

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2021-24

By Bick Skoczen Sponsored By Councilman Bick Skoczen

## AN ORDINANCE

### VACATING FRANKLIN STREET, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BUT RETAINING PUBLIC UTILITIES EASEMENTS THEREIN.

**WHEREAS**, Franklin Street was originally intended for the purposes of putting a roadway and utilities to service the surrounding community; and

**WHEREAS**, Franklin Street is no longer accessible from the north and cannot, in its current state, be used for the purpose which it was originally intended; and

**WHEREAS**, Franklin Street, as described in Exhibit "A" and as shown on the Map in Exhibit "B", both of which are attached hereto and incorporated herein, is no longer needed for municipal purposes, except for the retention and utilization of the same for public utilities; and

**WHEREAS**, the City shall retain an easement in said land for public utilities repair, maintenance, installation, replacement and other public utility purposes; and

**WHEREAS**, all abutting Property Owners have been made aware of this request and have provided Council with their written consent to the vacation of Franklin Street as described herein, and that, therefore, no Publication Notice is required per O.R.C. 723.06.

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

**SECTION 1.** That this Council hereby vacates Franklin Street as described in Exhibit "A" and shown on the map in Exhibit "B", respectively attached hereto and incorporated herein, the same being no longer needed for municipal purposes, except for the retention of a public utilities easement.

**SECTION 2.** That this Council finds good and sufficient reason and cause to vacate the subject real property described in Exhibit "A" and, more particularly, that the said real property area is no longer needed for any municipal purpose, except a public utilities easement, and that the vacation of the same is not, nor will be, detrimental to the public interest, but in fact aids the public interest.

**SECTION 3.** That pursuant to Section X of the City of Berea Charter, this Council has referred this Ordinance to the Municipal Planning Commission for report and recommendation, and the Planning Commission has recommended approval.

**SECTION 4.** That the real property described in Exhibit "A" and shown on Exhibit "B", are hereby vacated without reservation or restriction, except for the retention of the public utilities easement.

**SECTION 5.** That the abutting Property Owners have agreed to accept said portions of land and, upon vacation, said land shall therefore attach to the Adjoining Property Owners' lands, such Owners having provided written consent to the vacation and agreement on vacation that said land shall attach to their land.

**SECTION 6.** That the Mayor of the City and appropriate City Administrators be and hereby are authorized and directed to execute the Vacation Plat and all other documents on behalf of the City of Berea consistent with this Ordinance and to cause the same to be filed for record in the Office of the Recorder of Cuyahoga County, Ohio.

**SECTION 7.** That the Clerk of Council is hereby directed to notify the Fiscal Officer of Cuyahoga County of the vacation by sending a copy of this Ordinance, immediately upon its passage and approval, to the Fiscal Officer of the County.

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**SECTION 9.** That the City hereby retains rights in the property to the extent of certain Public Utilities Easements, in substantially the form as described in Exhibit "C", attached hereto and incorporated herein.

**SECTION 10.** 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.

**SECTION 11.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: June 7, 2021

ATTEST: [Signature]  
Clerk of Council

[Signature]  
President of Council  
APPROVED: June 8, 2021  
[Signature]  
Mayor

Approved as to Form:  
[Signature]  
Director of Law



**HOFMANN - METZKER, INC.**

REGISTERED PROFESSIONAL SURVEYORS  
P. O. BOX 343 - 24 BEECH STREET  
BEREA, OH 44017 (440) 234-7350

George A. Hofmann, P.S., President  
Richard D. Metzker, P.S., Vice President

Gertsma

**DESCRIPTION**  
Vacated Franklin

Oct. 4 2019

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being part of Original Strongsville Township Lots No. 71 and further bounded and described as follows:

Beginning on the Northerly right of way line of Dorland Ave. (50') at it's intersection with the Westerly right of way line of Franklin Street (40');

Thence North 00 degrees 00 seconds 02 seconds East along said Westerly line of Franklin Street , a distance of 462.50 feet to a point;

Thence North 88 degrees 56 minutes 52 seconds East, a distance of 40.00 feet to a point on the Easterly right of way line of Franklin Street;

Thence South 00 degrees 00 minutes 02 seconds West, along said Easterly right of way line , a distance of 462.50 feet to a point on said Northerly right of way line of Dorland Ave.

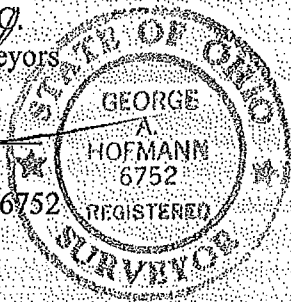
Thence South 88 degrees 56 minutes 52 seconds West, along said Northerly right of way line , a distance of 40.00 feet to the PLACE OF BEGINNING.

The courses used in this description are based on the centerline of Dorland Avenue bearing North 88 degrees 56 minutes 52 seconds East and are used to indicate angles only.

Distances are given to feet and decimal parts thereof.

HOFMANN-METZKER, INC.  
Registered Professional Surveyors

George A. Hofmann  
Registered Surveyor Number 6752



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Gertsma

**DESCRIPTION**  
Gertsma AA with vacated Franklin

April 23, 2020

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being Parcel AA in a Lot Split and Consolidation made for Earl Gertsma and recorded in AFN 202003100347 of Cuyahoga County Records and the Easterly half of Franklin Street 40 foot wide of part of Original Strongsville Township Lots No. 71 and further bounded and described as follows:

Beginning on the Northerly right of way line of Dorland Ave. (50') at it's intersection with the centerline of Franklin Street (40');

Thence North 00 degrees 00 seconds 02 seconds East along said centerline of Franklin Street , a distance of 462.50 feet to a 5/8" Iron Pin Found on the North line of Parcel "A" in a Lot Split made for James B. Root and recorded in Vol. 245, Pg. 00 of Cuyahoga County Map Records;

Thence North 88 degrees 56 minutes 52 seconds East along said Northerly line and the North line of said parcel "AA" , a distance of 95.02 feet to the Northeasterly corner thereof;

Thence South 00 degrees 00 minutes 02 seconds West, along the Easterly line of said Parcel AA, a distance of 462.50 feet to a point on said Northerly right of way line of Dorland Ave.

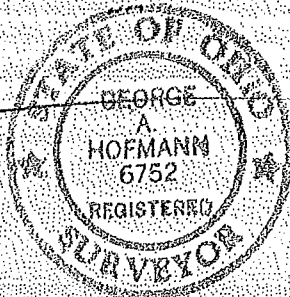
Thence South 88 degrees 56 minutes 52 seconds West, along said Northerly right of way line , a distance of 95.02 feet to the PLACE OF BEGINNING and containing 43,937.0991 Sq. Ft. - 1.0087 Acre of land.

The courses used in this description are based on the centerline of Dorland Avenue bearing North 88 degrees 56 minutes 52 seconds East and are used to indicate angles only.

Distances are given to feet and decimal parts thereof.

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Gertsma

**DESCRIPTION**  
Loucek with vacated Franklin

April 23, 2020

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being part of subplot No 18 in the David Dorland Allotment as shown by the recorded plat in Vol. 10, Page 31 of Cuyahoga County Records and the adjacent Westerly half of Franklin Street 40 foot wide of part of Original Strongsville Township Lots No. 71 and further bounded and described as follows:

Beginning at the intersection of the centerline of Dorland Ave. (50') with the centerline of Franklin Street (40');

Thence South 88 degrees 56 minutes 52 seconds West along said centerline of Dorland Avenue (50'), a distance of 72.71 feet to the Westerly line of a parcel of land conveyed to Lawrence Loucek by deed recorded in AFN 199906110849 of Cuyahoga County Deed Records;

Thence North 00 degrees 00 minutes 02 seconds East along said Westerly line, a distance of 175.00 feet to the Northwesterly corner thereof;

Thence North 88 degrees 56 minutes 52 seconds East along the Northerly line of said land conveyed, a distance of 72.71 feet to its intersection with said centerline of Franklin Street;

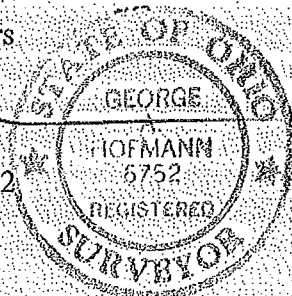
Thence South 00 degrees 00 minutes 02 seconds West, along said centerline of Franklin Street, a distance of 175.00 feet to the place of beginning and containing 12,722.1023 SF - 0.2921 Ac. Of land.

The courses used in this description are based on the centerline of Dorland Avenue bearing North 88 degrees 56 minutes 52 seconds East and are used to indicate angles only.

Distances are given to feet and decimal parts thereof.

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Gertsma

**DESCRIPTION**  
Siodla PP 363-39-004  
with vacated Franklin

April 23, 2020

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being subplot No 19 in the David Dorland Allotment as shown by the recorded plat in Vol. 10, Page 31 of Cuyahoga County Records and the adjacent Westerly half of Franklin Street 40 foot wide of part of Original Strongsville Township Lots No. 71 and further bounded and described as follows:

Beginning at the intersection of the centerline of Dorland Ave. (50') with the centerline of Franklin Street (40');

Thence North 00 degrees 00 minutes 02 seconds East , a distance of 243.75 feet to the PRINCIPAL PLACE OF BEGINNING;

Thence South 88 degrees 56 minutes 52 seconds West , a distance of 178.71 feet to the Southwesterly corner of a parcel of land conveyed to Gene Siodla by deed recorded in Vol. 90-0229, Page 32 of Cuyahoga County Deed Records;

Thence North 00 degrees 00 minutes 02 seconds East along the Westerly line of said land conveyed, a distance of 243.75 feet to the Northwesterly corner thereof;

Thence North 88 degrees 56 minutes 52 seconds East along the Northerly line of said land conveyed, a distance of 178.71 feet to its intersection with said centerline of Franklin Street;

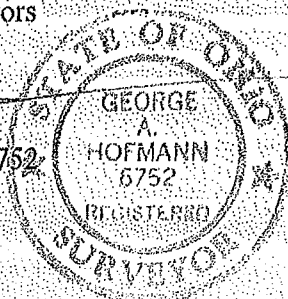
Thence South 00 degrees 00 minutes 02 seconds West, along said centerline of Franklin Street, a distance of 243.75 feet to the PRINCIPAL PLACE OF BEGINNING and containing 43,553.2101 SF - 0.9998 Ac. Of land.

The courses used in this description are based on the centerline of Dorland Avenue bearing North 88 degrees 56 minutes 52 seconds East and are used to indicate angles only.

Distances are given to feet and decimal parts thereof.

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Registered Professional Surveyors

*George A. Hofmann*  
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Gertsma

**DESCRIPTION**

April 23, 2020

Siodla PP 363-39-005  
with vacated Franklin

Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being part of subplot No 18 in the David Dorland Allotment as shown by the recorded plat in Vol. 10, Page 31 of Cuyahoga County Records and the adjacent Westerly half of Franklin Street 40 foot wide of part of Original Strongsville Township Lots No. 71 and further bounded and described as follows:

Beginning at the intersection of the centerline of Dorland Ave. (50') with the centerline of Franklin Street (40');

Thence North 00 degrees 00 minutes 02 seconds East , a distance of 175.00 feet to the PRINCIPAL PLACE OF BEGINNING;

Thence South 88 degrees 56 minutes 52 seconds West , a distance of 178.71 feet to the Southwesterly corner of a parcel of land conveyed to Gene Siodla by deed recorded in Vol. 90-0570, Page 30 of Cuyahoga County Deed Records;

Thence North 00 degrees 00 minutes 02 seconds East along the Westerly line of said land conveyed, a distance of 68.75 feet to the Northwesterly corner thereof;

Thence North 88 degrees 56 minutes 52 seconds East along the Northerly line of said land conveyed, a distance of 178.71 feet to its intersection with said centerline of Franklin Street;

Thence South 00 degrees 00 minutes 02 seconds West, along said centerline of Franklin Street, a distance of 68.75 feet to the place of beginning and containing 12,722.1023 SF - 0.2921 Ac. Of land.

The courses used in this description are based on the centerline of Dorland Avenue bearing North 88 degrees 56 minutes 52 seconds East and are used to indicate angles only.

Distances are given to feet and decimal parts thereof.

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