

RESOLUTION APPROVING UTILITY EASEMENT FOR PURPOSES OF SANITARY SEWER INFRASTRUCTURE OPERATIONS THROUGH LANDS OF LAKE VILLAGE CAMPGROUNDS TO THE COUNTY OF ASHTABULA, ACDES

WHEREAS, Doug Starkey, Director of ACDES has presented a Utility Easement agreement for the approval of the Board; and

WHEREAS, Lake Village Campgrounds has entered into an agreement for a permanent utility easement for sanitary sewer facilities within legally described boundaries, for the following parcels:

<u>Name:</u>	<u>Parcel No.</u>
Lake Village Campgrounds	45-017-10-002-00

WHEREAS, all terms and conditions are outlined in the Utility Easement and are in full force and effect; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the Agreement for the Utility Easement is hereby approved by this Board as outlined above and in accordance with the copy of the easement now on file.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2021-19SEWA

May 25, 2021

**RESOLUTION APPROVING UTILITY EASEMENT FOR PURPOSES OF SANITARY
SEWER INFRASTRUCTURE OPERATIONS THROUGH LANDS OF LAKE VILLAGE
CAMPGROUNDS TO THE COUNTY OF ASHTABULA, ACDES**

Upon the motion of J.P. Ducro IV, seconded by Casey R. Kozlowski.

VOTE:

Kathryn L. Whittington

Aye

J.P. Ducro IV

Aye

Casey R. Kozlowski

Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

**PERMANENT UTILITY EASEMENT FOR PURPOSES OF SANITARY SEWER INFRASTRUCTURE OPERATIONS
THROUGH LANDS OF LAKE VILLAGE CAMPGROUNDS TO THE COUNTY OF ASHTABULA, OHIO**

LAKE VILLAGE CAMPGROUND ("Grantor"), who claims title by deed recorded in the Ashtabula County Record of Deeds Volume 301, Page 1300 to that certain property legally described in Exhibit "A" hereto (the "Property"), for good and valuable consideration to be paid by **THE ASHTABULA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES, by and through THE ASHTABULA COUNTY BOARD OF COMMISSIONERS**, ("Grantee"), its successors and assigns, does hereby grant to the said Grantee, their successors and assigns forever, a non-exclusive, perpetual Easement and right-of-way for the sole purpose of the lawful administration of sanitary sewer operations and maintenance, over the lands described in Exhibit "B" and shown on a map in Exhibit "B-2" appended hereto, subject to the terms of this agreement and all matters of record. This Easement is part of Ashtabula County Auditor's Permanent Parcel Number 45-017-10-002-00.

The intent of this instrument is to create a permanent utility easement for sanitary sewer facilities within the boundaries legally described herein, and the following conditions of this Easement shall be considered perpetually binding:

1. The areas within this Easement shall be utilized for the operation, maintenance and replacement of a concrete vault with a flow meter within the County's General Sewer District and within the Holiday Camplands WWTP collection system, OEPA Permit # 3PH0029 Service Area, and as duly administered by the Grantee and their successors and assigns. Said sewer is located approximately six feet below surface grade.
2. Grantor agrees, contracts, covenants and declares that neither Grantor nor its heirs, successors or assigns shall locate, build or construct any permanent improvements or structures within the areas of this Easement, or store any objects or material in or upon the areas within this Easement, or change the grade of the land on or immediately surrounding the areas within this Easement, or take any other action which is reasonably likely to result in a material interference with the Grantee's uses of, or access to, the areas within this Easement as permitted herein.
3. Grantee agrees, contracts, covenants and declares that neither Grantee or its successors or assigns shall make any use of the areas within this Easement which are inconsistent with the purposes described herein; that it shall confine its activities exclusively to the areas within this Easement, unless permission is previously obtained from the Grantor. In the event of the need for any maintenance activity on the facilities within the area described herein, the Grantee shall be responsible for securing any active maintenance area(s) and returning said area(s) to its pre-maintenance condition as promptly as reasonably possible.
4. Grantor and Grantee acknowledge that the functional use of the area described herein is for a flow meter;

5. In the event that the facilities described herein require access for maintenance by the County, County shall offer reasonable advance notice to Grantor (via telephone or email). Grantor shall be responsible for the recurring cost of electricity needed to power the flow meter.

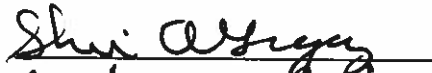
6. The Grantee, its officers, agents and employees shall have the right to go to and from the areas within this Easement at all times across the real property by such route or routes as shall cause Grantor the least practicable inconvenience, as determined in Grantee's sole discretion. Grantee shall be responsible to maintain, calibrate, and repair the flow meter at no cost to Grantor.

7. Grantor, successors, and assigns, shall be responsible for paying the ongoing cost of electricity needed to power the unit.

8. This Easement is binding upon the heirs, executors, assigns and successors in interest of all parties.

In witness whereof, we have hereunto set our hands this 25th day of May, 2021

GRANTOR


Maintenance Director

GRANTEE

Ashtabula County Department of Environmental Services,
by and through the Ashtabula County Board of Commissioners


Casey R Kozlowski, Commissioner


Kathryn Whittington, Commissioner


J.P. Ducro, Commissioner

APPROVED AS TO LEGAL FORM


Colleen M. O'Toole, Ashtabula County Prosecutor

Exhibit B-2
Depiction of Easement Area

Green Star - Lake Village Pumpstation
Red Square - ACDES Easement



81ft

Richmond Twp

103ft

WINDJAMMER

LAKE VILLAGE

