

IN THE COURT OF COMMON PLEAS, WOOD COUNTY, OHIO

Lynn Sylvain	:	Case No.
24399 Front Street	:	
Grand Rapids, Ohio 43522	:	Judge
Plaintiff,	:	
vs.	:	<u>PETITION FOR COURT</u>
	:	<u>ORDERED VACATION OF</u>
	:	<u>STREET AND COMPLAINT</u>
	:	<u>TO QUIET TITLE</u>
Village of Grand Rapids	:	
c/o Village Solicitor	:	
PO Box 309	:	
17460 Sycamore Road	:	Jeffery J. Dennis (0101792)
Grand Rapids, OH 43522	:	STEARNS & HAMMER
and	:	119 E. Broadway Street
	:	North Baltimore, Ohio 45872
	:	PH: (419) 257-3121
Wood County Treasurer	:	FAX: (419) 257-4902
One Courthouse Square	:	EMAIL:
Bowling Green, Ohio 43402	:	Jeff@stearnsandhammer.com
Defendants.	:	Attorney for Plaintiff

Now comes Plaintiff, Lynn Sylvain, by and through the undersigned counsel, and for her
Complaint hereby alleges and avers as follows:

PREAMBLE

1. Plaintiff is a resident of Grand Rapids, Wood County, State of Ohio and is the owner of the real property described on the Property Description Approval Form attached hereto as Exhibit A (“Plaintiff’s Property”).
2. Defendant, Village of Grand Rapids, is a municipal corporation situated in Wood County, State of Ohio.
3. This action concerns a dispute over a portion of Bass Street, a “paper street” (i.e., a street that was platted but never physically constructed) and an accessory building located thereon. See the survey attached hereto as Exhibit B.
4. Defendant Wood County Treasurer may claim an interest in one or more parcels of property that are the subject of this action. See the Preliminary Judicial Report attached hereto as Exhibit C.

STATEMENT OF FACTS

5. Plaintiff Lynn Sylvain acquired title to Plaintiff’s Property by Sheriff’s Deed executed on July 7, 2017 and recorded on February 6, 2018 at Volume 3586, Page 958 of the Wood County Deed Records. See Exhibit D attached hereto.
6. Prior to Plaintiff acquiring title, Plaintiff’s Property was owned by Cynthia Doss and Ruben Doss (the “Dosses”) who acquired title by Survivorship Deed executed on December 16, 1998 and recorded on December 22, 1998 at Volume 742, Page 803 of the Wood County Deed Records. See Exhibit E attached hereto.
7. Since at least December 16, 1998, Plaintiff’s Property has included an accessory building that encroaches fourteen and a half feet (14.5’) onto the adjacent Bass Street right-of-way. See the survey attached hereto as Exhibit B and the Affidavit attached hereto as Exhibit F.

8. Shortly after acquiring title to Plaintiff's Property in 1998, the Dosses were given permission by the then-serving Village Administrator, acting on behalf of Defendant, Village of Grand Rapids, to use the accessory building located behind their house and owned by Defendant Village of Grand Rapids.
9. As a condition of their use of the accessory building, the Dosses were instructed by the then-serving Village Administrator to make no modifications or improvements to the accessory building.
10. In 1999, notwithstanding Defendant's demand to the contrary, the Dosses caused a new door and locks to be installed on the accessory building.
11. Upon seeing the new door and locks being installed, the then-serving Village Administrator contacted the Dosses to protest their actions.
12. Despite the protestation of the then-serving Village Administrator, the Dosses continued to exclusively use and maintain the accessory building for the duration of their ownership of Plaintiff's Property.
13. Despite having actual knowledge of the Dosses adverse possession of the accessory building, no subsequent actions were taken by Defendant Village of Grand Rapids or any of its agents related to the accessory building for a period of at least twenty-one (21) years.
14. For a period in excess of twenty-one (21) years, Plaintiff and her predecessors in title have openly, notoriously, and exclusively used and maintained the accessory building, to the exclusion of all others, including installing new siding, doors, and locks at various times.
15. For a period in excess of twenty-one (21) years, Plaintiff and her predecessors in title have used and maintained the strip of grass upon which the accessory building is situated,

including mowing, landscaping, snow removal, and paying real estate taxes related to the accessory building.

16. During several recent meetings of the Grand Rapids Village Council the question of what, if anything, Defendant Village of Grand Rapids can or should do with the accessory building and the land adjacent thereto has been raised by representatives of Defendant, Village of Grand Rapids, thereby necessitating this Complaint. See the meeting minutes attached hereto as Exhibit G.

FIRST CLAIM FOR RELIEF

(Petition to Vacate Right-of-Way)

17. Plaintiff hereby realleges each and every allegation contained in paragraphs 1 through 16 as though fully restated herein.
18. Ohio Revised Code § 723.09 provides that, upon petition filed for the vacation of a street by any person owning a lot in a municipal corporation in the immediate vicinity of such street, this Court may, after hearing and upon being satisfied that it will conduce to the general interests of such municipal corporation, declare such street vacated.
19. Plaintiff's request to vacate Bass Street conduces to the general interests of the Village of Grand Rapids and the citizens thereof by allowing the public to avoid the costs and burden of maintaining the portion of land which Plaintiff and her predecessors in title have now maintained for at least twenty-one (21) years prior to the filing of this Complaint.
20. Plaintiff's request to vacate Bass Street conduces to the general interests of the Village of Grand Rapids and the citizens thereof in at least the following ways: (1) by adding to the real estate tax rolls that portion of land which Plaintiff and her predecessors in title have now maintained for at least twenty-one (21) years prior to the filing of this Complaint; and

(2) by allowing the citizens of the Village of Grand Rapids to avoid the additional expense that would come with maintaining the land and accessory building which Plaintiff and her predecessors in title have used and maintained for at least twenty-one (21) years prior to the filing of this Complaint.

21. Contemporaneously to the filing of this Complaint, Plaintiff has served notice upon the municipal corporation and notice has been given by publication in a newspaper of general circulation for four consecutive weeks as required by R.C. § 723.10.

SECOND CLAIM FOR RELIEF

(Adverse Possession)

22. Plaintiff hereby realleges each and every allegation contained in paragraphs 1 through 21 as though fully restated herein.

23. For a period in excess of twenty-one (21) years, Plaintiff and her predecessors in title have openly, notoriously, continuously, adversely, and exclusively used, occupied, and maintained a portion of the unimproved Bass St. right-of-way measuring approximately twenty-five (25) feet wide and one hundred (100) feet deep (the “Disputed Strip of Land”).

24. The use and enjoyment of the Disputed Strip of Land by Plaintiff and her predecessors in title has included landscaping, mowing, snow removal, maintaining an accessory building, and driving and parking vehicles.

25. The Wood County Engineer has declined to review a legal description of the Disputed Strip of Land as required by Local Rule 7.06 without an Order from the Court. See Exhibit H attached hereto.

WHEREFORE, Plaintiff respectfully requests the Court grant the following relief:

(a) An Order vacating Bass Street pursuant to R.C. § 723.09; or, alternatively,

(b) An Order quieting title to and declaring Plaintiff to be the fee simple owner of the Disputed Strip of Land and the accessory building located thereon.

Plaintiff further requests an Order awarding her damages to be paid by the Defendants in a sum equal to Plaintiff's reasonable attorney fees and the costs of publishing notice, preparing the Preliminary Judicial Report attached hereto, and the costs of bringing this action, together with such other and further relief as the Court may find fair and proper.

Respectfully submitted,

/s/ Jeffery J. Dennis

Jeffery J. Dennis
Attorney for Plaintiff

PRAECIPE FOR SERVICE

TO THE CLERK:

Please serve the Defendants with process by certified mail, return receipt requested. If certified mail service is returned unclaimed or refused, please reissue service by ordinary U.S. mail retaining in your possession a certificate of mailing.

/s/ Jeffery J. Dennis

Jeffery J. Dennis
Attorney for Plaintiff



PROPERTY DESCRIPTION APPROVAL FORM

Court Case No.
Property Address: 24308 Front Street, Grand Rapids, Ohio 43522
Plaintiff: Lynn Sylvain
Defendant: Village of Grand Rapids; Wood County Treasurer; State of Ohio Dept. of Tax.
Submitted By: Lynn Sylvain
Attorney & ID: Jeff Dennis (0101792)
Attorney's Phone: (419) 352-1581
Contact Person: Jeff Dennis
Contact Phone: (419) 352-1581

The attached legal description has been reviewed by the Wood County Engineer's Office, Tax Map Office. The property address, parcel number(s) and deed reference number(s) must be listed under the legal description (no exceptions). You may use a copy of the prior deed which may contain all of this information.

This document, along with the stamped "Reviewed" original legal description, must be attached to the appropriate documents filed with the Clerk of Courts pursuant to Local Rule 7.06.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department standards. Machine printed or drafted documents are preferred.

Internal Use Only
The following information has been reviewed and verified by the County Engineer's Office, Tax Map Office.
Disapproved for the following reason(s):
Legal description does not match information as submitted.
Parcel number does not match legal description information as submitted.
Legal Name does not match information as submitted.
Property address does not match information as submitted.
Other:
The document information must be corrected and resubmitted for approval.

Wood County Engineer's Office
One Courthouse Square
Bowling Green, Ohio 43402
(419) 354-9060
FAX: (419) 354-1409

MATTHEW OESTREICH
WOOD COUNTY AUDITOR

EXHIBIT A

Situated in the Village of Grand Rapids, County of Wood, State of Ohio:

Inlot Number One Hundred (100) and the Easterly Thirty (30) feet of Inlot Ninety-nine (99) in the Village of Grand Rapids, as recorded in Plat 3-25, Wood County, Ohio.

Parcel Nos. E19-509-070201036000, E19-509-070201037000, and E19-509-070201038000

Prior Instrument Reference: Volume 3586, Page 958 of the Wood County Deed Records


WOOD COUNTY ENGINEER

DESCRIPTION REVIEWED BY:

WJ 02-05-2024
PD, TM, WS

MATTHEW OESTREICH
WOOD COUNTY AUDITOR

Name: SIMAN LYNN C
 Address: 10000
 City: 8101
 State: 51470
 Zip: 51470
 County: CLAY

Owner	Acquire Date	Acquire Price	Q	NA	I
C BOSS RUBEN D & CYNTHIA J	12/22/1998	1	2637	3	1
C WANDORF CHARLES E	08/16/1995	10	83340	1	1

Owner: SIMAN LYNN C
 Address: SIMAN LYNN C

Date: 02/05/2018
 Description: (B) CHANGE OWNERSHIP
 Parcel ID: 90000
 Assessed Value: 0181
 Tax Status: 0
 Lien: SRN SHERIFFS DEED
 Exempt Sale
 Qualified
 Full

Stamp Tax: 50.00
 Property Class: 512 SINGLE FAMILY DW.
 Num Parcels: 3

10000	10000
50000	20000
100000	100000
150000	150000
200000	200000

MATTHEW OESTREICH
 WOOD COUNTY AUDITOR

C VANDORN CHARLES E 09/10/1936 10 5770 1 U NA Y

County: ...
City: ...
School District: ...
Assessor's Office: ...

STAVIN LYNN C

STAVIN LYNN C

02/05/2018

03 CHANGE OWNERSHIP

89333

0161

0

SL SHENK'S DEED

Document Code
Deem't Sale
Qualified
Impose

Stamp Tax: 8620
Property Class: 510 SINGLE FAMILY DW
Num Transferred: 3
County Code: *

Stamp Tax	10,000
Adval Stamp Tax	5,000
Adval Stamp Tax	20,000
Adval Stamp Tax	1,000
Fee Amount	5,750
Total Stamp Tax	27,150

MATTHEW OESTREICH
WOOD COUNTY AUDITOR

REG-599-0000000000000000

Owner Name: STEVEN LUNA

Address: 1111 S. 10th St, Phoenix, AZ 85006

City: Phoenix, AZ 85006

County: Maricopa

Parcel ID: 100-0000000000000000

APN: 100-0000000000000000

Assessment Year: 2018

Assessment Date: 01/01/2018

Assessment Type: Residential

Assessment Class: 001

Assessment Code: 001

Assessment Description: Residential

Assessment Status: Active

Assessment Agency: Maricopa County

Assessment District: 100-0000000000000000

Assessment Map: 100-0000000000000000

Assessment Parcel: 100-0000000000000000

Assessment Parcel ID: 100-0000000000000000

Assessment Parcel Description: Residential

Assessment Parcel Area: 0.0000

Assessment Parcel Volume: 0.0000

Assessment Parcel Zoning: R1

Assessment Parcel Use: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Owner Name: STEVEN LUNA

Address: 1111 S. 10th St, Phoenix, AZ 85006

City: Phoenix, AZ 85006

County: Maricopa

Parcel ID: 100-0000000000000000

APN: 100-0000000000000000

Assessment Year: 2018

Assessment Date: 01/01/2018

Assessment Type: Residential

Assessment Class: 001

Assessment Code: 001

Assessment Description: Residential

Assessment Status: Active

Assessment Agency: Maricopa County

Assessment District: 100-0000000000000000

Assessment Map: 100-0000000000000000

Assessment Parcel: 100-0000000000000000

Assessment Parcel ID: 100-0000000000000000

Assessment Parcel Description: Residential

Assessment Parcel Area: 0.0000

Assessment Parcel Volume: 0.0000

Assessment Parcel Zoning: R1

Assessment Parcel Use: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Assessment Parcel Code: 001

Assessment Parcel Description: Residential

Assessment Parcel Status: Active

Assessment Parcel Type: Residential

Owner Name	Acquire Date	Acquire Type	Acquire Code	Acquire Description	Acquire Status
C DOSS RUBEN D & CHRISTA J	12/22/1988	1	287	287	Q NA 1
C VANDORN CHARLES E	09/10/1986	1	0	55399	1 U NA 1

STEVEN LUNA

STEVEN LUNA
2899 E. 15th St
Phoenix, AZ 85006 USA

Transfer Date: 02/05/2018

Transfer Type: 03: CHANGE OWNERSHIP

Transfer Price: 90000

Transfer Code: 0381

Transfer Description: 0

Transfer Status: SH SHERIFFS DEED

Transfer Agency: Sheriff's Office

Transfer District: 0

Transfer Map: 0

Transfer Parcel: 0

Transfer Parcel ID: 0

Transfer Parcel Description: 0

Transfer Parcel Area: 0

Transfer Parcel Volume: 0

Transfer Parcel Zoning: 0

Transfer Parcel Use: 0

Transfer Parcel Status: 0

Transfer Parcel Type: 0

Transfer Parcel Code: 0

Transfer Parcel Description: 0

Transfer Parcel Status: 0

Assessment Year	Assessment Date	Assessment Type	Assessment Class	Assessment Code	Assessment Description	Assessment Status
2018	01/01/2018	Residential	001	001	Residential	Active

Assessment Fee Description	Amount
Stamp Fee Rate	1.0000
Stamp Fee	90.000
Assessment Fee Rate	2.0000
Assessment Fee	180.000
Fee Amount	270.000
Total Stamp Fee	270.000

MATTHEW OESTREICH
WOOD COUNTY AUDITOR



First American Title™

Preliminary Judicial Report

ISSUED BY

First American Title Insurance Company

REPORT NUMBER

5007339-0049090e



Judicial Report

Guaranteed Party Name: Lynn C. Sylvain

File No.: NB-379

Guaranteed Party Address: 24399 Front Street

Effective Date: 2/5/2024

City, State, Zip: Grand Rapids, OH 43522

Pursuant to your request for a Preliminary Judicial Report (hereinafter "the Report") for use in judicial proceedings, **FIRST AMERICAN TITLE INSURANCE COMPANY** (hereinafter "the Company") hereby guarantees in an amount not to exceed \$ 0.00 that it has examined in the public records in Wood County, Ohio as to the land described in Schedule A, that the record title to the land is at the date hereof vested in _____ by instrument recorded in Instrument: 201801637 and free from all encumbrances, liens or defects of record, except as shown in Schedule B.

This is a guarantee of the record title only and is made for the use and benefit of the Guaranteed Party and the purchaser at judicial sale thereunder and is subject to the Exclusions from Coverage, the Exceptions contained in Schedule B and the Conditions and Stipulations contained herein.

This Report shall not be valid or binding until it has been signed by either an authorized agent or representative of the Company and Schedules A and B have been attached hereto.

In Witness Whereof, First American Title Insurance Company has caused its corporate name to be hereunto affixed by its authorized officers as of Date of Policy shown in Schedule A.

First American Title Insurance Company

For Reference:

File #: NB-379

Policy #: 5007339-0049090e

Issued By:

Hammer Title Services Ltd.

112 East Oak Street

Bowling Green, OH 43402

Account No: 7669961

Telephone: (419) 352-1581

Kenneth D. DeGiorgio, President

Greg L. Smith, Secretary

By: _____

This jacket was created electronically and constitutes an original document

Authorized Countersignature

CONDITIONS AND STIPULATIONS OF THIS PRELIMINARY JUDICIAL REPORT

1. Definition of Terms

- (a) "Guaranteed Party": The party or parties named herein or the purchaser at judicial sale.
- (b) "Guaranteed Claimant": Guaranteed Party claiming loss or damage hereunder.
- (c) "Land": The land described specifically or by reference in Schedule A, and improvements affixed thereto, which by law constitute real property; provided however the term "land" does not include any property beyond the lines of the area specifically described or referred to in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, lanes, ways or waterways.
- (d) "Public Records": Those records under state statute and, if a United States District Court resides in the county in which the Land is situated, the records of the clerk of the United States District Court, which impart constructive notice of matters relating to real property to purchasers for value without knowledge and which are required to be maintained in certain public offices in the county in which the land is situated.

2. Determination of Liability

This Report together with any Final Judicial Report or any Supplement or Endorsement thereof, issued by the Company is the entire contract between the Guaranteed Party and the Company.

Any claim of monetary loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest guaranteed hereby or any action asserting such claim, shall be restricted to this Report.

3. Liability of Company

This Report is a guarantee of the record title of the Land only, as disclosed by an examination of the Public Records herein defined.

4. Notice of Claim to be given by Guaranteed Party

In case knowledge shall come to the Guaranteed Party of any lien, encumbrance, defect, or other claim of title guaranteed against and not excepted in this Report, whether in a legal proceeding or otherwise, the Guaranteed Party shall notify the Company within a reasonable time in writing and secure to the Company the right to oppose such proceeding or claim, or to remove said lien, encumbrance or defect at its own cost. Any action for the payment of any loss under this Report must be commenced within one year after the Guaranteed Party

receives actual notice that they may be required to pay money or other compensation for a matter covered by this Report or actual notice someone claims an interest in the Land covered by this Report.

5. Extent of Liability

The liability of the Company shall in no case exceed in all the amount stated herein and shall in all cases be limited to the actual loss, including but not limited to attorneys fees and costs of defense, only of the Guaranteed Claimant. Any and all payments under this Report shall reduce the amount of this Report pro tanto and the Company's liability shall terminate when the total amount of the Report has been paid.

6. Options to Pay or Otherwise Settle Claims; Termination of Liability

The Company in its sole discretion shall have the following options:


- (a) To pay or tender to the Guaranteed Claimant the amount of the Report or the balance remaining thereof, less any attorneys fees, costs or expenses paid by the Company to the date of tender. If this option is exercised, all liability of the Company under this Report terminates including but not limited to any liability for attorneys fees, or any costs of defense or prosecution of any litigation.
- (b) To pay or otherwise settle with other parties for or in the name of the Guaranteed Claimant any claims guaranteed by this Report.
- (c) To continue, re-open or initiate any judicial proceeding in order to adjudicate any claim covered by this Report. The Company shall have the right to select counsel of its choice (subject to the right of the Guaranteed Claimant to object for reasonable cause) to represent the Guaranteed Claimant and will not pay the fees of any other counsel.
- (d) To pay or tender to the Guaranteed Claimant the difference between the value of the estate or interest as guaranteed and the value of the estate or interest subject to the defect, lien or encumbrance guaranteed against by this Report.

7. Notices

All notices required to be given to the Company shall be given promptly and any statements in writing required to be furnished to the Company shall be addressed to **First American Title Insurance Company, Attn: Claims National Intake Center, 5 First American Way, Santa Ana, California 92707. Phone 888-632-1642 (claims.nic@firstam.com)**.

EXCLUSIONS FROM COVERAGE

- 1. The Company assumes no liability under this Report for any loss, cost or damage resulting from any physical condition of the Land.
- 2. The Company assumes no liability under this Report for any loss, cost or damage resulting from any typographical, clerical or other errors in the Public Records.
- 3. The Company assumes no liability under the Report for matters affecting title subsequent to the date of this Report or the Final Judicial report or any supplement thereto.
- 4. The Company assumes no liability under this Report for the proper form or execution of any pleadings or other documents to be filed in any judicial proceedings.
- 5. The Company assumes no liability under this Report for any loss, cost, or damage resulting from the failure to complete service on any parties shown in Schedule B of the Preliminary Judicial Report and the Final Judicial Report or any Supplemental Report issued thereto.

 First American Title™	Preliminary Judicial Report
	ISSUED BY First American Title Insurance Company
Schedule A	REPORT NUMBER 5007339-0049090e

File No.: NB-379


DESCRIPTION OF THE LAND

Situated in the City of Grand Rapids, County of Wood, and State of Ohio

Inlot Number One Hundred (100) and the Easterly Thirty (30) feet of Inlot Ninety-nine (99) in the Village of Grand Rapids, as recorded in Plat 3-25, Wood County, Ohio.

Parcel Number E19-509-070201036000, E19-509-070201037000, and E19-509-070201038000.

Property Address: 24308 Front Street, Grand Rapids, OH 43522-9419

 First American Title™	Preliminary Judicial Report
	ISSUED BY First American Title Insurance Company
Schedule B	REPORT NUMBER 5007339-0049090e

File No.: NB-379

EXCEPTIONS

The matters shown below are exceptions to this Preliminary Judicial Report and the Company assumes no liability arising therefrom.

1. Easements, restrictions, setback lines, declarations, conditions, covenants, reservations and rights-of-way, if any that were filed for record prior to the lien being foreclosed.

NOTE: A search for uncertified special tax assessments has not been performed.

2. The records in the Wood County Treasurer's Office show that taxes for the year 2023 for Tax Parcel No. E19-509-070201036000 including delinquency, penalty, and interest amounting to \$1,866.90 are PAID.

The records in the Wood County Treasurer's Office show that taxes for the year 2023 for Tax Parcel No. E19-509-070201037000 including delinquency, penalty, and interest amounting to \$81.14 are PAID.

The records in the Wood County Treasurer's Office show that taxes for the year 2023 for Tax Parcel No. E19-509-070201038000 including delinquency, penalty, and interest amounting to \$165.22 are PAID.

NOTE: Taxes for the year 2024 are a lien but not yet due and payable. Additions or abatements, if any, which may hereafter be made by legally constituted authorities on account of errors, omissions, or changes in valuation.

LEGAL DESCRIPTION

Situated in the Village of Grand Rapids, County of Wood, State of Ohio

Inlot Number One Hundred (100) and the Easterly Thirty (30) feet of Inlot Ninety-nine (99) in the Village of Grand Rapids, as recorded in Plat 3-25, Wood County, Ohio.

The property address and tax parcel identification number listed herein are provided solely for informational purposes, without warranty as to accuracy or completeness.

Property Address: 24308 Front Street, Grand Rapids, OH 43522-9419

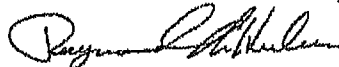
Parcel Number: E19509070201036000, E19509070201037000, and E19509070201038000

1L100

1L 99 E10'

1L 99 W20' E30'

Prior Deed Reference: Deed from Charles E. VanDorn and Patricia VanDorn, husband and wife, to Ruben D. Doss and Cynthia J. Doss, filed December 22, 1998, in Official Record Volume 742, page 803 of Wood County Records.



WOOD COUNTY ENGINEER

DESCRIPTION

REVIEWED BY: *KR 5-9-16*

PRELIMINARY

**MICHAEL SIBBERSEN
WOOD COUNTY AUDITOR**

RECORDER'S OFFICE, WOOD COUNTY, OHIO

Received and Recorded

026140

Dec. 22 1998 at 9:17A
Vol. 742 Page 893 Record of Deed

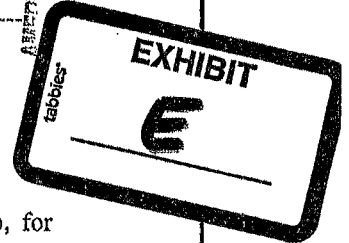
Sue Kinder
SUE KINDER, RECORDER \$14.00

TRANSFERRED 1.50
THIS CONVEYANCE HAS BEEN EXAMINED
AND THE GRANTEE HAS COMPLIED WITH
SECTION 319.202 OF THE REVISED CODE

DEC 22 1998

FEE 279.00
MICHAEL STODOLSKEN
WOOD COUNTY AUDITOR

AMERICAN TITLE AGENCY, INC.
tabbles



[Space Above This Line for Recording Data]

SURVIVORSHIP DEED

Ohio Rev. Code Sec. 5302.17

Charles E. VanDorn and Patricia VanDorn, husband and wife, of Wood County, Ohio, for valuable consideration paid, grant(s) with general warranty covenants to Ruben D. Doss and Cynthia J. Doss, for their joint lives, remainder to the survivor of them, whose tax mailing address is 24370 Front Street, Grand Rapids, Ohio 43522, the following **REAL PROPERTY**:
Situating in the County of Wood in the State of Ohio and in the Village of Grand Rapids:

Inlot number one hundred (100) and the easterly thirty (30) feet of inlot ninety-nine (99) in the Village of Grand Rapids, as recorded in Plat 3-25, Wood County, Ohio.

Subject to zoning, restrictions and easements of record.

Parcel No(s): E19-509-070201036000 IL 100
E19-509-070201037000 IL 99 E 10'
E19-509-070201038000 IL 99 W 20' E 30'

Prior Instrument Reference: Volume 613, Page 701 of the Deed Records of Wood County, Ohio. Witness their hand(s) this 16 day of December, 1998.

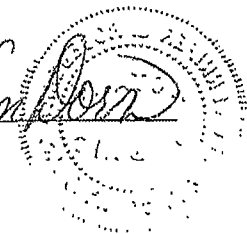
Signed and acknowledged in the presence of:

Barbara C. Miller
WITNESS
(Print Name) Barbara C. Miller

Charles E. VanDorn
Charles E. VanDorn

Terry L. Creason
WITNESS
(Print Name) TERRY L. CREASON

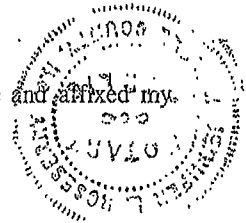
Patricia VanDorn
Patricia VanDorn



STATE OF NORTH CAROLINA, COUNTY OF Jredell : SS:

BE IT REMEMBERED, That on this 16 day of December, 1998, before me, the subscriber, a notary public in and for said county, personally came Charles E. VanDorn and Patricia VanDorn, husband and wife, the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on this day and year aforesaid.



Jennifer L. Roseberry
NOTARY PUBLIC

my commission expires 10-27-2000

This instrument prepared by:

SPITLER, VOGTSBERGER & HUFFMAN
Attorneys at Law
131 East Court Street
Bowling Green, Ohio 43402



IN THE COURT OF COMMON PLEAS, WOOD COUNTY, OHIO

Lynn Sylvain : Case No.
Plaintiff, : Judge
vs. : **AFFIDAVIT IN SUPPORT**
Village of Grand Rapids, et al., : Jeffery J. Dennis (0101792)
Defendants. : STEARNS & HAMMER
: 112 East Oak Street
: Bowling Green, Ohio 43402
: PH: 419-352-1581
: FAX: 419-352-1933
: Attorney for Plaintiff

STATE OF Minnesota)
) :ss
COUNTY OF Hennepin)

Now comes Cynthia Doss, affiant herein, and being first duly sworn, states as follows:

1. Affiant acquired title to the real property located at 24308 Front Street, Grand Rapids, Ohio (the "Property") on December 16, 1998.
2. Affiant resided at 24308 Front Street, Grand Rapids, Ohio until the Property was purchased by Lynn Sylvain in 2018.

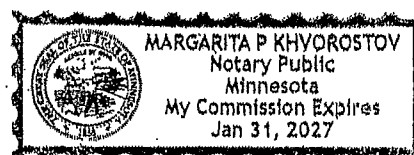
3. At all times during her ownership, Affiant exclusively used and maintained the grassy area between her house and the fence approximately twenty-five feet to the east.
4. Shortly after acquiring title to the Property, Affiant was given permission by the Grand Rapids Village Administrator to use the garage located behind the house.
5. Affiant was instructed by the Village Administrator to make no modifications or improvements whatsoever to the garage.
6. In 1999, Affiant caused a new door and locks to be installed on the garage.
7. Upon seeing the new door and locks being installed, the Village Administrator contacted Affiant to protest the act.
8. Despite the protestation of the Village Administrator, Affiant continued to exclusively use and maintain the garage for the duration of Affiant's ownership of the Property.

Further Affiant Sayeth Naught.

Cynthia Doss
Cynthia Doss

Subscribed and sworn to before me, a Notary Public, this 4th day of April, 2023.

[Signature]
Notary Public



Thanksgiving and Christmas are just around the corner and there will be a lot of activity around town. Mayor said this will be a lot of fun for the people and the kids.

ADMINISTRATOR'S REPORT: Administrator stated the Bridge Street lift station is running on one pump, it is running on one pump, which is fine. We have someone coming in to look at it. The Mill Street lift station is having issues we believe it is the transducer and that has been looked at. The sidewalk work has started. Rowe has cut down some tree's and trimmed some trees in the park. The park grant has been submitted, he applied for bikes racks, pickleball court and a pavilion. He is working on getting another quote for additional parking by Town Hall and behind the businesses on Front Street. Administrator stated we need to discuss taking the garage down and removing the rest of the tree and then more parking can be made towards the property line. Sylvain stated the garage is hers and we will go to court on it. Administrator does not know how it could be Sylvain's when it is on village property and asked Sylvain if she would like the village to send her the bill for the tree that was cut down right next to the garage. Sylvain said yes if you would like. Sylvain asked Tolles if the sidewalk work was the second phase; Tolles said yes. Sylvain asked Tolles if they were capping the amount at \$50,000, Administrator said we are trying to get sidewalks done without public bidding and staying under \$50,000. Administrator said they just raised the bid threshold to \$75,000. Sylvain said it is not appropriate to split a bid to avoid public bidding. Sylvain asked how much we have spent and how much will be spent the remaining of the year on trees. Administrator does not have the quotes with him. Sylvain said then you can report that at the next meeting. Sylvain asked the total amount that was submitted for the park grant. Administrator said the pavilion was \$72,561.10, the pickleball courts was \$56,119, the bike racks were \$1,390.68. Sylvain asked if the Administrator got the lighting information Peggy requested, Administrator said there are 104 street lights that are high pressure sodium. Peggy asked if he looked into led lights, Administrator said not yet. Sylvain stated there was a question about how many times we flush hydrants, Administrator said it is supposed to be twice a year, he has a phone call into the EPA and they have not got back to him yet.

FISCAL OFFICER'S REPORT: Fiscal Officer gave Council a copy of the September Bank Reconciliation and everything is reconciled. Gave Finance Committee Appropriation Status, Revenue Status and Fund Listing. There are two first readings on the agenda tonight.

READING OF COMMUNICATIONS: Donsbach shared that Mr. O'Shea thinks our meeting is tomorrow so he will not be here.

COMMITTEES: Frantz read the Buildings, Parks, Properties & Maintenance Committee meeting minutes. Sylvain stated what these minutes failed to mention was all the work that Bob Stickley had given to Smith.

Estep said the Finance, Wages and Audit Committee met and reviewed the temporary appropriations resolution and we discussed a mandatory direct deposit ordinance. We also discussed our website and making a finance area, adding the list of bills when approved and adding a link to committee meeting minutes. Estep stated we discussed the \$105,000 covid money we have that must be allocated by end of year 2024 and spent by end of year 2026, she thinks we need to meet in the beginning of the year to discuss use of these funds. Estep thinks we need to have another Finance meeting to discuss the wage ordinance, the current wage ordinance does not have a title of Village Administrator and we need to revise that. Estep said technically Chad is the Village Administrator by title only and is getting paid under the Public Works Technician II rate and she feels this needs addressed. Estep will gather information from other communities for



Estep made a motion seconded by Smith to suspend the rules and give Ordinance 2023-4 three readings tonight.

Votes were: Estep - yes	Donsbach - yes	Sylvain - no
Frantz - yes	Smith - yes	Tolles - yes

MOTION APPROVED

Mayor gave the second and third reading to Ordinance 2023-4: An Ordinance Amending and Establishing Pay Schedules for the Village of Grand Rapids, Ohio

Estep made a motion seconded by Smith for passage of Ordinance 2023-4: An Ordinance Amending and Establishing Pay Schedules for the Village of Grand Rapids, Ohio

Votes were: Tolles - yes	Smith - yes	Frantz - yes
Sylvain - without a plan to update his skills to the qualifications required, no		
Donsbach - yes	Estep - yes	

MOTION APPROVED

Mayor stated Ordinance 2023-4 has passed.

Mayor gave third reading to Ordinance 2023-3: Ordinance to Mandate Direct Deposit of Compensation for Village Employees and Elected Officials, Effective January 1, 2024.

Estep made a motion seconded by Donsbach for passage of Ordinance 2023-3. Sylvain stated this was presented as an opportunity to save money for the village and asked how much money will this save on changing three checks to direct deposit. Estep stated we do not have that because it is also the time of voiding checks and then the time of creating an unclaimed monies account with the State because of the non-cashed checks.

Votes were: Frantz - yes	Smith - yes	Tolles - yes
Estep - yes	Donsbach - yes	Sylvain - no

MOTION APPROVED

Mayor stated Ordinance 2023-3 has passed.

Mayor gave third reading to Resolution 2023-08: Temporary Appropriation for the Village of Grand Rapids, Ohio.

Votes were: Donsbach - yes	Estep - yes	Tolles - yes
Smith - yes	Frantz - yes	Sylvain - yes

MOTION APPROVED

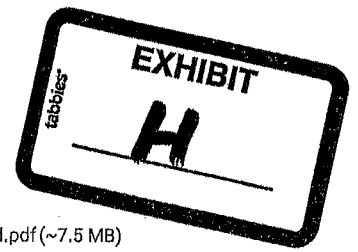
Mayor stated Resolution 2023-08 has passed.

UNFINISHED BUSINESS: Estep said it was discussed at the October 23rd meeting that we need to discuss taking down the garage and removing it, this is the building next to the Town Hall. Estep cannot support the Village doing that or contracting to do that. Estep looked on the County Auditor website and yes most of it is on Village property, however, the Village did not build it or have items stored in it and have not been maintaining it. Estep feels the right thing to do is to have our Village Solicitor to send the property owner a letter to have the building moved. Estep does not feel the Village should take it down since we did not put it up or maintain it, it would not be a neighborly thing to do. If the Village decides to move forward with that, she does not support that. Estep stated David Fowler asked us to look at our Public Records Policy and the amounts we are charging. Estep did do this, she looked at Tontogany, Weston, Haskins, Northwest Water & Sewer, and

Property Description Approval Form



From: Crum, Ryan <RCrum@woodcountyohio.gov>
To: Jeff@stearnsandhammer.com <jeff@stearnsandhammer.com>
Cc: Rothenbuhler, Kerry <KRothenbuhler@woodcountyohio.gov>
Date: 2024-01-29 12:53 pm



Property Description Approval Form (RW).pdf (~307 KB) Exhibit C (RW).docx (~12 KB) Grand Rapids RW Survey Signed.pdf (~7.5 MB)

Jeff:

Our office will not approve this description unless a Judge court orders it. The Street in question exists from an original plat of Grand Rapids (Gilead, see deed book B, pg. 362, Dated 1833). There is a procedure in place for vacating public streets.

Ryan Crum

Survey Operations Manager & Asst. Tax Map Draftsman

Wood County Engineers Office

1 Courthouse Square

Bowling Green, Ohio 43402

419-354-9060 (Option 2) *office*

419-354-1409 *fax*

rcrum@woodcountyohio.gov

From: Jeff Dennis <jeff@stearnsandhammer.com>
Sent: Friday, January 26, 2024 3:22:32 PM
To: Rothenbuhler, Kerry <KRothenbuhler@woodcountyohio.gov>
Subject: Property Description Approval Form

Hey Kerry,

I am working with a client who is claiming adverse possession over a portion of a public right-of-way. I am wondering whether the legal description attached here as Exhibit C would be sufficient for your office to sign off on the Approval Form. I've also attached the survey for reference.

Jeffery J. Dennis, Esq.
Stearns & Hammer
119 E. Broadway Street
North Baltimore, OH 45872
Ph: (419) 257-3121
Fax: (419) 257-4902