

COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2019-27

By Nick Haschka Sponsored By Mayor Cyril M. Klein
AN ORDINANCE

VACATING PORTIONS OF LONGFELLOW DRIVE, ARDEN AVENUE AND RIVEREDGE PARKWAY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BUT RETAINING PUBLIC UTILITIES EASEMENTS THEREIN.

WHEREAS, portions of Longfellow Drive, Arden Avenue and Riveredge Parkway divide properties owned by the Berea City School District; and

WHEREAS, portions of the Berea City School District's bus garage and parking areas were constructed in the public right of way; and

WHEREAS, portions of Longfellow Drive from Emerson Avenue to Riveredge Parkway, Arden Avenue from Longfellow Drive to Riveredge Parkway, and Riveredge Parkway from the easterly prolongation of Permanent Parcel Number 361-21-001 westerly to Arden Avenue, as shown on the Map in Exhibit "A", attached hereto and incorporated herein, are 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 the said lands for public utilities repair, maintenance, installation, replacement and other public utility purposes; and

WHEREAS, upon vacating said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway, the adjoining property owner, the Berea City School District, would receive the land; and

WHEREAS, all abutting Property Owners have provided Council with their written consent to the Vacation of said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway 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 those portions of Longfellow Drive, Arden Avenue and Riveredge Parkway as shown on the map in Exhibit "A", 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 reflected 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.

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By Haschka Sponsored By Mayor Kleem
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SECTION 4. That the parcels of real property consisting of the above-described portions of Longfellow Drive, Arden Avenue and Riveredge Parkway, as shown on the map attached hereto as Exhibit "A", are hereby vacated without reservation or restriction, except for the retention of the public utilities easement.

SECTION 5. That the Adjoining Property Owner has agreed to accept said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway land in total and, upon vacation, said land shall therefore attach in total to the Adjoining Property Owner's land, such Owner having provided written consent to the vacation and agreement on vacation that said land shall attach to the Owner's 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.

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 "A", 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.

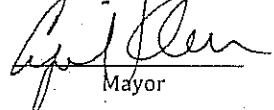
SECTION 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 1, 2019


President of Council

ATTEST: Allyn E.
Clerk of Council

APPROVED: April 4, 2019


Mayor

Approved as to Form:


Director of Law

Exhibit "F"

VACATION PLAN OF PORTION OF LONGFELLOW DRIVE,
RIVEREDGE PARKWAY AND ARDEN AVE.
MADE AT THE INSTANCE OF BEREA BOARD OF EDUCATION

SHELDON ROAD 80'

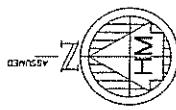
ACQUISITION CLAUSE
THE LAND SHOWN HEREON (BY PLAT) IS HEREBY VACATED FROM USE FOR
THE PURPOSES OF INDUSTRIAL OR COMMERCIAL PURPOSES AS OF THE DAY
MAY 1, 2012. AN ELEMENT FOR UTILITY PURPOSES TO REMAIN UNDER
VACATED AREAS.

NOTARY
PRACTICING IN OKLAHOMA
I, DO, HEREBY, MAKE AND FOR THE COMPTON AND STATE DO
HEREINBETWEEN, AFTER THE REC'D. OF THE
PROOF AND ACKNOWLEDGMENT
THAT I AM THE PERSON NAMED IN THE
FORGIVENESS INSTRUMENT TO BE NOTIFIED
BY HERETOFORE HAVE HERETOULY SET MY HAND AND SIGN MY TESTIMONY
AT THE PLACE AND DATE STATED
IN THE INSTRUMENT, THIS _____ DAY OF _____, 20____.

APPENDIX C
LAST AMENDED BY THE PLANNING COMMISSION OF THE CITY OF BIRKA
ON MAY 16, 2013
SECRETARY _____

NOTARY APPROVED BY THE COUNCIL OF THE CITY OF HERALD, DAY OF
RESEARCHED _____ 2012. SECRETARY _____

(NOTE: I CERTIFY THAT I HAVE EXAMINED THIS PAPER AND FIND SAME TO BE IN ACCORDANCE WITH THE EXPRESSED BRANCHES OF THE CITY OF HERALD.
A. DIRECTOR OF LAW



EMERSON AVENUE 60'