

1 RESOLUTION NO. 2011-139

First Reading Passage Requested

(D. White)

2
3 SPONSOR Mr. Pry

4
5 DATE April 4, 2011

COMMITTEE Public Works

6
7 **A Resolution authorizing appropriation proceedings of property owned by Pittsburg Plate**
8 **Glass Company, needed for the replacement of the Van Buren Road bridge over the**
9 **Tuscarawas River, located in the City of Barberton and the City of New Franklin, Council**
10 **District 7, for the Engineer, and declaring an emergency.**

11
12 WHEREAS, permanent, temporary, and utility easements of right-of-way are needed for
13 the replacement of the Van Buren Road Bridge over the Tuscarawas River, Ohio Public Works
14 Commission project identification number PID CHT 01, SUM-CR 60-, Section 04.63 (herein the
15 "Project"); and

16
17 WHEREAS, the County of Summit, despite negotiations, has been unable to acquire all
18 of the rights-of-way necessary for the Project; and

19
20 WHEREAS, the County of Summit and Pittsburgh Plate Glass Company are unable to
21 agree upon the purchase price of a right-of-way on property owned by Pittsburgh Plate Glass
22 Company; and

23
24 WHEREAS, it is necessary to acquire said right-of-way by court proceedings under the
25 provisions of Section 5555.09 and Chapter 163 of the Ohio Revised Code;

26
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
28 of Ohio, that;

29
30 SECTION 1

31
32 The County of Summit hereby declares its intention to appropriate a Warranty Deed with
33 Reservation of Access, a Temporary easement for highway purposes, and a Utility Easement in
34 the real property described by Exhibit A, attached hereto, said purposes to include the
35 replacement of the Van Buren Road Bridge and the widening of said bridge and roadway
36 approaches thereto, said property being owned by Pittsburgh Plate Glass Company (herein the
37 "Owner"), located in the City of Barberton and the City of New Franklin, Council District 7, and
38 designated as Parcels 1-WD, 1-WD1, Parcel 1-U, and Parcels 1-T, 1-T1,1-T2.

39
40 SECTION 2

41
42 The Prosecuting Attorney is hereby directed to prepare and file on behalf of Summit
43 County, Ohio, proceedings for appropriation, under the provisions of Chapter 163 of the Ohio
44 Revised Code, of said easement and temporary right-of-way.

45
46 SECTION 3

47
48 The Engineer, through the Fiscal Officer, is hereby authorized to drawn by voucher upon
49 the County of Summit and pay into the Court of Common Pleas at the time of the filing of a
50 complaint for the appropriation of said parcels, under the provisions of Chapter 163 of the Ohio
51 Revised Code, a sum not to exceed \$4,525.00 (Four Thousand Five-Hundred Twenty-Five
52 Dollars and 00/100).

1 RESOLUTION NO. 2011-139

2 PAGE TWO

3
4 SECTION 4

5
6 This Resolution shall be published in accordance with Council Rule 8.08.

7
8 SECTION 5

9
10 This Resolution is hereby declared an emergency in the interest of the health, safety, and
11 welfare of the citizens of the County of Summit, and for the further purpose that it will
12 immediately allow commencement of an improvement to the County's highway system.

13
14 SECTION 6

15
16 Provided this Resolution receives the affirmative vote of eight members, it shall take
17 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
18 effect and be in force at the earliest time provided by law.

19
20 SECTION 7

21
22 It is found and determined that all formal actions of this Council concerning and relating
23 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
24 deliberations of this Council and of any of its committees that resulted in such formal action,
25 were in meetings open to the public, in compliance with all legal requirements, including Section
26 121.22 of the Ohio Revised Code.

27
28 INTRODUCED April 4, 2011

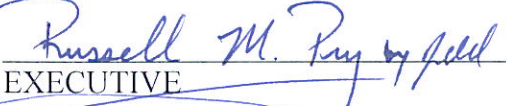
29
30 ADOPTED April 4, 2011

31
32 
33 _____
34 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

35
36 April 5, 2011
37 APPROVED

38
39 
40 _____
41 EXECUTIVE

42 ENACTED EFFECTIVE April 5, 2011

Voice Vote: 11-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Prentice, Rodgers, Roemer, Schmidt, Shapiro, Smith

11-139

EXHIBIT A

Page 1 of 2
Rev. 06/09

LPA RX 851 WD

Ver. Date 3/1/10

PID

**PARCEL 1-WD
SUM-CR60-4.63
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BARBERTON, SUMMIT COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Barberton, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 1055.91 feet to a point, said point being 2.11 feet right of Sta. 139+71.34 of the centerline of said Van Buren Road, and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following seven (7) courses and distances;

1. Thence South 08 Degrees 20 Minutes 41 Seconds East along the said corporation line, a distance of 39.00 feet to a railroad spike found, said railroad spike found being 4.75 feet right of Sta. 139+32.78;
2. Thence South 00 Degrees 58 Minute 38 Seconds West continuing along said corporation line, a distance of 99.14 feet to a point, said point being 0.11 feet right of Sta. 138+33.64;
3. Thence North 89 Degrees 43 Minutes 35 Seconds West, a distance of 30.11 feet to a 5/8 inch rebar with cap "GPD" set on the west line of said Van Buren Road, said rebar set being 30.00 feet left of Sta. 138+33.64;

11-139

EXHIBIT A

Page 2 of 2

LPA RX 851 WD

Rev. 06/09

4. Thence North 46 Degrees 01 Minutes 58 Seconds West, a distance of 25.57 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 48.38 feet left of Sta. 138+51.92;
5. Thence North 05 Degrees 20 Minutes 21 Seconds West, a distance of 103.38 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 53.32 feet left of Sta. 139+59.01;
6. Thence North 43 Degrees 58 Minutes 02 Seconds East, a distance of 18.39 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 39.45 feet left of Sta. 139+71.49;
7. Thence North 84 Degrees 57 Minutes 44 Seconds East, a distance of 41.56 feet to the **TRUE PLACE OF BEGINNING**, passing on line a 5/8 inch rebar with cap "GPD" set at 9.45 feet, said rebar set being 30.00 feet left of Sta. 139+71.46.

The above described tract contains 0.1608 acres (0.1011 acres in P.R.O.), more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 01-16071.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on March 1, 2010 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.



11-139

EXHIBIT A

LPA RX 851 WD

Page 1 of 2

Rev. 06/09

Ver. Date 3/01/10

PID

**PARCEL 1-WD1
SUM-CR60-4.63
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF NEW FRANKLIN, SUMMIT COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of New Franklin, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 1094.92 feet to a railroad spike found, said railroad spike being 4.75 feet right of Sta. 139+32.78. Thence South 00 Degrees 58 Minutes 38 Seconds West continuing along said corporation line, a distance of 40.25 feet to a point, said point being 2.04 feet right of Sta. 138+92.45 of the centerline of said Van Buren Road and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following four (4) courses and distances;

1. Thence North 88 Degrees 58 Minutes 02 Seconds East, a distance of 44.31 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 46.34 feet right of Sta. 138+91.67, passing on line a 5/8 inch rebar with cap "GPD" set at 27.96 feet, said rebar set being 30.00 feet right of Sta. 138+91.95;
2. Thence South 05 Degrees 46 Minutes 50 Seconds East, a distance of 80.54 feet to a 5/8 inch rebar with cap "GPD" set on the south line of said Grantor's parcel, the north line of

11-139

EXHIBIT A

LPA RX 851 WD

Page 2 of 2

Rev. 06/09

a parcel conveyed to The City of Barberton (V. 7279, Pg. 341) and on said corporation line, said rebar set being 53.76 feet right of Sta. 138+14.10;

3. Thence North 42 Degrees 29 Minutes 23 Seconds West along the south line of said Grantor's parcel, the north line of said Barberton's parcel and along said corporation line, a distance of 78.14 feet to a corner of said Grantor's parcel and the northwest corner of said Barberton's parcel, said point being 1.03 feet right of Sta. 138+70.81;
4. Thence North 00 Degrees 58 Minutes 38 Seconds East along said corporation line, a distance of 21.71 feet to the **TRUE PLACE OF BEGINNING**.

The above described tract contains 0.0542 acres (0.0250 acres in P.R.O.), more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 26-01541.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on March 1, 2010 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.



EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 12/03/09

PID

**PARCEL 1-T
SUM-CR60-4.63
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE FOR ROAD IMPROVEMENTS
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BARBERTON, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Barberton, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 978.20 feet to a 1 inch rebar in a monument box set, said rebar set being Sta. 140+48.98. Thence along the centerline of said Van Buren Road and a curve to the right, having a radius of 1431.64 feet, a central angle of 08 Degrees 37 Minutes 06 Seconds, a chord bearing of South 04 Degrees 02 Minutes 08 Seconds East, a chord of 215.14 feet, an arc length of 215.35 feet to a point, said point being Sta. 138+33.64. Thence North 89 Degrees 43 Minutes 35 Seconds West, a distance of 30.00 feet to a 5/8 inch rebar with cap "GPD" set on the west line of said Van Buren Road, said rebar set being 30.00 feet left of Sta. 138+33.64 of the centerline of said Van Buren Road, and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following five (5) courses and distances;

1. Thence along the west line of said Van Buren Road and a curve to the right, having a radius of 1401.64 feet, a central angle of 0 Degrees 42 Minutes 13 Seconds, a chord bearing of South 00 Degrees 37 Minutes 31 West, a chord of 17.21 feet, an arc length of 17.21 feet to a point, said point being 30.00 feet left of Sta. 138+16.06;
2. Thence South 00 Degrees 58 Minutes 38 Seconds West along the west line of said Van Buren Road, a distance of 64.63 feet to a point, said point being 30.00 feet left of Sta. 137+51.43;

11-139

EXHIBIT A

LPA RX 887 T

Page 2 of 2

Rev. 07/09

3. Thence North 21 Degrees 26 Minutes 48 Seconds West, a distance of 39.32 feet to a point, said point being 45.00 feet left of Sta. 137+87.78;
4. Thence North 02 Degrees 29 Minutes 25 Seconds West, a distance of 63.04 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 48.38 feet left of Sta. 138+51.92;
5. Thence South 46 Degrees 01 Minutes 58 Seconds East, a distance of 25.57 feet to the **TRUE PLACE OF BEGINNING.**

The above described tract contains 0.0269 acres, more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 01-16071.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on December 2, 2009 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.



11-139

EXHIBIT A

Page 1 of 2

Rev. 07/09

LPA RX 887 T

Ver. Date 12/03/09

PID

**PARCEL 1-T1
SUM-CR60-4.63
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE FOR ROAD IMPROVEMENTS
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF NEW FRANKLIN, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Barberton, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by and Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 978.20 feet to a 1 inch rebar in a monument box set, said rebar set being Sta. 140+48.98. Thence continuing along the centerline of said Van Buren Road and a curve to the right, having a radius of 1431.64 feet, a chord bearing of South 06 Degrees 47 Minutes 29 Seconds East, a chord of 77.62 feet, an arc length of 77.63 feet to a point, said point being Sta. 139+71.35. Thence South 84 Degrees 57 Minutes 44 Seconds West, a distance of 30.00 feet to a 5/8 inch rebar with cap "GPD" set on the west line of said Van Buren Road, said rebar set being 30.00 feet left of Sta. 139+71.46 of the centerline of said Van Buren Road, and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following four (4) courses and distances;

1. Thence South 84 Degrees 57 Minutes 44 Seconds West, a distance of 9.45 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 39.45 feet left of Sta. 139+71.49;
2. Thence South 43 Degrees 58 Minutes 02 Seconds West, a distance of 18.39 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 53.32 feet left of Sta. 139+59.01;
3. Thence North 19 Degrees 42 Minutes 08 Seconds East, a distance of 54.25 feet to a point on the west line of said Van Buren Road, said point being 30.00 feet left of Sta. 140+09.46;

EXHIBIT A

LPA RX 887 T

4. Thence along the west line of a said Van Buren Road and a curve to the right, having a radius of 1401.64 feet, a central angle of 1 Degree 31 Minutes 16 Seconds, a chord bearing of South 06 Degrees 00 Minutes 09 Seconds East, a chord of 37.21 feet, an arc length of 37.21 feet to the **TRUE PLACE OF BEGINNING**.

The above described tract contains 0.0088 acres, more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 01-16071.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on December 2, 2009 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.



11-139

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 12/03/09

PID

**PARCEL 1-T2
SUM-CR60-4.63
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE FOR ROAD IMPROVEMENTS
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF NEW FRANKLIN, SUMMIT COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of New Franklin, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by Volume 7449, Page 86 and Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 978.20 feet to a 1 inch rebar in a monument box set, said rebar set being Sta. 140+48.98. Thence along the centerline of said Van Buren Road and a curve to the right, having a radius of 1431.64 feet, a central angle of 06 Degrees 15 Minutes 47 Seconds, chord bearing of South 05 Degrees 12 Minutes 48 Seconds East, a chord of 156.42 feet, an arc length of 156.49 feet to a point, said point being Sta. 138+92.49. Thence North 88 Degrees 58 Minutes 02 Seconds East, a distance of 30.00 feet to a 5/8 inch rebar with cap "GPD" set on the east line of said Van Buren Road, said rebar set being 30.00 feet right of Sta. 138+91.95 of the centerline of said Van Buren Road and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following seven (7) courses and distances;

1. Thence along the east line of said Van Buren Road and a curve to the left, having a radius of 1461.64 feet, a central angle of 03 Degrees 09 Minutes 19 Seconds, a chord bearing of North 03 Degrees 38 Minutes 16 Seconds West, a chord of 80.48 feet, an arc length of 80.49 feet to a point, said point being 30.00 feet right of Sta. 139+70.79;
2. Thence North 84 Degrees 47 Minutes 05 Seconds East, a distance of 20.00 feet to a point, said point being 50.00 feet right of Sta. 139+70.79;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

3. Thence South 15 Degrees 01 Minute 33 Seconds East, a distance of 82.65 feet to a point, said point being 66.30 feet right of Sta. 138+92.91;
4. Thence South 05 Degrees 46 Minutes 50 Seconds East, a distance of 107.36 feet to a point on the south line of said Grantor's parcel, the north line of a parcel conveyed to the City of Barberton (V. 7279, Pg. 341) and on said corporation line, said point being 76.77 feet right of Sta. 137+89.82;
5. Thence North 42 Degrees 29 Minutes 23 Seconds West along the south line of said Grantor's parcel, the north line of said Barberton's parcel and along said corporation line, a distance of 33.46 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 53.76 feet right of Sta. 138+14.10;
6. Thence North 05 Degrees 46 Minutes 50 Seconds West, a distance of 80.54 feet to a 5/8 inch rebar with cap "GPD" set, said rebar set being 46.34 feet right of Sta. 138+91.67;
7. Thence South 88 Degrees 58 Minutes 02 Seconds West, a distance of 16.34 feet to the **TRUE PLACE OF BEGINNING.**

The above described tract contains 0.0950 acres, more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 26-01541.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on December 3, 2009 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.



11 - 139

EXHIBIT A

Page 1 of 2

RX 282 U

Rev. 06/09

Ver. Date 3/10/10

PID

**PARCEL 1-U
SUM-CR60-4.63
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF
THE CITY OF NEW FRANKLIN**

This easement is for the installation, maintenance and operation of a gas line along the east line of Van Buren Road (CR 60) as currently located.

[Surveyor's description of the premises follows]

Situated in the City of New Franklin, County of Summit, State of Ohio, and being part of Section 9, Township 2 North, Range 10 West, and also being part of a parcel conveyed to Pittsburgh Plate Glass Co (hereinafter known as the "Grantor") by Volume 4028, Page 229 of said county records and being further bounded and described as follows:

Beginning at a railroad spike found at the intersection of Eastern Road (C.R. 55) and Van Buren Road (C.R. 60) and on the corporation line dividing the cities of Barberton and New Franklin, said railroad spike being Sta. 150+27.18. Thence South 08 Degrees 20 Minutes 41 Seconds East along the centerline of said Van Buren Road and said corporation line, a distance of 978.20 feet to a 1 inch rebar in a monument box set, said rebar set being Sta. 140+48.98. Thence continuing along the centerline of said Van Buren Road and along a curve to the right, having a radius of 1431.64 feet, central angle of 06 Degrees 15 Minutes 47 Seconds, a chord bearing of South 05 Degrees 12 Minutes 48 Seconds East, a chord of 156.42 feet, an arc length of 156.49 feet to a point, said point being Sta. 138+92.49. Thence North 88 Degrees 58 Minutes 02 Seconds East, a distance of 30.00 feet to a 5/8 inch rebar with cap "GPD" set on the east line of said Van Buren Road, said rebar set being 30.00 feet right of Sta. 138+91.95 of the centerline of said Van Buren Road and being the **TRUE PLACE OF BEGINNING** for the parcel hereinafter described, thence clockwise along the following six (6) courses and distances;

1. Thence along the east line of said Van Buren Road and with a curve to the left, having a radius of 1461.64 feet, a delta of 6 Degrees 17 Minutes 04 Seconds, a chord bearing of North 05 Degrees 12 Minutes 09 Seconds West, a chord of 160.24 feet, an arc length of 160.32 feet to a point, said point being 30.00 feet right of Sta. 140+48.98;
2. Thence North 08 Degrees 20 Minutes 41 Seconds West continuing along the east line of said Van Buren Road, a distance of 51.02 feet to a point, said point being 30.00 feet right of Sta. 141+00.00;

11 - 139

EXHIBIT A

Page 2 of 2

Rev. 06/09

RX 282 U

3. Thence North 81 Degrees 39 Minutes 19 Seconds East, a distance of 15.00 feet to a point, said point being 45.00 feet right of Sta. 141+00.00;
4. Thence South 08 Degrees 20 Minutes 41 Seconds East, a distance of 51.02 feet to a point, said point being 45.00 feet right of Sta. 140+48.98;
5. Thence along a curve to the right, having a radius of 1476.64 feet, a delta of 6 Degrees 17 Minutes 42 Seconds, a chord bearing of South 05 Degrees 11 Minutes 50 Seconds East, a chord of 162.15 feet, an arc length of 162.24 feet to a point, said point being 45.00 feet right of Sta. 138+91.69;
6. Thence South 88 Degrees 58 Minutes 02 Seconds West, a distance of 15.00 feet to the **TRUE PLACE OF BEGINNING.**

The above described tract contains 0.0731 acres, more or less, and subject to all easements, restrictions and covenants of record;

The above described area is contained within Summit County Auditor's Parcel Number 26-01541.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83 (NSRS2007).

This description was prepared on February 22, 2010 by Joseph R. Ciuni, Professional Surveyor No. 7394.

The description is based on a survey of the lands made under the direction and/or supervision of Joseph R. Ciuni, Professional Surveyor No. 7394.

