

## EXHIBIT “A”

### TEMPORARY ACCESS EASEMENT ACROSS CERTAIN LANDS OWNED BY

#### DANIEL J. BOROSH & RANDI L. BOROSH

(Permanent Parcel No. 602-08-007)

This Temporary Access Easement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Daniel J. Borosh & Randi L. Borosh, 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 201701300625 of Cuyahoga County Records, (hereinafter referred to as “Premises”), in consideration of the sum of one thousand three hundred fifty dollars (\$1,350.00) the receipt of which is acknowledged by Grantor to the City of Brecksville, Ohio, and/or its duly authorized departments, divisions employees, agents, contractors and/or subcontractors (hereinafter referred to as “City”).

#### WITNESSETH

**WHEREAS**, the Northeast Ohio Regional Sewer District will be undertaking CSPA04 – Flood Reduction at Riverview Road project (hereinafter referred to as “Project”), of which the City of Brecksville is a project sponsor and ultimate owner of the improvements, and 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 the City, its agents or employees, the temporary uninterrupted access, ingress, and egress rights 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 Easement”), excluding any access in, through, or under the existing structure, 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 remove trees and landscaping; store materials and equipment; removal and replacement of portions of the driveway; and complete all restoration within said easement area on the Property of the Grantor related to the construction of the Project. The Project shall be substantially complete within 300 days after initial mobilization. Access for final restoration and addressing project punch list items shall not exceed 540 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 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.

4. The City shall restore the project as follows:
  - a. All lawn areas shall be graded and restored upon completion with grass per the specifications included in the improvement plans.
  - b. The City is responsible for any damage and/or restoration 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/repared as part of construction.
  
5. 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.

\_\_\_\_\_  
Daniel J. Borosh

\_\_\_\_\_  
Randi L. Borosh

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.

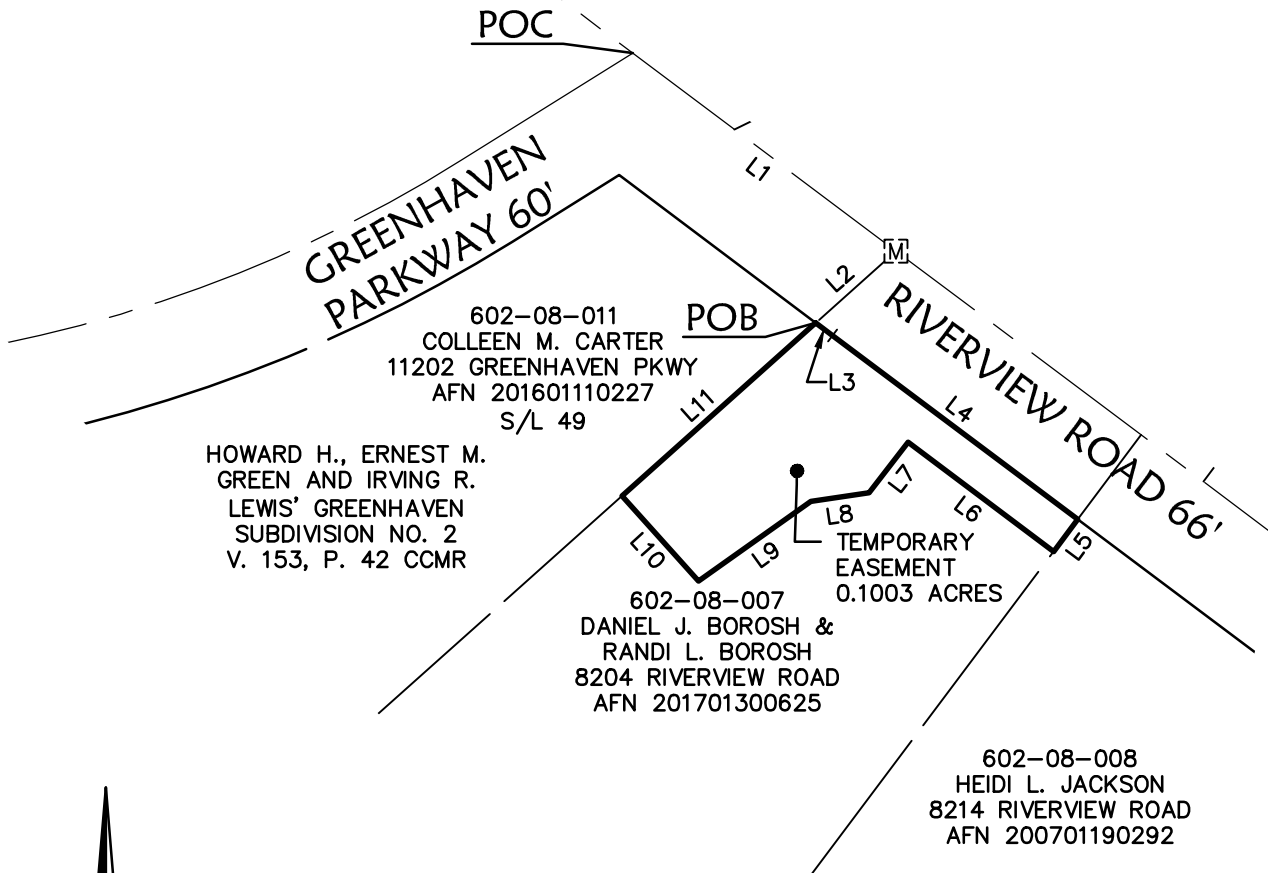
\_\_\_\_\_  
Tammy Tabor, Clerk of Council

Approved as to Form:

\_\_\_\_\_  
Law Director, City of Brecksville

**TEMPORARY EASEMENT**  
 ACROSS PARCEL NO. 602-08-007  
 PART OF ORIGINAL BRECKSVILLE  
 TOWNSHIP LOT NO. 96  
 CITY OF BRECKSVILLE,  
 COUNTY OF CUYAHOGA,  
 STATE OF OHIO

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S53°02'06"E	102.95'
L2	S48°13'14"W	33.65'
L3	S53°02'06"E	6.60'
L4	S53°08'09"E	95.71'
L5	S36°51'51"W	12.56'
L6	N53°08'09"W	56.85'
L7	S37°35'47"W	19.86'
L8	S81°23'16"W	18.43'
L9	S54°44'09"W	43.00'
L10	N41°52'39"W	35.74'
L11	N48°13'14"E	81.10'



HOWARD H., ERNEST M.  
 GREEN AND IRVING R.  
 LEWIS' GREENHAVEN  
 SUBDIVISION NO. 2  
 V. 153, P. 42 CCMR



SCALE: 1"=60'  
 MAY 16, 2024

*Trevor A. Bixler 5-16-24*

TREVOR A. BIXLER  
 PROFESSIONAL SURVEYOR, OHIO NO. 7730



ABBREVIATIONS

AFN AUTOMATIC FILE NUMBER  
 CCMR CUYAHOGA COUNTY MAP RECORDS  
 P PAGE  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 V VOLUME

**KS** KS Associates, Inc.  
 260 Burns Road, Suite 100  
 Elyria, OH 44035  
 P 440 365 4730  
 F 440 365 4790  
**KS ASSOCIATES** www.ksassociates.com

**Temporary Easement  
Across PPN 602-08-007  
0.1003 Acres  
Page 1 of 2**

**Situated** in the City of Brecksville, County of Cuyahoga and State of Ohio, and known as being part of Original Brecksville Township Lot No. 96. Also being part of the land conveyed to Daniel J. Borosh and Randi L. Borosh as recorded in AFN 201701300625 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the centerline of Riverview Road (66 feet wide) and the centerline of Greenhaven Parkway (60 feet wide);

Thence, along the centerline of Riverview Road, South  $53^{\circ} 02' 06''$  West, 102.95 feet to a 1" iron pin in a monument box found at the most northerly corner of said land conveyed to Daniel J. Borosh and Randi L. Borosh;

Thence, leaving the centerline of Riverview Road, along the northwesterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh, South  $48^{\circ} 13' 14''$  West, 33.65 feet to the southwesterly right of way of Riverview Road and the **True Point of Beginning** for the easement herein described;

Thence, leaving the northwesterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh, along the southwesterly right of way of Riverview Road, the following two courses;

South  $53^{\circ} 02' 06''$  East, 6.60 feet;

Thence, South  $53^{\circ} 08' 09''$  East, 95.71 feet to the southeasterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh;

Thence, leaving said southwesterly right of way, along the southeasterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh, South  $36^{\circ} 51' 51''$  West, 12.56 feet;

Thence, leaving said southeasterly line, North  $53^{\circ} 08' 09''$  West, 56.85 feet;

Thence, South  $37^{\circ} 35' 47''$  West, 19.86 feet;

Thence, South  $81^{\circ} 23' 16''$  West, 18.43 feet;

Thence, South  $54^{\circ} 44' 09''$  West, 43.00 feet;

Thence, North  $41^{\circ} 52' 39''$  West, 35.74 feet to the northwesterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh;

Thence, along the northwesterly line of said land conveyed to Daniel J. Borosh and Randi L. Borosh, North  $48^{\circ} 13' 14''$  East, 81.10 feet to the point of beginning.

Containing within said bounds 0.1003 acres (4,369 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November, 2023.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Temporary Easement  
Across PPN 602-08-007  
0.1003 Acres  
Page 2 of 2**

*Trevor A. Bixler 5-16-24*

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Trevor A. Bixler, P.S.  
Professional Surveyor, Ohio No. 7730

**KS ASSOCIATES**  
**Civil Engineers + Surveyors**  
260 Burns Road, Suite 100  
Elyria, OH 44035  
440 365 4730



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