHIBIT "A"

EXTINGUISHMENT OF
EASEMENT PURSUANT TO
OHIO REVISED CODE SECTION 723.121

This Extinguishment of Easement is entered into at Brecksville, Ohio by the City of Brecksville, (An Ohio Municipal Corporation), hereinafter referred to as the "City";

RECITALS:

WHEREAS, the City holds an easement for a Sanitary Sewer, over a portion of the property, described in a Deed of Easement recorded in Cuyahoga County Official Records **Volume 88-5013, Page 47**, and

WHEREAS, no sanitary sewer has been installed within the Easement by the City, and

WHEREAS, Pursuant to Ohio Revised Code Section 723.121, where a municipal corporation has acquired or acquires easements in or permits to use areas or space on, above, or below the surface for any purpose, the legislative authority thereof is authorized to extinguish them in whole or in part or subordinate them to uses by others, provided that it shall determine, and enter its determination on the minutes of its proceedings, that the easements or permits to use so extinguished or subordinated are not needed for municipal purposes, and

WHEREAS, the City has determined and entered into its minutes that the Easement described in in Cuyahoga County Official Records **Volume 88-5013, Page 47**, to be extinguished are not needed for municipal purposes, and

WHEREAS, the City intends by this Extinguishment of Easement to terminate the Easement described in the Deed of Easement recorded in Cuyahoga County Official Records **Volume 88-5013, Page 47**.

NOW THEREFORE:

The Deed of Easement recorded in Cuyahoga County Official Records Volume 88-5013, Page 47, for a Sanitary Sewer is hereby terminated and extinguished.

Date: 7.19.22

CITY OF BRECKSVILLE

By: 

Print Name: JERRY N. HRUBY

Title: MAYOR

Approved as to Form:

Date: 7/19/2022

By: 

Print Name: DAVID J. MATTY

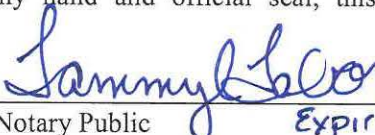
Title: LAW DIRECTOR

State of Ohio)
) SS:
County of Cuyahoga)

This is an acknowledgement clause. No oath or affirmation was administered to the signer with regard to the notarial act.

Before me, a Notary Public personally appeared the above named JERRY N. HRUBY authorized officer of the CITY OF BRECKSVILLE., an Ohio Municipal Corporation who acknowledged that he did sign the foregoing instrument and the same is his free act and deed and that of the City.

In testimony whereof, I have hereunto set my hand and official seal, this 19 day of July, 2022.


Notary Public Expires 8-9-2023

This Instrument Prepare By:
Karla M. Rogers, Esq.
Calfee, Halter & Griswold LLP
1405 East Sixth Street
Cleveland, Ohio 44114
4826-7312-4327, v.2

