

**ORDINANCE NO. 2025-02 AMENDED**

**AN ORDINANCE ACCEPTING A HIGHWAY EASEMENT GRANTED BY  
28825 EUCLID AVENUE, LLC. UNTO THE CITY OF WICKLIFFE, OHIO  
AS TO A PORTION OF THE PROPERTY LOCATED AT  
28825 EUCLID AVENUE IN SAID CITY**

**WHEREAS**, 28825 Euclid Avenue, LLC. is the owner of certain property located at 28825 Euclid Avenue in the City of Wickliffe; and

**WHEREAS**, said property is a roadway extension North of Bishop Road in the City of Wickliffe; and

**WHEREAS**, said roadway extension is unique in the City and provides access to multiple companies, and will be beneficial to the economic development of the City; and

**WHEREAS**, 28825 Euclid Avenue, LLC. and the City of Wickliffe agree that by the granting of a highway maintenance and operation easement of a portion of the property located at 28825 Euclid Avenue to the City of Wickliffe for snow removal will serve the best interests of the citizens of the City of Wickliffe.

**WHEREAS**, 28825 Euclid Avenue, LLC. has committed to perform pavement improvements to the construction standards of the City of Wickliffe by July 1<sup>st</sup>, 2025.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WICKLIFFE,  
COUNTY OF LAKE, STATE OF OHIO:**

**SECTION 1.** That the City of Wickliffe hereby accepts from 28825 Euclid Avenue, LLC. a grant of a highway easement unto the City of Wickliffe in, upon, and over certain property along the northern extension of Bishop Road within the City of Wickliffe to be used for the maintenance and operation of the pavement within this City, the grant of said easement to be in substantially the form of the document identified as "Exhibit A", attached hereto and incorporated by reference herein.

**SECTION 4.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted 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.

~~FAILED~~ Passed: March 10th, 2025

Attest: \_\_\_\_\_

## Clerk of Council

Submitted to the Mayor for approval on

\_\_\_\_\_ , 2025

### **Council President – Presiding Officer**

Approved: \_\_\_\_\_, 2025

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Mayor

Passed ~~FAILED~~ March 10, 2025

Yes 3 No 4

First Reading February 10<sup>th</sup>, 2025

Second Reading February 24<sup>th</sup> 2025

Third Reading: March 10th, 2025

## ORDINANCE FAILED

I, Sandra J. Fink, Clerk of Council of Wickliffe, Ohio, hereby certify the foregoing is a true copy of Ordinance No. 2025-02 AMENDED enacted by Council at its regular meeting on March 10, 2025.  
Sandra J. Fink, Clerk of Council

## **HIGHWAY MAINTENANCE AND OPERATION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that 28825 Euclid Avenue, LLC., whose mailing address is 28825 Euclid Avenue, Wickliffe, Ohio 44092, hereinafter referred to as the Grantor, for the consideration of One Dollar (\$1.00) and other good and valuable considerations received to their full satisfaction, does hereby grant to THE CITY OF WICKLIFFE, OHIO, an municipal corporation, 28730 Ridge Road, Wickliffe, Lake County, Ohio 44092, hereinafter referred to as the Grantee, the right to perform snow and ice removal over and through a parcel of land, as generally shown on Exhibit A, attached hereto and incorporated by reference herein.

The Grantor reserves the right to occupy and use the above described premises for any and all purposes whatsoever, not inconsistent with said easement.

The Grantor agrees to permit the Grantee or its contractor to make reasonable use of adjacent unoccupied land of the Grantor, for snow and ice removal, provided that no more land shall be used than necessary and any area so used shall be promptly restored to its original condition.

As a further consideration of the above grant, the Grantee, by acceptance of the rights granted herein, covenants and agrees as follows:

1. That Grantee will perform all snow and ice removal with due diligence and without unnecessary delay after beginning same.
2. That Grantor and Grantor's successors will indemnify, defend and hold harmless the Grantee and Grantee's successors and assigns from and against any and all loss, damage, cost or expense caused by or resulting from snow and ice removal on said pavement and will promptly repair and restore any damage thereto.

TO HAVE AND TO HOLD said easement with all the rights incident thereto unto the Grantee forever.

IN WITNESS WHEREOF, **28825 EUCLID AVENUE, LLC.** and **THE CITY OF WICKLIFFE, OHIO** have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Grantor, 28825 Euclid Avenue, LLC.

STATE OF OHIO      )  
                        ) SS  
COUNTY OF LAKE    )

Sworn before me, a notary public, personally appeared \_\_\_\_\_  
for 28825 Euclid Avenue, LLC., who acknowledged that they did sign the foregoing instrument and  
that the signing of said instrument is their free act and deed.

In testimony whereof, I have hereunto set my hand and my official seal at \_\_\_\_\_,  
Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Notary Public

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Grantee, Mayor Joseph D. Sakacs

STATE OF OHIO      )  
                        ) SS  
COUNTY OF LAKE    )

Sworn before me, a notary public, personally appeared MAYOR JOSEPH D. SAKACS, for and  
on behalf of the City of Wickliffe, an Ohio municipal corporation, who acknowledged that he did  
sign the foregoing instrument and that the signing of said instrument is his free act and deed.

In testimony whereof, I have hereunto set my hand and my official seal at \_\_\_\_\_,  
Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Notary Public



ENGINEERING & SURVEYING

30601 EUCLID AVENUE - WICKLIFFE, OHIO 44092 — (216) 585-2700

P. O. BOX 317 - WICKLIFFE, OHIO 44092

LEGAL DESCRIPTION FOR THE CENTERLINE OF AN  
INGRESS/EGRESS EASEMENT  
THRU BISHOP SQUARE DEVELOPMENT  
FOR FRANK BERZIN'S BOWLING ALLEY  
EUCLID AVENUE, CITY OF WICKLIFFE, OHIO

Situated in the City of Wickliffe County of Lake and State of Ohio and known as being part of Original Willoughby Township, Lot No. 1 in Tract No. 8 and is further bounded and described as follows:

Being an Ingress/Egress Easement (width varies - 50 foot to 25 foot) passing through the lands as conveyed to Frank Berzin by deeds dated June 17, 1987 and as recorded in Volume 304, Page 1194 and Volume 317, Page 382 (P.P.#29A-8-14, 15 & 16) of Lake County Official Records, said easement following the centerline as described herein;

Beginning on the Northerly sideline of Euclid Avenue, a.k.a. U.S. 20 (60 feet wide) at the Southeasterly corner of Sublot No. 2 (P.P.#29A-10A-67) of the Crane Subdivision as recorded in Volume C, Page 10 of Lake County Map Records;

Thence North  $50^{\circ}35'35''$  East along said Northerly sideline of Euclid Avenue, a distance of 196.23 feet to a point, said point being North  $39^{\circ}24'25''$  West, a distant 30.00 feet from said centerline of Euclid Avenue and Bishop Road intersection, said point also being the Principle Place of Beginning of the centerline of Ingress/Egress Easement herein intended to be described;

Said Easement being a strip of land 50 feet wide by rectangular/radial measurement and lying 25 feet on each side of the following described centerline, (Courses I thru III)

Course I      Thence North  $39^{\circ}24'25''$  West, a distance of 114.67 feet to a point of curve;

Course II      Thence along the arc of said curve, deflecting to the right, 179.23 feet, said curve having a radius of 170.00 feet and a chord which bears North  $9^{\circ}12'13''$  West, a distance of 171.04 feet to its point of tangency;

Course III      Thence North  $21^{\circ}00'00''$  East, a distance of 56.49 feet to a point of curve and the beginning of a transition for said easement;

Said easement being a transition strip of land which varies from 50 feet to 25 feet wide by radial measurement and lying 25 feet to ~~12.5~~ feet on each side of the following described centerline, (Course IV). 16.0

Legal Description for the centerline of an  
Ingress/Egress easement thru Bishop Square  
Development for Frank Berzin's Bowling Alley  
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Course IV Thence along the arc of said curve, deflecting to the left, 178.02 feet, said curve having a radius of 170.00 feet and a chord which bears North 9°00'00" West, a distance of 170.00 feet to its point of tangency;  
Said Easement being a strip of land ~~25~~<sup>32</sup> feet wide by rectangular measurement and lying ~~12.5~~<sup>16.0</sup> feet on each side of the following described centerline, (Course V) ~~16.0~~

Course V Thence North 39°00'00" West, parallel to and at a perpendicular distance of 284.50 feet West of the most Easterly line of said Berzin's land, a distance of 504.90 feet to an angle point therein;  
Said Easement being a strip of land 32 feet wide by rectangular measurement and lying 16 feet on each side of the following described centerline, (Course VI);

Course VI Thence North 84°00'00" West, a distance of 77.07 feet to an angle point therein;  
Said Easement being a strip of land 40 feet wide by rectangular/radial measurement and lying 20 feet on each side of the following described centerline, (Courses VII and VIII);

Course VII Thence North 39°00'00" West, parallel to and at a perpendicular distance of 339.00 feet West of said most Easterly line of Berzin's land, a distance of 235.58 feet to a point of curve;

Course VIII Thence along the arc of said curve, deflecting to the left, 50.69 feet, said curve having a radius of 177.53 feet and a chord which bears North 47°10'45" West, a distance of 50.51 feet to a point on the Southerly line of Frank Berzin's Bowling Alley 8.60 acre parcel and the terminus of the above described Easement and containing approximately 1.2 acres of land as calculated and described from Lake County Records in June, 1988 by William D. Landeg, Registered Surveyor No. 4594 of Lake, Inc. Engineers and Surveyors, be the same more or less, but subject to all legal highways.

June 13, 1988  
File: 87-21

