

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024-17

By: Councilman Rick Skoczen Sponsor: Councilman Rick Skoczen

AN ORDINANCE

VACATING 3 CITY-OWNED RIGHTS-OF-WAY ON PERMANENT PARCEL NUMBER 364-35-009, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, Berea Smith School LLC was selected by a combined committee of the City of Berea, the Berea City School District Board of Education and the Longbrooke Homeowners Association during a Request for Proposals process that entertained plans and proposals for the former Smith Elementary School Building, located at 535 Wyleswood Drive, Permanent Parcel Number 364-35-009, and is under contract to purchase the entire 12.8 acre parcel from the Berea City Board of Education; and

WHEREAS, it is the intent of Berea Smith School LLC to demolish the school in order to create 19 lots for single family residential homes and one lot for parking; and

WHEREAS, the original development plan for this area was to create 3 cul-de-sacs, which never came to fruition, leaving 3 existing rights-of-way, no longer needed for municipal purposes, that encroach upon the future home lots; and

WHEREAS, the abutting Property Owner has been made aware of this request and has provided Council with its written consent to the vacation of the rights-of-way as described herein, and that, therefore, no Publication Notice is required per O.R.C. Section 723.06.

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

SECTION 1. That this Council finds good and sufficient reason and cause to vacate the right-of-way stub, described in Exhibit "A" and identified as "ROW1", shown on the map in Exhibit "D", respectively attached hereto and incorporated herein, the same being no longer needed for municipal purposes, 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 2. That this Council finds good and sufficient reason and cause to vacate the right-of-way stub, described in Exhibit "B" and identified as "ROW2", shown on the map in Exhibit "D", respectively attached hereto and incorporated herein, the same being no longer needed for municipal purposes, and that the vacation of the same is not, nor will be, detrimental to the public interest, but in fact aids the public interest.

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City of Berea, Ohio

ORDINANCE NO. 2024-17

SECTION 3. That this Council finds good and sufficient reason and cause to vacate the right-of-way stub, described in Exhibit "C" and identified as "ROW3", shown on the map in Exhibit "D", respectively attached hereto and incorporated herein, the same being no longer needed for municipal purposes, 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 4. 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 5. That the rights-of-way described in Exhibits "A", "B", and "C" and shown on Exhibit "D", are hereby vacated without reservation or restriction.

SECTION 6. That the abutting Property Owner has agreed to accept said portions of land and, upon vacation, said land shall therefore attach to the Adjoining Property Owner's land, such Owner having provided written consent to the vacation, and agreement that upon vacation said land shall attach to its land.

SECTION 7. 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 8. 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 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.

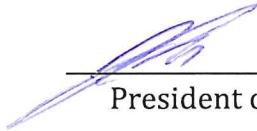
SECTION 10. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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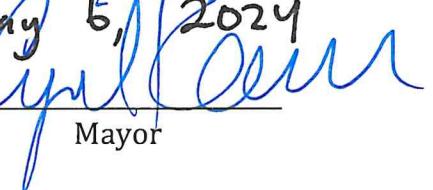
PASSED: May 6, 2024



President of Council

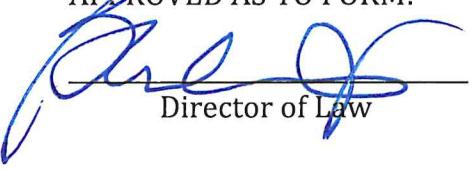
ATTEST: Hy S
Clerk of Council

APPROVED:

May 6, 2024

Mayor

APPROVED AS TO FORM:



Director of Law

Legal Description for Vacation
Waterbury Circle, 50 feet wide
Right-of-way stub

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being part of Original Olmsted Township Tract No. 3, and further known as being all of the dedicated right-of-way stub of Waterbury Circle (50 feet wide) south of the southerly right-of-way line of Wyleswood Drive (60 feet wide) as shown on the Plat of Longbrooke Subdivision No. 1 as recorded in Volume 189, Pages 4 and 5 of Cuyahoga County Map Records and is further bounded and described as follows;

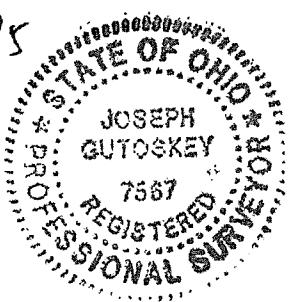
Beginning at a point at the intersection of the centerline of Waterbury Drive (60 feet wide) with the centerline of Wyleswood Drive (60 feet wide);

Thence along the centerline of said Waterbury Circle, **South 41°59'54" West, 30.59 feet** to a point in the south right-of-way line of said Wyleswood Drive and the Principal Place of Beginning of the Vacated right-of-way herein intended to be described;

- Course I Thence along the south right-of-way line of said Wyleswood Drive along an arc of a curve deflecting to the right an arc distance of 42.06 feet to a point, said curve having a radius of 4682.96 feet, a delta of 0°30'53" and a chord which bears **South 59°05'36" East, 42.06 feet**;
- Course II Thence along the curved turn out of said Waterbury Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 27.63 feet to a point, said curve having a radius of 20.00 feet, a delta of 79°09'55" and a chord which bears **South 81°34'51" West, 25.49 feet**;
- Course III Thence **North 48°00'06" West**, along the south right-of-way line of said Waterbury Circle, **25.00 feet** to a point;
- Course IV Thence **South 11°59'54" West**, along the east right-of-way line of said Waterbury Circle, **18.14 feet** to a point;
- Course V Thence **North 48°00'06" West**, along the south right-of-way line of said Waterbury Circle, **25.00 feet** to a point;
- Course VI Thence along the curved turn out of said Waterbury Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 35.59 feet to a point in the south right-of-way line of said Wyleswood, said curve having a radius of 20.00 feet, a delta of 101°57'47" and a chord which bears **North 8°58'59" West, 31.08 feet**;

Course VII Thence along the south right-of-way line of said Wyleswood Drive along an arc of a curve deflecting to the right an arc distance of 50.18 feet to a point and the Principal Place of Beginning, said curve having a radius of 4682.96 feet, a delta of $0^{\circ}36'50''$ and a chord which bears **South $59^{\circ}39'28''$ East, 50.18 feet** and containing 0.0281 Acres (1,222 square feet) of land as calculated and described in March, 2024 by Joseph Gutoskey, P.S. 7567, be the same, more or less, but subject to all legal highways. Bearings are based on Ohio State Plane Coordinates, North Zone 3401, NAD83 (CORS 2012A). The distances used herein are based on the US survey foot.

Joe Gutoskey PS
3/14/24



The seal is circular with the text "STATE OF OHIO" at the top and "PROFESSIONAL SURVEYOR" at the bottom. In the center, it says "JOSEPH GUTOSKEY" and "7567".

Legal Description for Vacation
Walleyford Circle, 50 feet wide
Right-of-way stub

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being part of Original Olmsted Township Tract No. 3, and further known as being all of the dedicated right-of-way stub of Walleyford Circle (50 feet wide) south of the southerly right-of-way line of Wyleswood Drive (60 feet wide) as shown on the Plat of Longbrooke Subdivision No. 1 as recorded in Volume 189, Pages 4 and 5 of Cuyahoga County Map Records and is further bounded and described as follows;

Beginning at a 5/8" iron pin found in a monument box at the intersection of the centerline of Walleyford Drive (60 feet wide) with the centerline of Wyleswood Drive (60 feet wide);

Thence along the centerline of said Walleyford Circle, **South 38°51'32" West, 30.88 feet** to a point in the south right-of-way line of said Wyleswood Drive and the Principal Place of Beginning of the Vacated right-of-way herein intended to be described;

- Course I Thence along the south right-of-way line of said Wyleswood Drive along an arc of a curve deflecting to the left an arc distance of 40.86 feet to a point, said curve having a radius of 969.94 feet, a delta of 2°24'49" and a chord which bears **South 65°51'18" East, 40.85 feet**;
- Course II Thence along the curved turn out of said Walleyford Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 25.86 feet to a point, said curve having a radius of 20.00 feet, a delta of 74°04'45" and a chord which bears **South 75°53'55" West, 24.10 feet**;
- Course III Thence **North 51°08'28" West**, along the south right-of-way line of said Walleyford Circle, **25.00 feet** to a point;
- Course IV Thence **South 38°51'32" West**, along the east right-of-way line of said Walleyford Circle, **21.18 feet** to a point;
- Course V Thence **North 51°08'28" West**, along the south right-of-way line of said Walleyford Circle, **25.00 feet** to a point;
- Course VI Thence along the curved turn out of said Walleyford Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 35.10 feet to a point in the south right-of-way line of said Wyleswood, said curve having a radius of 20.00 feet, a delta of 100°34'03" and a chord which bears **North 11°25'29" West, 30.77 feet**;

Course VII Thence along the south right-of-way line of said Wyleswood Drive along an arc of a curve deflecting to the left an arc distance of 49.77 feet to a point and the Principal Place of Beginning, said curve having a radius of 969.94 feet, a delta of $2^{\circ}56'23''$ and a chord which bears **South $63^{\circ}10'42''$ East, 49.76 feet** and containing 0.0265 Acres (1,155 square feet) of land as calculated and described in March, 2024 by Joseph Gutoskey, P.S. 7567, be the same, more or less, but subject to all legal highways. Bearings are based on Ohio State Plane Coordinates, North Zone 3401, NAD83 (CORS 2012A). The distances used herein are based on the US survey foot.

Joe Gutoskey PS
3/14/24

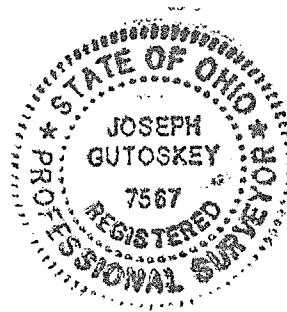


Exhibit "C"

Legal Description for Vacation Weymouth Circle, 50 feet wide Right-of-way stub

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being part of Original Olmsted Township Tract No. 3, and further known as being all of the dedicated right-of-way stub of Weymouth Circle (50 feet wide) south of the southerly right-of-way line of Wyleswood Drive (60 feet wide) as shown on the Plat of Longbrooke Subdivision No. 1 as recorded in Volume 189, Pages 4 and 5 of Cuyahoga County Map Records and is further bounded and described as follows;

Beginning at a 5/8" iron pin found in a monument box at the intersection of the centerline of Walleyford Drive (60 feet wide) with the centerline of Wyleswood Drive (60 feet wide);

Thence along the centerline of said Wyleswood Drive along an arc of a curve deflecting to the left an arc distance of 244.83 feet to a point, said curve having a radius of 939.94 feet, a delta of 14°55'26" and a chord which bears **South 72°33'00" East, 244.14 feet**;

Thence **South 9°59'16" West, 30.00 feet** to a point in the south right-of-way line of said Wyleswood Drive and the Principal Place of Beginning of the Vacated right-of-way herein intended to be described;

Course I Thence along the south right-of-way line of said Wyleswood Drive along an arc of a curve deflecting to the left an arc distance of 88.21 feet to a point, said curve having a radius of 969.94 feet, a delta of 5°12'39" and a chord which bears **South 82°37'03" East, 88.18 feet**;

Course II Thence along the curved turn out of said Weymouth Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 30.51 feet to a point, said curve having a radius of 20.00 feet, a delta of 87°23'41" and a chord which bears **South 51°04'47" West, 27.63 feet**;

Course III Thence **North 82°37'03" West**, along the south right-of-way line of said Weymouth Circle, **50.00 feet** to a point;

Course IV Thence along the curved turn out of said Weymouth Circle with the south right-of-way line of said Wyleswood Drive, along an arc of a curve deflecting to the left an arc distance of 30.51 feet to a point in the south right-of-way line of said Wyleswood Drive and the Principal Place of Beginning, said curve having a radius of 20.00 feet, a delta of $87^{\circ}23'41''$ and a chord which bears **North $36^{\circ}18'53''$ West, 27.63 feet** and containing 0.0255 Acres (1,111 square feet) of land as calculated and described in March, 2024 by Joseph Gutoskey, P.S. 7567, be the same, more or less, but subject to all legal highways. Bearings are based on Ohio State Plane Coordinates, North Zone 3401, NAD83 (CORS 2012A). The distances used herein are based on the US survey foot.

Joe Gutoskey PS
3/14/24

