

**CITY OF KIRTLAND**

**RESOLUTION NO.: 20-R-37**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A GAS PIPELINE EASEMENT WITH THE EAST OHIO GAS COMPANY ON PERMANENT PARCEL NUMBER 20A0140000010 LOCATED ON CHARLESDERRY ROAD, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kirtland owns property on Charlesderry Road in the City of Kirtland, Lake County, Ohio, with the permanent parcel number of 20A0140000010; and

**WHEREAS**, the East Ohio Gas Company is constructing a natural gas pipeline on Charlesderry Road; and

**WHEREAS**, a permanent easement over municipally-owned real property, more fully described in “Exhibit A” attached hereto, is necessary to permit East Ohio Gas Company to construct and transmit natural gas on said property; and

**WHEREAS**, due to the current state of emergency in Ohio and the governor’s current stay at home order stemming from the COVID-19 pandemic, the Kirtland Community Center has been closed to protect both the community and the staff from potential infection; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

**Section 1.** The Council of the City of Kirtland hereby authorizes the Mayor to enter into the permanent gas pipeline easement with the East Ohio Gas Company, a copy of which is attached hereto as Exhibit A, or substantial compliance with the same, and is incorporated herein fully as if by reference. Further, the Mayor is authorized to execute any and all documentation in the furtherance and intents of that agreement.

**Section 2.** The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and requires the following:

1. The Clerk of Council is hereby directed to post the enacted legislation in City Hall and the Kirtland Public Library for fifteen (15) consecutive days after the effective date of this legislation; and
2. Due to the closure of the Kirtland Community Center, the Clerk of Council is not required to post said enacted legislation in that location; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland’s website for fifteen (15) consecutive days after the effective date of this legislation.

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 4.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the needs of the municipality by allowing for the construction and transmission of natural gas in certain portions of the City; wherefor, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
 President of Council

Submitted to the Mayor for his  
 Approval on this \_\_\_\_\_ day of  
 \_\_\_\_\_, 2020.

ATTEST:

Approved by the Mayor, this \_\_\_\_\_ day  
 of \_\_\_\_\_, 2020.

\_\_\_\_\_  
 Clerk of Council  
 Easement for Charlesderry & East Ohio Gas

\_\_\_\_\_  
 Mayor Kevin F. Potter

## GAS PIPELINE EASEMENT

**THIS EASEMENT**, made and entered into as of the date set forth below, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **City of Kirtland**, having a principal place of business at 9301 Chillicothe Road, Kirtland, Ohio, 44094, its successors, and assigns (hereinafter called "Grantor"), does hereby grant, convey, and warrant unto **The East Ohio Gas Company d/b/a Dominion Energy Ohio**, an Ohio corporation, having a principal place of business at 1201 East 55th Street, Attention: Land Services, Cleveland, Ohio, 44103, its successors and assigns (hereinafter called "Grantee"), the perpetual right-of-way and easement to lay, construct, maintain, operate, alter, repair, replace or replace parallel to, inspect, conduct necessary tests, connect to, change the size of, abandon in place, and remove underground pipelines, together with such above or below grade meters, valves, tap valves, fittings, cathodic protection equipment, data acquisition and communication lines and devices, pipeline markers, and other appurtenant facilities (collectively the "Pipeline Facilities"), all of which shall be and remain the property of Grantee, for the transmission of natural gas and all by-products thereof, over, under, across, and upon the lands described in this Easement, together with the right to excavate and refill ditches and trenches for the location of such Pipeline Facilities, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of the Pipeline Facilities, along with the right of ingress and egress to the Pipeline Facilities at all times, on the following described land owned by Grantor, being the Subject Property.

### SUBJECT PROPERTY AND EASEMENT AREA

Situated in the City of Kirtland, County of Lake, and State of Ohio, and known as being part of Lot 11, Tract 2 in said City containing 0.64 acres, more or less.

Tax Parcel No.: **20A0140000010**

Deed Reference: Instrument #**2009R009849** (the "Subject Property").

The Pipeline Facilities laid pursuant to this Easement will be located within the limits of an easement area of a width deemed necessary by Grantee and further defined and depicted in **Exhibit A** (the "Easement Area"), attached hereto and made a part hereof.

Grantor shall not install, construct, or permit to be installed or constructed, any house, shed, tree, structure, or obstruction of any kind (collectively, the "Obstructions") on or over said Easement Area that will interfere with the construction, maintenance, or operation of the Pipeline Facilities constructed hereunder. Grantee has the right to remove the Obstructions on or over the Easement Area without liability to Grantor.

**GRANTEE'S USE AND REPAIR.** Grantee shall repair, replace, or compensate Grantor for any harm or damage that Grantee inflicts upon Grantor's existing and permitted improvements within the Easement Area, or improvements outside the Easement Area in the process of Grantee exercising any of its herein declared rights upon the Subject Property. Grantee shall compensate Grantor for any

**EXHIBIT A**

damages it inflicts upon crops, regardless of whether the crops were damaged by Grantee in or outside of the Easement Area.

**MISCELLANEOUS.** No implied covenant, agreement, or obligation shall be read into this Easement. Grantor represents and warrants that the individual executing this Easement on behalf of Grantor is a duly authorized representative of Grantor and has the authority to bind Grantor as set forth herein. This Easement shall be interpreted, enforced, and governed under the laws of the State of Ohio.

**IN WITNESS WHEREOF,** Grantor hereby acknowledges, understands, and agrees to all the contents, terms, conditions, restrictions, and effects of this instrument and grants this Easement by executing this document as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**GRANTOR**

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Title: \_\_\_\_\_

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF OHIO                    )  
  ) SS  
COUNTY OF                        )

SWORN TO BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ as \_\_\_\_\_, known to me or proved to me, on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged that \_\_\_\_\_ was authorized to execute the same on behalf of the company and did so as a free act and deed.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission expires:

\_\_\_\_\_  
Notary Public

Ohio Law requires all parties to contact OHIO811 Before You Dig. Call 811 (or 1-800-362-2764) at least 48 hours but not more than 10 working days before digging or excavating. ORC - 3781.28 A&B

This Instrument Was Prepared By:  
Dominion Energy Ohio, October 2019

File # \_\_\_\_\_ Reference #20-0098 SAP #64128894

# EXHIBIT "A"

TO AN EASEMENT DATED \_\_\_\_\_  
 FROM  
 CITY OF KIRTLAND  
 TO

**DOMINION ENERGY OHIO**



Prepared by:

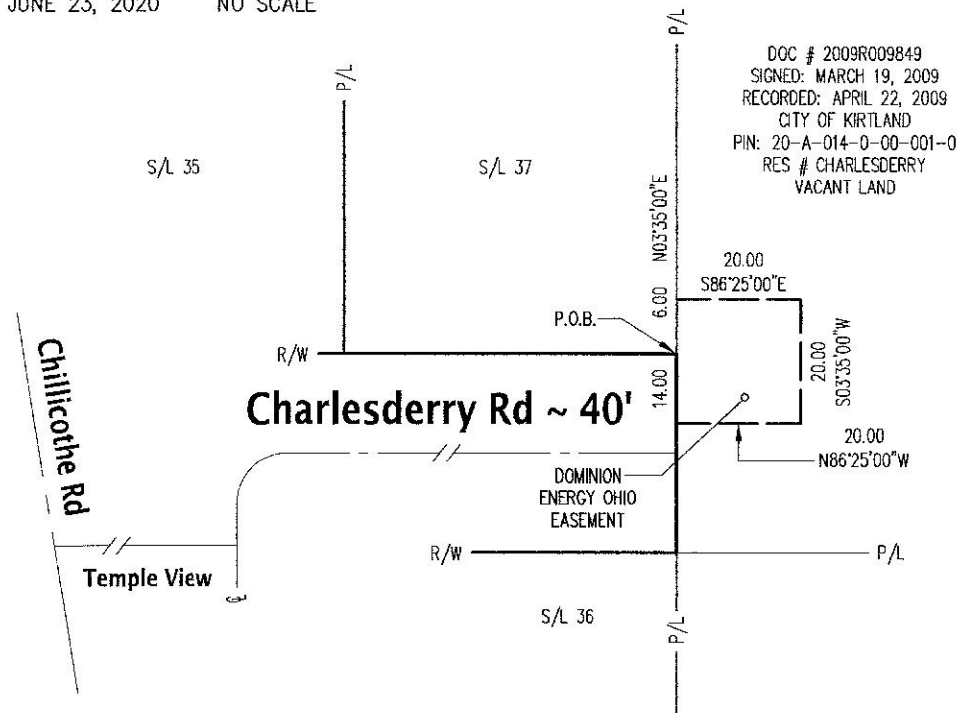
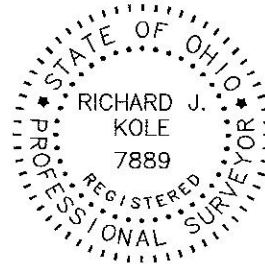


*Richard J. Kole*

JUNE 23, 2020 NO SCALE



GPS  
 N 41°36.543'  
 W 81°21.055'



DOC # 2009R009849  
 SIGNED: MARCH 19, 2009  
 RECORDED: APRIL 22, 2009  
 CITY OF KIRTLAND  
 PIN: 20-A-014-0-00-001-0  
 RES # CHARLESDERRY  
 VACANT LAND

Situated in the Township of Kirtland, County of Lake and state of Ohio and known as being a part of Original Kirtland Township Lot No. 11, Tract No. 2.

Beginning at a point in the southeast corner of Sublot No. 37 in the Temple View Allotment as recorded in Volume F, Page 71 of Lake County Map Records at the easterly terminus of the northerly line of Charlesderry Road, 40.00 feet wide.

thence North 03° 35' 00" East along the easterly line of said Sublot No. 37, 6.00 feet;  
 thence South 86° 25' 00" East, 20.00 feet;  
 thence South 03° 35' 00" West, 20.00 feet;  
 thence North 86° 25' 00" West, 20.00 feet to a point in said easterly line of Charlesderry Road;  
 thence North 03° 35' 00" East along said easterly line of Charlesderry Road, 14.00 feet to the Principal Place of Beginning and containing 400.00 square feet (0.0092 acres) of land as described on June 24, 2020 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

File No. 20104