

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-37

By Gene Zacharyasz Sponsored By Mayor Cyril M. Kleem
AN ORDINANCE

AMENDING THE ZONING MAP OF THE CITY OF BEREA BY REZONING PERMANENT PARCEL NUMBERS 363-35-049 AND 363-35-050 FROM RESIDENTIAL SINGLE-FAMILY B (R-SF-B) DISTRICT TO MULTI-FAMILY RESIDENTIAL (MFR) DISTRICT.

WHEREAS, Van and Kathalee Kirkendall own the subject parcels and have petitioned the City of Berea to rezone Permanent Parcel Numbers 363-35-049 and 363-35-050, from Residential Single Family B (R-SF-B) District to Multi-Family Residential (MFR) District in the City of Berea, as more fully shown on the map attached hereto and identified as Exhibit "A" and incorporated herein by reference; and

WHEREAS, pursuant to Chapter 105 of the Zoning Code of the Codified Ordinances of the City of Berea, this Council has referred said request to the Municipal Planning Commission for review and consideration, and the Planning Commission has recommended approval and acceptance of the rezoning petition; and

WHEREAS, the Clerk of Council has notified the Zoning Administrator of this application for rezoning and the Zoning Administrator has inspected the property and made a written report to the Planning Commission; and

WHEREAS, the report of the Zoning Administrator and this Ordinance have been referred to a Planning Advisor who has reviewed the application and has evaluated the same and reported that the rezoning is consistent with the general purposes and overall objectives of the Zoning Code and has provided such report to the Planning Commission; and

WHEREAS, the Planning Commission has provided prior written notice by mail at least ten (10) days prior to the meeting of the Planning Commission to consider the rezoning application to all owners of property within two hundred feet of the affected property; and

WHEREAS, the Clerk of Council has published notice of a public hearing on the application for rezoning in a newspaper of general circulation at least thirty (30) days prior to the holding of said public hearing, and notice of the rezoning petition has been provided to owners of property within the affected area, contiguous to the affected area, and across the street from the affected area, and that the public hearing has been held and consideration of the public hearing has been made by this Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That this Council has considered and accepts the recommendation of the Municipal Planning Commission, the Zoning Administrator, and the Planning Advisor, and has further duly considered all matters arising at the public hearing on the petition for rezoning, and hereby rezones the land identified as Permanent Parcel Numbers 363-35-049 and 363-35-050, as more fully described on Exhibit "A", attached hereto and incorporated herein, from Residential Single Family B (R-SF-B) District to Multi-Family Residential (MFR) District.

SECTION 2. That the Zoning Administrator is hereby directed to revise the official zoning map of the City to reflect the rezoning of the affected area as indicated herein and approved hereby.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

COUNCIL CHAMBER

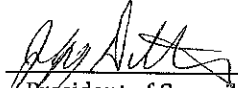
City of Berea, Ohio

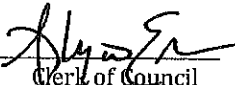
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SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: September 21, 2020


President of Council

ATTEST: 
Clerk of Council

APPROVED: September 22, 2020

Mayor

Approved as to Form:

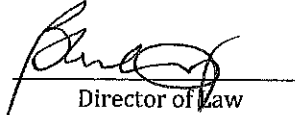

Director of Law

Exhibit "A"

Property for Parcel(s): 363-35-050

Situated in the City of Berea, County of Cuyahoga and State of Ohio and being further described as follows: And known as being part of Original Middleburg Township Section No. 25 and being bounded and described as follows:

Beginning on the center-line of Sprague Road (60 feet wide) at the Southwesterly corner of land conveyed to Carl Sprague by deed dated June 10, 1945 and recorded in Volume 5896, Page 725 of Cuyahoga County Records; thence Easterly along the center line of Sprague Road, 225 feet to the southwesterly corner of a parcel of land conveyed to Walter E. Bowhall and Stella M. Bowhall by deed dated July 14, 1950 and recorded in Volume 7050, Page 168 of Cuyahoga County records; thence Northerly along the Westerly line of land so conveyed to Walter E. Bowhall and Stella M. Bowhall as aforesaid, to the Southwesterly line of a parcel of land conveyed to The State of Ohio by deed dated September, 1953 and recorded in Volume 7868, Page 182 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of land so conveyed to The State of Ohio as aforesaid to the Westerly line of land so conveyed to Carl Sprague as aforesaid; thence Southerly along the Westerly line of land so conveyed to Carl Sprague to the place of beginning, be the same more or less, but subject to all legal highways.

NKA

Parcel C in the Plat of Lot Split for Jeffrey Modock and Linda Modock of part of Original Middleburg Township Section No. 25 as shown by the recorded Plat V. 351 P. 15 of Cuyahoga County Records,

Permanent Parcel #: 363-35-050

Type Instrument: Survivorship Deed
Tax District #: 3050
Grantor: MODOCK, JEFFREY J. & LIN
Grantee: KIRKENDALL, VAN & KATHAL
Balance Assumed: \$ 0.00
Total Consideration: \$ 22,500.00
Conv. Fee Paid: \$ 90.00
Transfer Fee Paid: \$ 0.50
Fee Paid by: Real Living Title Agency, L
Exempt Code:

Date: 7/8/2008 3:53:00 PM
Tax List Year: 2008
Land Use Code: 5000
Land Value: 14,700
Building Value: 0
Total Value: 14,700
Arms Length Sale: YES
Rcpt: F-07082008-20
Inst #: 356661
Check #:

Frank Russo
CUYAHOGA COUNTY AUDITOR

Permanent 363-35-049
Parcel #

Type Instrument: Survivorship Deed	Date: 8/9/2007 11:28:00 AM
Tax District #: 3050	Tax List Year: 2007
Grantor: MODOCK, JEFFREY J. & LIN	Land Use Code: 5100
Grantee: KIRKENDALL, VAN & KATHAL	Land Value: 0
Balance Assumed: \$ 0.00	Building Value: 0
Total Consideration: \$ 34,000.00	Total Value: 0
Conv Fee Paid: \$ 136.00	Arms Length Sale: YES
Transfer Fee Paid: \$ 0.50	Rcpt: D-08092007-5
Fee Paid by: Gateway Title Agency	Inst #: 302549
Exempt Code:	Check #

Frank Russo
CUYAHOGA COUNTY AUDITOR

VOID

