

EXHIBIT “A”

TEMPORARY GRADING & ACCESS EASEMENT ACROSS CERTAIN LANDS OWNED BY

ARPAD C. OROSZ and ELIZABETH J. OROSZ

(Permanent Parcel No. 603-06-013)

This Temporary Grading & Access Easement is made this _____ day of _____, 2024, by Arpad C. Orosz and Elizabeth J. Orosz, together with their heirs, administrators, executors, successors and assigns (hereinafter collectively referred to as “Grantor”) who are the owners of certain land by deed recorded as AFN 00204181 of Cuyahoga County Records, (hereinafter referred to as “Premises”), in consideration of the sum of three hundred dollars (\$300.00) the receipt of which is acknowledged by Grantor, and for other good and valuable consideration received to their full satisfaction, do hereby give, grant, bargain and convey, unto the City of Brecksville (hereinafter referred to as “Grantee”), its successors and assigns, the temporary right and temporary easement to enter upon that portion of the Grantors’ Premises, as described in Exhibit “A”, attached hereto and expressly made a part hereof by reference (hereinafter referred to as the “Easement Area”).

WITNESSETH

WHEREAS, the City will be undertaking Highland Drive Culvert Replacement project (hereinafter referred to as “Project”), portions of which will involve the grantors’ Property, and it is therefore necessary that the City be granted the temporary right to enter onto the Grantors’ Property for the purposes related to such Project and other matters incident thereto:

NOW, THEREFORE, in exchange of the mutual covenants express herein the parties hereto agree as follows:

1. Grantor hereby grants to City the temporary right to enter onto certain areas of their Property delineated in the attached sketch, attached hereto, expressly made a part hereof by reference, and marked Exhibit A, (hereinafter the “Temporary Grading & Access Easement”), for the purposes of undertaking and constructing the Project and all matters incident and related thereto.
2. Grantors grants further permission to the City to store material and equipment within said easement area on the Property of the Grantor related to the construction of the Project. The Project shall be substantially complete within 90 days after initial mobilization. Access for final restoration and addressing project punch list items shall not exceed 180 days after initial mobilization.
3. It is further understood and agreed that the right to enter upon the Property and appurtenances thereto shall be for the limited purpose of the aforesaid Project and the other work to be performed by the City hereunder and this Temporary Grading & Access Easement and the rights granted to the

City shall terminate and be held for naught upon the completion of the Project as reasonably determined by the City Engineer.

4. The City shall restore the project as follows:
 - a. All lawn areas shall be graded and restored upon completion with grass per the following City specification: All areas within the limits of this project outside of pavement construction and all areas disturbed by the contractor shall be re-vegetated per ODOT item 659. Seed mix shall be class 1 - lawn mixture, applied at double the seed rate specified in 659.09. All natural stones 1" or larger and all construction aggregate or debris shall be removed from the planting bed area prior to placing topsoil. The contractor shall furnish and place clean, sifted topsoil per ODOT 653 to a minimum depth of 2" over all areas to be seeded.
 - b. The City is responsible for any damage and/or clean-up caused by the construction of the project. All cost associated with such shall be at the expense of the project. Any other items within the work limits damaged by construction shall be replaced/repaired as part of construction.
5. Outside the easement area and within the City of Brecksville Highland Drive Right-of-way, four (4) pine trees exist on the Grantors frontage. As part of this project, the City agrees to adjust the project work limits to remove only the southernmost tree and save the remaining three (3) northern trees. Trimming of these trees may be necessary and can be performed as part of the project.
6. The City will assume no obligation of maintenance as it related to the temporary easement area after the completion of the aforementioned work and acceptance by the City.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at _____, Ohio,
on the ____ day of _____, 2024.

Arpad C. Orosz

Elizabeth J. Orosz

STATE OF OHIO)
)SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above
named (print name) _____, who acknowledged that they did
sign the foregoing instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, Ohio
this ____ day of _____, 2024.

Notary Public

CITY OF BRECKSVILLE

By: _____
Daryl J. Kingston Mayor

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Daryl J. Kingston, the duly elected and acting Mayor of the City of Brecksville, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Brecksville, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____,
Ohio, this _____ day of _____, 2024.

Notary Public

This Temporary Grading and Access Easement was authorized by Resolution No. _____, adopted by the Council of the City of Brecksville on the ____ day of _____, 2024.

Tammy Tabor, Clerk of Council

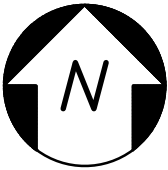
Approved as to Form:

Law Director, City of Brecksville

P.P.N. 603-06-013
ARPADC. & ELIZABETH OROSZ
#9330 HIGHLAND DRIVE
A.F.N. 00204181

**TEMPORARY
GRADING & ACCESS
EASEMENT
(917 SQ. FT.)**

P.P.N. 603-06-025
DENNIS JAMES WALP &
MARTHA LILIANA WALP
#6667 OAKES ROAD
A.F.N. 201507100779



TEMPORARY EASEMENT EXHIBIT "A"
P.P.N. 603-06-013
ARPAD C. & ELIZABETH J. OROSZ
CITY OF BRECKSVILLE
CUYAHOGA COUNTY, OHIO

