

**RESOLUTION APPROVING UTILITY EASEMENT FOR PURPOSES OF SANITARY SEWER INFRASTRUCTURE OPERATIONS ON CARPENTER RD, SAYBROOK TOWNSHIP, ACDES**

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

WHEREAS, B.M. Brack Properties, LLC 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>
B.M. Brack Properties, LLC	48-030-10-032-00 and 48-030-10-031-00

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.

BE IT FURTHER RESOLVED that the President of the Board, on behalf of the Board of Commissioners of Ashtabula County, is authorized to execute any and all necessary documents.

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

**Resolution No. 2024-354**

**July 18, 2024**

**RESOLUTION APPROVING UTILITY EASEMENT FOR PURPOSES OF SANITARY SEWER INFRASTRUCTURE OPERATIONS ON CARPENTER ROAD, SAYBROOK TOWNSHIP, ACDES**

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

**VOTE:**

**Kathryn L. Whittington  
J.P. Ducro IV  
Casey R. Kozlowski**

**Aye  
Aye  
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.



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

**PERMANENT GRANT OF EASEMENT FOR CONSTRUCTING, MAINTAINING,  
OPERATING AND REPAIRING SANITARY SEWERS IN THE COUNTY OF  
ASHTABULA, OHIO**

KNOW ALL MEN BY THESE PRESENTS, B.M. Brca Properties, LLC ("Grantor"), in return for sufficient consideration, does hereby give, grant and convey unto the Board of Commissioners of Ashtabula County, Ohio, and to their officers, agents, employees, successors and assigns, including but not limited to the Ashtabula County Department of Environmental Services ("Grantee"), a non-exclusive, perpetual right-of-way and Easement for the right to construct, install, repair, replace, relay, maintain, operate and inspect an underground sanitary sewage system and necessary appurtenances thereto, and forever to have and to hold such right for the purpose and conditions herein set forth (the "Easement") over and through the real estate described in EXHIBIT A.

**The easement area is shown as the shaded area on the map attached hereto as part of EXHIBIT A for illustrative purposes.**

Affecting Permanent Parcel No. **PP#48-030-10-032-00 AND 48-030-10-031-00**

Grantor may fully use and enjoy the said premises, except for the purposes granted to Grantee and provided that the Grantor shall not construct nor permit to be constructed any house, structures or obstructions on or over the property described in this Easement, or that will interfere with the construction, maintenance or operation of the sanitary sewer system or appurtenances constructed hereunder, and will not change the grade over such sanitary sewer system.

This Easement is granted on the express condition that Grantee shall, after the construction of said sanitary sewer system and all subsequent alterations or repairs thereunto, restore all property belonging to the Grantor, except buildings or other structures (excluding fences and landscaping) in the permanent Easement to its original condition and shall promptly compensate Grantor for any property damaged or destroyed by Grantee, except buildings or other structures (excluding fences and landscaping) located in this Easement which cannot be restored to their original condition as a result of said construction, maintenance, repair, or removal of said sanitary sewer system.

IN WITNESS WHEREOF, the Grantor does hereby set its hand this 9 day of July, 2024.

**GRANTOR:**

**B.M. Brca Properties, LLC**

By: Brenda M. Brca

Print Name: Brenda M. Brca

Title: owner- President

State of Ohio            )  
                                  )        SS  
County of ~~Ashtabula~~ )  
                                  Gauga

BE IT REMEMBERED, that on the 9<sup>th</sup> day of July, 2024, the foregoing Grantor(s), who are known to me or who were identified by satisfactory evidence, executed and acknowledged the foregoing instrument before me, a notary public.



Notary Public *Lorrie Onutz*  
Print Name Lorrie Onutz  
Commission Expires 06/24/2028

This instrument was prepared by  
Calvin Nguyen  
Assistant Prosecutor

**SANITARY SEWER EASEMENT OVER AND THROUGH LAND CONVEYED TO B.M. BRCAK PROPERTIES LLC, RECORDED IN BOOK 679 PAGE 292, PARCEL NUMBERS 48-030-10-032-00 AND 48-030-10-031-00**

Situated in the Township of Saybrook, County of Ashtabula, and State of Ohio, and known as being a part of the Original Section 2, Range 4, Township 13 of the Connecticut Western Reserve. This description being a permanent easement over and through land conveyed to B. M. Brcak Properties LLC as recorded in Book 679 Page 292 of the Records of Ashtabula County and is further bounded and described as follows;

Beginning at the intersection of the centerlines of Carpenter Road, 60 feet in width, and the centerline of State Route 45, 60 feet in width;

Thence N.88°07'07"E., along said centerline of Carpenter Road, 30.41 feet to a point;

Thence N.1°52'53"W., perpendicular to said centerline of Carpenter Road, 30.00 feet to the intersection of the easterly line of State Route 45 and the northerly line of Carpenter Road, and the principal point of beginning;

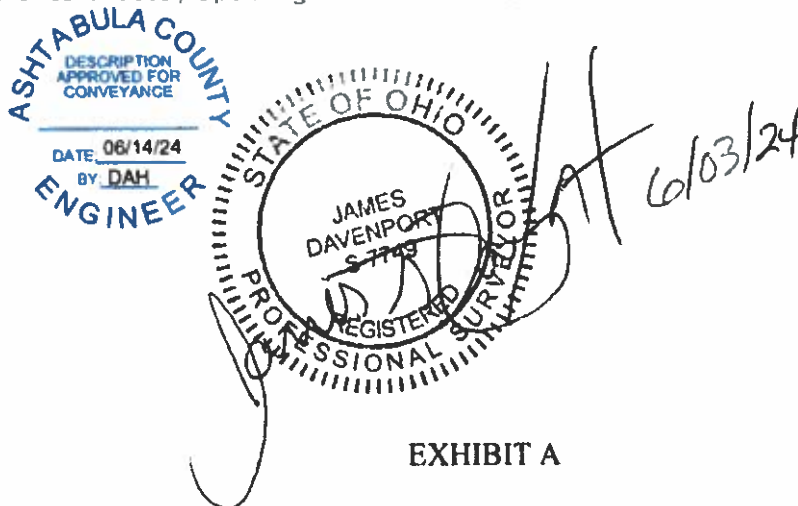
Thence N.1°06'23"W., along said easterly line of State Route 45, 10.00 feet to a point;

Thence N.88°07'07"E., parallel with said northerly line of Carpenter Road and distant 10 fee by normal measure therefrom, 364.92 feet to the easterly line of Parcel 2 of said land conveyed to B. M. Brcak Properties LLC;

Thence S.1°51'53"E., along said easterly line of land conveyed to B. M. Brcak Properties LLC, 10.00 feet to said northerly line of Carpenter Road;

Thence S.88°07'07"W., along said northerly line of Carpenter Road, 365.05 feet to the principal point of beginning and containing about 3650 square feet of land (0.084 Acres) as calculated and described in March 2024 by James S Davenport, Ohio Professional Surveyor Number 7749 of CT Consultants, Inc.

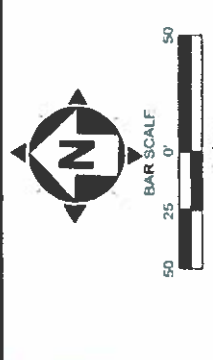
Bearings are based upon GPS/RTK observations utilizing the Ohio Department of Transportation's VRS network of Continuously Operating Reference Stations.



**EXHIBIT A**

PROJECT NO.	23140
DRAWING NAME	CARPENTER ROAD 880 ELIMINATION
ASHTABULA COUNTY SANITARY ENGINEER	ASHTABULA COUNTY
EXHIBIT A	SANITARY EASEMENT EXHIBIT

CHECKED BY	DATE
DRAWN BY	DATE
SCALE	DATE



**EASEMENT EXHIBIT**  
 STATE OF OHIO, COUNTY OF ASHTABULA, PART OF ORIGINAL SECTION 2 RANGE 4 TOWNSHIP 13 CONNECTICUT WESTERN RESERVE

**LEGEND:**

 B M BRCAK PROPERTIES LLC EASEMENT LIMIT AREA=3650 SQ. FT. 0.084 ACRE

 PAUL J MOORE TRUSTEE OF CAROLYN SIMON MOORE FAMILY TRUST AREA= 200 SQ. FT. 0.005 ACRE

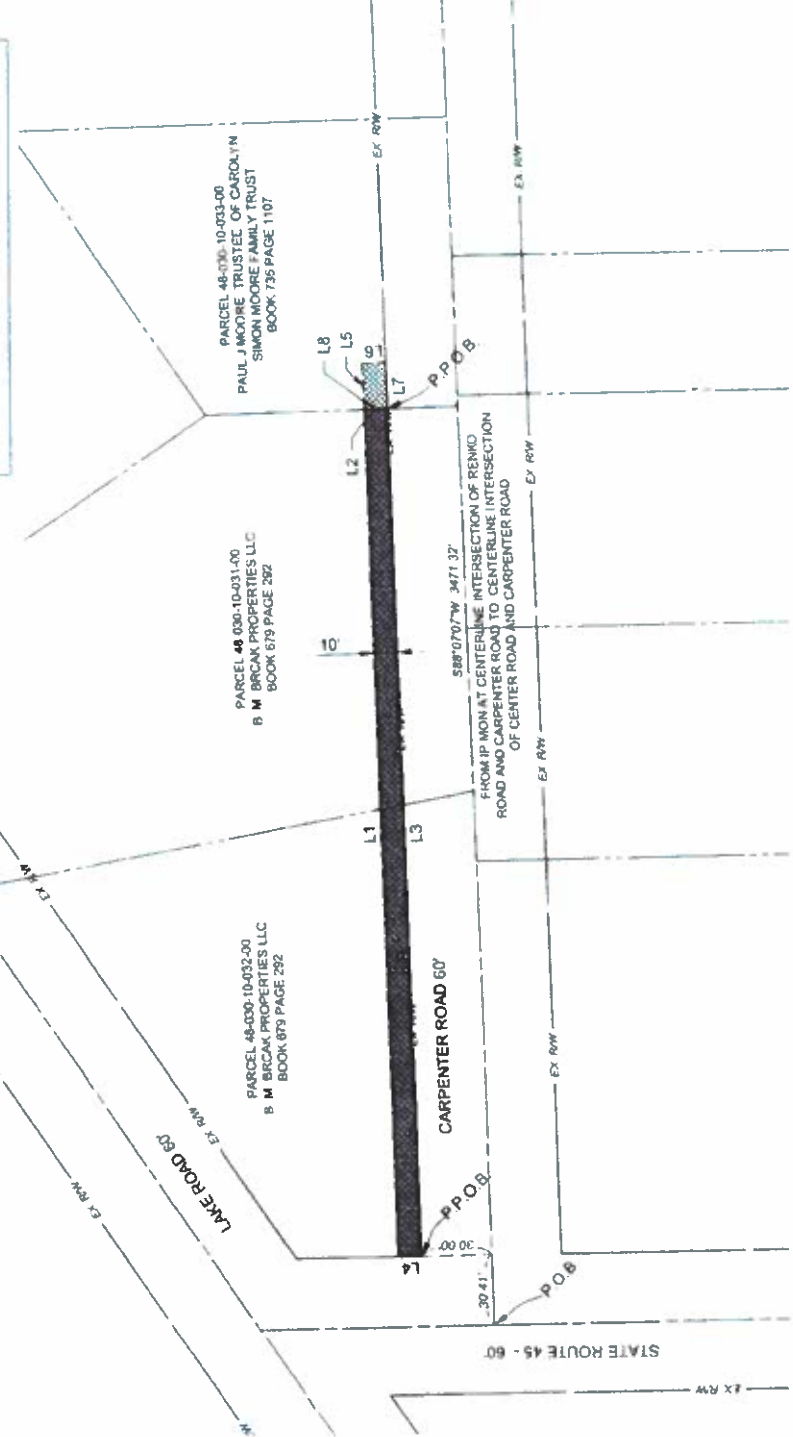
--- EX RW --- LIMITS OF PUBLIC RW  
 --- CL --- CENTERLINE PUBLIC RW

**NOTES:**

1. THESE PLANS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
2. THE PROJECT CONTROL COORDINATE SYSTEM IS BASED UPON THE FOLLOWING HORIZONTAL DATUM - PROJECT CONTROL COORDINATES FOR THIS PROJECT HAVE BEEN ESTABLISHED BY GPS/RTK OBSERVATIONS UTILIZING THE OHIO COORDINATE SYSTEM OF 1983 (ZONE 3401-OHIO NORTH) OHIO STATE PLANE GRID COORDINATE VALUES ARE EXPRESSED IN UNITS OF U.S. SURVEY FEET VERTICAL DATUM - NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88)
3. ALL DIMENSIONS GIVEN ARE EXPRESSED IN US SURVEY FEET

LINE #	BEARING	DISTANCE
L1	N88°07'07"E	364.92'
L2	S1°51'53"E	10.00'
L3	S88°07'07"W	365.05'
L4	N1°06'23"W	10.00'
L5	N88°07'07"E	20.00'
L6	S1°52'53"E	10.00'
L7	S88°07'07"W	20.00'
L8	N1°51'53"W	10.00'

*James M. Brcaak*  
 DATE: 6/10/24



Department of Environmental Services  
Water Distribution  
Wastewater Collection & Treatment



Board of Commissioners  
Kathryn L. Whittington, President  
JP Ducro IV, Vice President  
Casey Kozlowski

Douglas G Starkey, Director

Date: June 25, 2024

Re: Easement for Parcels No. PP#48-030-10-032-00 AND 48-030-10-031-00

For sufficient consideration regarding grant an easement on both parcel no. PP#48-030-10-032-00 AND 48-030-10-031-00 the Board of Commissioners of Ashtabula County will due the following;

- 1) Repave the South parking lot along Carpenter Road up to the concrete area and restripe the South parking lot.
- 2) Not work in the parking lot area until after 2:00 pm and have the lot available for parking before 5:30 am seven days a week.

Note: This document will be entered into the County Prosecutors MATRIX portal.

Grantor:  
B.M. Brcak Properties, LLC

By: Brenda M. Brcak

Print Name: Brenda M. Brcak

Date: 7-1-2024

Ashtabula County Board of Commissioners

Kathryn Whittington  
Kathryn Whittington, Board President

Date: 7-18-24