

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-7

By Bick Skoczen Sponsored By Mayor Cyril M. Kleen
AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH CUYAHOGA COUNTY, OHIO, FOR THE PURPOSE OF GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO FACILITATE THE REPLACEMENT OF LINDBERGH BOULEVARD CULVERT NO. 09.33, AND DECLARING AN EMERGENCY.

WHEREAS, Cuyahoga County plans to replace Lindbergh Boulevard Culvert No. 09.33; and

WHEREAS, Cuyahoga County and/or its agents are required to enter upon property owned by the City of Berea in order to complete the project.

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

SECTION 1. That the Mayor of the City of Berea is hereby authorized to enter into any and all agreements on behalf of the City with Cuyahoga County, Ohio, for a Temporary Construction Easement over the real estate currently owned by the City of Berea, more fully described on Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. 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 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is essential to provide the necessary property interests to Cuyahoga County so that the referenced culvert replacement construction project may begin at the earliest practicable time. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: February 18, 2020

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: February 20, 2020
[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law

EXHIBIT A

RX 286 T

Page 1 of 2

Rev. 12/16

Ver. Date 06/4/2019

PID N/A

**PARCEL 3-T A.C.
LINDBERGH BOULEVARD CULVERT 09.33**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
THE REPLACEMENT OF A CULVERT
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being Part of Original Olmsted Township Tract 3 and being a 0.0336 acre (1,465 Sq. Ft.) Temporary Easement No. 3-T for the replacement of Lindbergh Boulevard Culvert No. 09.33 and being a part of land conveyed to The City of Berea by deed recorded in Volume 10972, Page 61 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the centerline of Wyleswood Drive, varied width, and the centerline of Lindbergh Boulevard, 80 feet wide;

Thence North 55° 00' 36" East, along the centerline of said Lindbergh Boulevard, a distance of 179.94 feet to a point;

Thence South 34° 59' 24" East 40.00 feet to the southeasterly line of said Lindbergh Boulevard and the **Principal Place of Beginning** of land hereon described;

Course I Thence South 70° 35' 41" East, along the northwesterly line of land conveyed to said City of Berea, a distance of 57.00 feet to a point;

Course II Thence South 35° 16' 51" West, along a temporary easement line, a distance of 24.90 to a point;

Course III Thence North 79° 59' 24" West, continuing along said temporary easement line, a distance of 35.00 feet to the southwesterly line of land conveyed to said City of Berea;

Course IV Thence North 34° 59' 24" West, along said southwesterly line, distance of 30.00 feet to the southeasterly line of said Lindbergh Boulevard;

EXHIBIT A

Page 2 of 2

RX 286 T

Rev. 12/16

Course V Thence North 55° 00' 36" East, along said Southeasterly line, a distance of 15.00 feet to the **Principal Place of Beginning** and containing 0.0336 acres (1,465 Sq. Ft.) of land more or less and being part of Cuyahoga County Auditor's Permanent Parcel No. 363-41-048.

This legal description was prepared by Neil M. Juhnke, P.S., Chief Surveyor for the Cuyahoga County Department of Public works and is based on roadway plans prepared by Chagrin Valley Engineering, LTD.