

19-284

Exhibit A

RIGHT-OF-WAY LICENSE AGREEMENT

Number _____

This AGREEMENT is made and entered into this day, by and between the County of Summit, Ohio, a body corporate and politic, by and through its County Executive (hereafter referred to as "County"), and the National Park Service, Midwest Regional Office whose address is 601 Riverfront Drive, Omaha, NE 68102 (hereafter referred to as "Licensee") for the benefit of Cuyahoga Valley National Park (CUVA) whose address is 15610 Vaughn Road, Brecksville, OH 44141.

RECITALS:

WHEREAS, County is a political subdivision of the State of Ohio; and

WHEREAS, Licensee is an agency of the United States of America, Department of the Interior operating in part in the County of Summit, Ohio, as part of CUVA; and

WHEREAS, Licensee has applied to County to utilize a portion of the County's road right-of-way of Riverview Road to develop and build a parking area in support of a Visitor Center near the corner of W. Boston Mills Road and Riverview Road in Boston Township; and

WHEREAS, County is prepared to grant a license to use a portion of its road right-of-way, provided Licensee agrees to certain terms and conditions;

IT IS, THEREFORE, hereby agreed as follows, based on good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. County hereby grants to Licensee, its successors and assigns, the permanent, exclusive privilege of using the County right-of-way along Riverview Road, as shown on the attached map marked Exhibit A and described in Exhibit B (the "Licensed Area") and contained within Permanent Parcel Number 0600480. The County shall charge no license fee to the Licensee for such license.

2. Licensee, its successors and assigns, shall be solely responsible for any and all installations, repairs, maintenance or other costs associated with its use of this right-of-way whether such costs are specifically enumerated herein or not.

3. Licensee is prohibited from installing pipes, conduits or other facilities outside of the Licensed Area and longitudinally under any county road or shoulder, unless specifically permitted by the County in writing.

4. To the extent authorized by applicable law, Licensee shall hold the County of Summit completely harmless from any and all claims which may arise from the

existence, construction, and/or maintenance of Licensee's facilities covered by this agreement except as the same may result from or arise out of any act or neglect of the County.

5. Should the Licensee abandon its use of the Licensed Area, all rights granted herein shall revert to the County.

6. Licensee hereby accepts this license subject to the terms and conditions contained herein, and subject to any requirements or limitations of law, now or in the future, which may restrict the use or enjoyment of this license.

7. By entering into this Agreement, the County does not waive or relinquish any rights afforded it as a sovereign, and specifically reserves to itself all such rights and defenses.

8. Notifications related to this Agreement should be sent to:

The County:

Summit County Executive
175 S. Main St.
Akron, OH 44308

and

Summit County Engineer
538 E. South Street
Akron, OH 44311

The National Park Service:

Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Cuyahoga Valley National Park
15610 Vaughn Road
Brecksville, OH 44141

9. It is contemplated by the parties that this Agreement will be recorded by the Licensee with the Summit County Fiscal Office.

SIGNATURE PAGE FOLLOWS.

EXHIBIT B



CUYAHOGA VALLEY NATIONAL PARK LICENSE AREA LEGAL DESCRIPTION

Situated in the State of Ohio, County of Summit, Township of Boston, and known as being part of original Boston Township Tract 1, Lot No.'s 1 & 2 and being more fully described as follows:

Beginning at a rebar in a monument box found on the centerline of relocated Riverview Road (CH 9, R/W varies) (station 82+65.55) at the centerline of relocated Boston Mills Road (CH 32, R/W varies) as appears on the dedication plat recorded with Reception No. 54425790 of Summit County records;

Thence S 29°14' 29" E, along the centerline of said Riverview Rd., 93.24 feet to a rebar in a monument box found at station 81+72.31;

Thence southeasterly 265.40 feet along the centerline of said Riverview Rd, and the arc of a curve deflection to the right having a radius of 2801.15 feet and a chord of 265.03 feet that bears S 26°31' 31" E to station 79+06.91;

Thence S 23°48' 46" E along the centerline of said Riverview Rd., 217.54 feet to a rebar in a monument box found at station 76+89.37 and passing over a rebar in a monument box found at 1.92 feet (station 79+04.99);

Thence N 72°22' 59" E, 30.00 feet to the original east line of said Riverview Road at a point 30' right of station 76+89.37;

Thence N 17°37' 01"W along the said east line of said Riverview Road, 1.62 feet to a point 30.00 feet right of station 76+90.99 and the True Place of Beginning for the lease area intended to be described herein;

Thence N 23°48' 46" W, 242.52 feet to a point 30.10 feet right of station 79+29.99;

Thence N 48°20' 00" E, 28.66 feet to a point 57.46 feet right of station 79+38.37 and the east line of said Riverview Rd.;

Thence S 17°37' 01" E, along the said east line of Riverview Rd., 252.79 feet to the True Place of Beginning and containing 0.0759 acres of land as surveyed by Robert J. Warner, P.S. 6931 for Environmental Design Group in March 2019.

Bearings are based on grid north in the Ohio State Plane Coordinate System NAD 83 (2011) based on GNSS observation using the ODOT VRS system. Stations are based on the intersection of Riverview Rd and Boston Mills Rd. at 82+65.55 based on the dedication plat recoded in reception no. 54425791

CORPORATE

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The community impact people.

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