

Easement for Water Meter Vault Instructions

An easement for a water meter vaults is required **only** when a water meter and/or backflow vault is proposed to go outside the public right-of-way. This is only permitted when obstructions or insufficient space between the curb and right-of-way edge do not allow the vault to remain in the right-of-way. The easement allows access to Cleveland Water to maintain the water meter on the property in perpetuity. Please note the text of the easement is not negotiable.

If it is determined an easement for a water meter vault is required, here are the steps to completing one.

1. **Obtain a legal description.** A legal description of property is a way to define or accurately pinpoint where a particular piece of property is located. It describes the location in terms of measurements from a monument or surveying plat, and is also often accompanied by a drawing to make clear the location. A legal description is usually prepared by a Professional Surveyor. The legal description may be inserted into the blank space on the first page of the easement, or attached as Exhibit A, noting the see Exhibit A on page 1. For the water meter vault easement, the easement must be contiguous with the public right of way and cover the entire vault.
2. **Fill out the property owner's name.** The property owner or owners are known as the Grantor or Grantors. (Please note the text and format of the form may be reproduced with names and the legal description added rather than filled in the blanks.)
3. **Sign in the presence of two witnesses and a notary public.** They will need to witness the signature and indicate the date of signing
4. **Send the signed original to Cleveland Water.** It may be delivered or sent to Cleveland Water, Engineering – 2nd Floor, 1201 Lakeside Ave. E, Cleveland OH 44114. Please note we must have the original document. Cleveland Water will then review the easement for completeness and have it signed as accepted by Cleveland Water. The document will then be returned.
5. **Have the easement recorded.** The easement must then be recorded by the County where the property is located. In Cuyahoga and Summit Counties, this is part of the Office of the County Fiscal Officer. In Medina and Geauga Counties, it is done in the Office of the County Recorder. The property owner is responsible for paying all recording fees.
6. **Provide CWD with the document number of the recorded easement.** Cleveland Water will need to verify the easement is recorded before service can be turned on. Please provide CWD with the Document Number, AFN Number, or Book/Page so that Cleveland Water can verify the easement has been recorded. You may email this information to WaterServiceApplication@ClevelandWater.com.

EASEMENT FOR WATER METER VAULT

KNOW ALL MEN BY THESE PRESENTS

THAT _____, herein for consideration of the sum of one dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do(es) hereby give, grant, bargain and convey to the City of Cleveland, municipal corporation of the State of Ohio, the Grantees herein, the Right-of-way and easement for the purpose hereinafter mentioned is the following premises, to-wit:

Be the same more or less but subject to all legal highways.

The Grantor(s) convey the right and easement to enter upon said premises and to install, repair and maintain therein the water meter(s), also to turn off the water of any service or main, or to do any other thing that may be necessary or advisable in the judgment of said Grantees, its successors or assigns, in order to maintain or operate said meters in accordance with the ordinances, rules and regulations for the management of said Grantees now in force or that may hereafter be adopted.

The Grantor(s) further in consideration of the acceptance of the easement above mentioned, by the Grantee does hereby agree to pay the entire cost of installing and maintaining a water meter vault and appurtenances within the above described easement, constructed and maintained in accordance with the provisions, rules, regulations and requirements of the Grantee, its successors or assigns.

Whenever the Grantor(s) is notified by the Grantee that the water meter vault or its appurtenances are in need of maintenance, said maintenance shall be performed by the Grantor(s). In the event the Grantor(s) fails to perform said maintenance within a reasonable period of time as determined by the Grantee, the Grantee reserves the right to perform said maintenance and charge the expense thereof to the Grantor(s).

The Grantor(s) hereby restrict said premises within the limits of the above described easement against the construction thereon of any buildings of a temporary or permanent type, excepting any sidewalks and/or pavements.

TO HAVE AND TO HOLD THE above described easement and right-of-way for the purpose above mentioned unto said Grantee forever.

It is the intent of this conveyance that neither the filling of this deed or conveyance, its acceptance by the Grantee nor any other circumstance shall be construed as a dedication of or as an agreement by the Grantee to accept for dedication the premises herein described for public use as a street.

It is agreed that whatever party is named in this instrument there shall be intended and included in each case that party, his or her heirs, administrators, successors and/or assigns.

IN WITNESS WHEREOF, The Grantor(s) has caused this instrument to be executed on the _____ day of _____, _____.

Signed in the presence of:

Grantors:

This instrument prepared by:

STATE OF OHIO }
 }
COUNTY OF _____ } SS:

Before me, a Notary Public in and for said County and State, personally appeared the above named Grantor(s)

_____ who acknowledged that the signing of the foregoing instrument in my presence was a free and duly authorized act and deed.

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

The City of Cleveland by its Director of Public Utilities does hereby accept the grant of easement this _____ day of _____, _____, as authorized by Codified Ordinance Section 129.20.

Witness:

City of Cleveland

By: _____

Director of Public Utilities

The legal form and correctness of the within instrument is hereby approved.

Assistant Director of Law