

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2023-41

By: Councilwoman Mary K. Brown Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE SALE OF PERMANENT PARCEL NO. 364-14-078, FURTHER DESCRIBED AS A LAND-LOCKED PARCEL OWNED BY THE BEREA LAND REUTILIZATION PROGRAM, TO ADJACENT PROPERTY OWNERS, FOR THE FAIR MARKET VALUE OF THE PROPERTY, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 195 OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA AND CHAPTER 5722 OF THE REVISED CODE, AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 195 of the Codified Ordinances of the City of Berea, Land Reutilization, was enacted pursuant to Ordinance No. 2007-06 to, in part, foster the return of non-productive land to tax revenue generating status; and

WHEREAS, on or about April 19, 2023, the Cuyahoga County Sheriff issued a Sheriff's Deed to the Berea Land Reutilization Program for Permanent Parcel No. 364-14-078, as a result of a tax foreclosure auction in Common Pleas Court Case No. CV-21-952802; and

WHEREAS, John T. Sweeny-Dent and Wayne Mark Dent, owners of 247 Clark Street, which is directly adjacent to land-locked Permanent Parcel No. 364-14-078, made application to the City to purchase the property for the purpose of expanding their exterior yard area; and

WHEREAS, Codified Ordinance Section 195.03 and Revised Code Section 5722.07 set forth procedures for the disposal of real property obtained by the City through its Land Reutilization Program; and

WHEREAS, Revised Code Section 5722.07 states in pertinent part that an electing subdivision may, without competitive bidding, sell any land acquired by it as a part of its land reutilization program at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants as it deems necessary or appropriate to assure the land's effective reutilization, at not less than its fair market value; and

WHEREAS, in accordance with the requirements set forth in RC 5722.03, the City obtained an independent appraisal of Permanent Parcel No. 364-14-078, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, which established a fair market price for said parcel at Fifteen Thousand Dollars (\$15,000.00); and

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City of Berea, Ohio

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WHEREAS, read together, RC 5722.03 and Codified Ordinance 195.03, permits the sale of real property in the land bank without public bidding, at fair market value, upon application by a potential purchaser, with the condition that the purchaser(s) agree in writing to maintain the property in accordance with all the applicable Health, Building, Zoning and Exterior Maintenance Codes of the City of Berea; and

WHEREAS, the City wishes to return Permanent Parcel No. 364-14-078 to a tax-generating status by selling the property, in accordance with the requirements set forth in Codified Ordinance Chapter 195.03 and RC 5722.03 and in substantial conformance with the provisions set forth in the Purchase Agreement, attached hereto as Exhibit B and incorporated herein by reference.

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

SECTION 1. That the Director of Public Service is authorized to enter into a real estate purchase agreement for the sale of Permanent Parcel No. 364-14-078, in accordance with the provisions of Codified Ordinance Section 195.03 and RC Section 5722.07, and in substantial conformance with the terms and conditions set forth in the Purchase Agreement, attached hereto as Exhibit B and incorporated herein by reference, and authorizing the execution of all agreements necessary to effectuate the same.

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 action, 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, or providing for the usual daily operation of a municipal department, and for the further reason that it is in the best interests of the community to return the property described herein to the tax duplicate. 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: October 2, 2023

ATTEST: [Signature]
Clerk of Council

APPROVED:

October 2, 2023
[Signature]
President of Council
Mayor

APPROVED AS TO FORM:

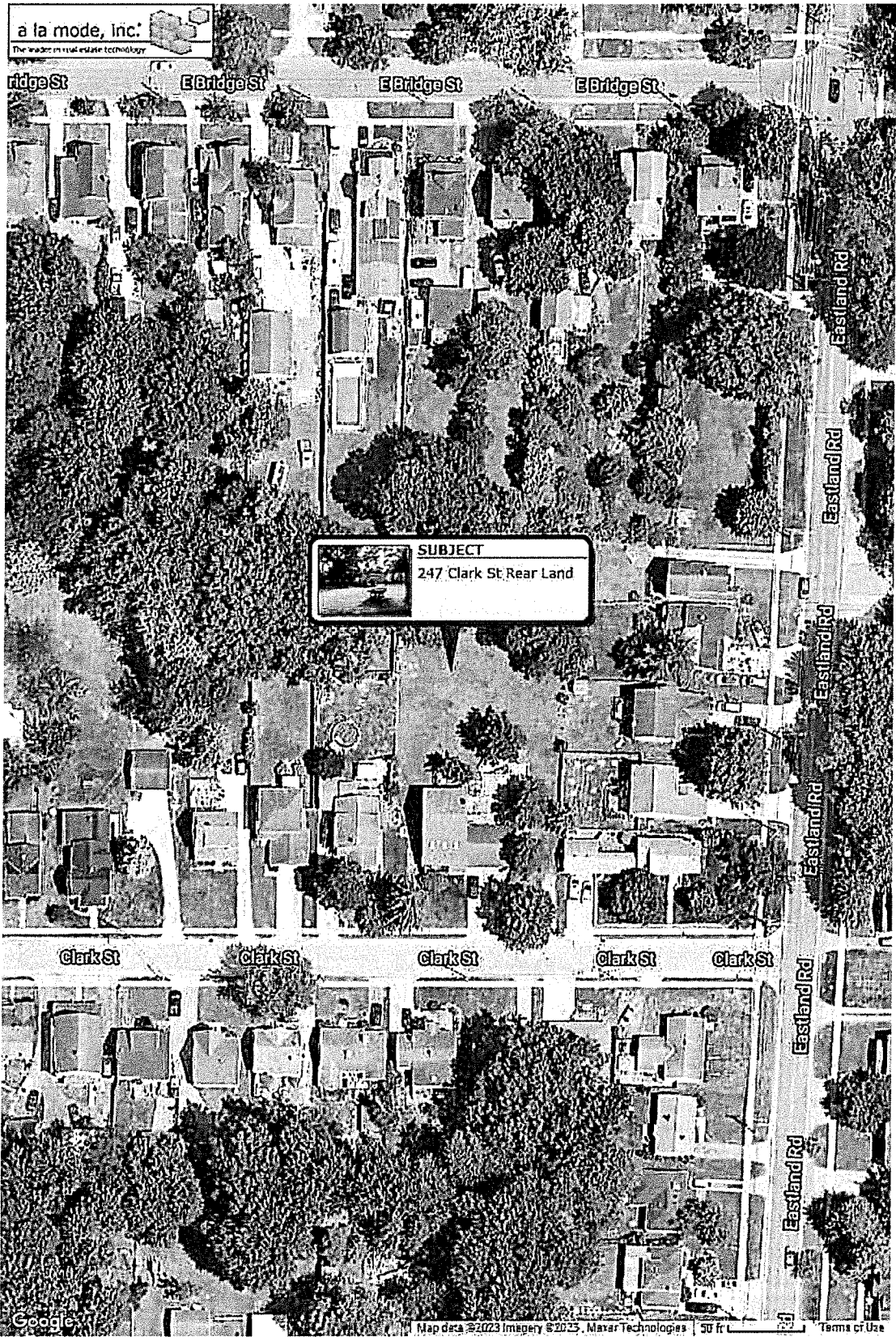
[Signature]
Director of Law

Exhibit A

FROM:		INVOICE															
OHIO REAL PROS, LLC. JOHN J. LYNCH 2001 Crocker Rd # ST200 Westlake, OH 44145-6966 Telephone Number: (216) 533-7007 Fax Number: (216) 456-0050		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">INVOICE NUMBER</th></tr> <tr><td style="text-align: center;">7-15-23</td></tr> <tr><th style="text-align: center;">DATES</th></tr> <tr><td>Invoice Date: 07/16/2023</td></tr> <tr><td>Due Date:</td></tr> <tr><th style="text-align: center;">REFERENCE</th></tr> <tr><td>Internal Order #:</td></tr> <tr><td>Lender Case #: 7-15-23</td></tr> <tr><td>Client File #:</td></tr> <tr><td>FHA/VA Case #:</td></tr> <tr><td>Main File # on form:</td></tr> <tr><td>Other File # on form:</td></tr> <tr><td>Federal Tax ID: 82-3885241</td></tr> <tr><td>Employer ID: 82-3885241</td></tr> </table>		INVOICE NUMBER	7-15-23	DATES	Invoice Date: 07/16/2023	Due Date:	REFERENCE	Internal Order #:	Lender Case #: 7-15-23	Client File #:	FHA/VA Case #:	Main File # on form:	Other File # on form:	Federal Tax ID: 82-3885241	Employer ID: 82-3885241
INVOICE NUMBER																	
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Other File # on form:																	
Federal Tax ID: 82-3885241																	
Employer ID: 82-3885241																	
TO: CITY OF BEREA LAND BANK REUTILIZATION PROGRAM 11 BEREA COMMONS BEREA, OH 44017 E-Mail: MMADZY@CITYOFBEREA.ORG Telephone Number: 440-826-5803 Fax Number: Alternate Number:																	
DESCRIPTION																	
Lender: CITY OF BEREA Purchaser/Borrower: CITY OF BEREA LAND BANK REUTILIZATION PROGRAM Property Address: 11 BEREA COMMONS City: BEREA, OH 44017 County: CUYAHOGA Legal Description:		Client: CITY OF BEREA State: OH Zip: 44017															
FEES		AMOUNT															
APPRAISAL FEE PPN 364-14-078		1,000.00															
SUBTOTAL		1,000.00															
PAYMENTS		AMOUNT															
Check #:	Date:	Description:															
Check #:	Date:	Description:															
Check #:	Date:	Description:															
SUBTOTAL																	
TOTAL DUE			\$ 1,000.00														

Location Map

Client	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM			
Property Address	247 Clark St Rear Land			
City	Berea	County	CUYAHOGA	State OH Zip Code 44017
Owner	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM			



Aerial Map

Client	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM			
Property Address	247 Clark St Rear Land			
City	Berea	County	CUYAHOGA	State OH Zip Code 44017
Owner	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM			



Subject Land Photo Page

Client	CITY OF BERE A LAND BANK REUTILIZATION PROGRAM				
Property Address	247 Clark St Rear Land				
City	Berea	County	CUYAHOGA	State	OH Zip Code 44017
Owner	CITY OF BERE A LAND BANK REUTILIZATION PROGRAM				



Subject Front

247 Clark St Rear Land

Sales Price N/A

Date of Sale N/A

Location URBAN BLOCKED

Site/View 0.3317 ACR

ZONING RESIDENTIAL

LAND AREA SQ. FT. 14,449

USE VACANT LAND

PPN 364-14-078

SOUTHEASTERN LOOKING EAST TOWARDS
EASTLAND ROAD

THIS PROPERTY BEGINS
115/118 FEET NORTH OF
CLARK ST., TO THE REAR
OF 247 CLARK ST.



Subject

NORTHEAST VIEW FROM REAR SOUTH SIDE
OF SUBJECT AT REAR OF
247 CLARK ST. HOUSE



CLARK ST HOMES

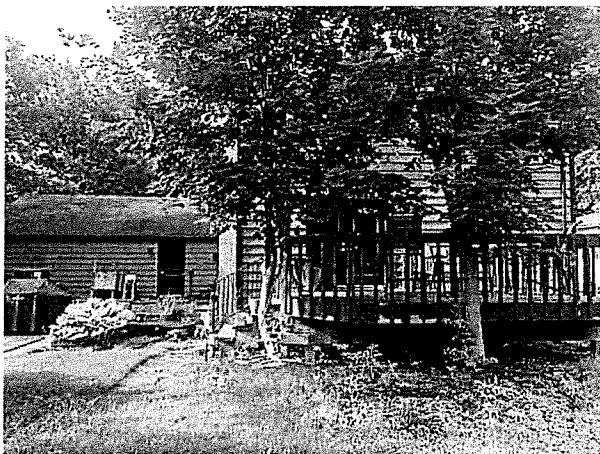
Subject Land Photo Page

Client	CITY OF BERE A LAND BANK REUTILIZATION PROGRAM			
Property Address	247 Clark St Rear Land			
City	Berea	County	CUYAHOGA	State OH Zip Code 44017
Owner	CITY OF BERE A LAND BANK REUTILIZATION PROGRAM			



Subject house in front of land

247 CLARK ST., BERE A
Sales Price N/A
Date of Sale N/A
Location URBAN BLOCKED
Site/View 0.3317 ACR
ZONING RESIDENTIAL
LAND AREA SQ. FT. 14,449
USE vacant land
PPN 364-14-078



REAR OF HOUSE-247 CLARK ST



239 & 247 CLARK HOUSES

Photograph Addendum

Client	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM				
Property Address	247 Clark St Rear Land				
City	Berea	County	CUYAHOGA	State	OH Zip Code 44017
Owner	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM				



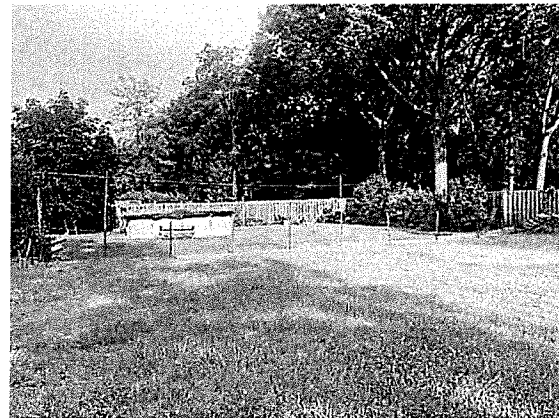
**PROPERTIES ON EAST SIDE OF SUBJECT AT
155-161 EASTLAND ROAD**



**PROPERTIES ON NORTH SIDE OF SUBJECT
242-246 E. BRIDGE ST.**



CLARK ST



SUBJECT - VACANT LANDLOCKED LAND



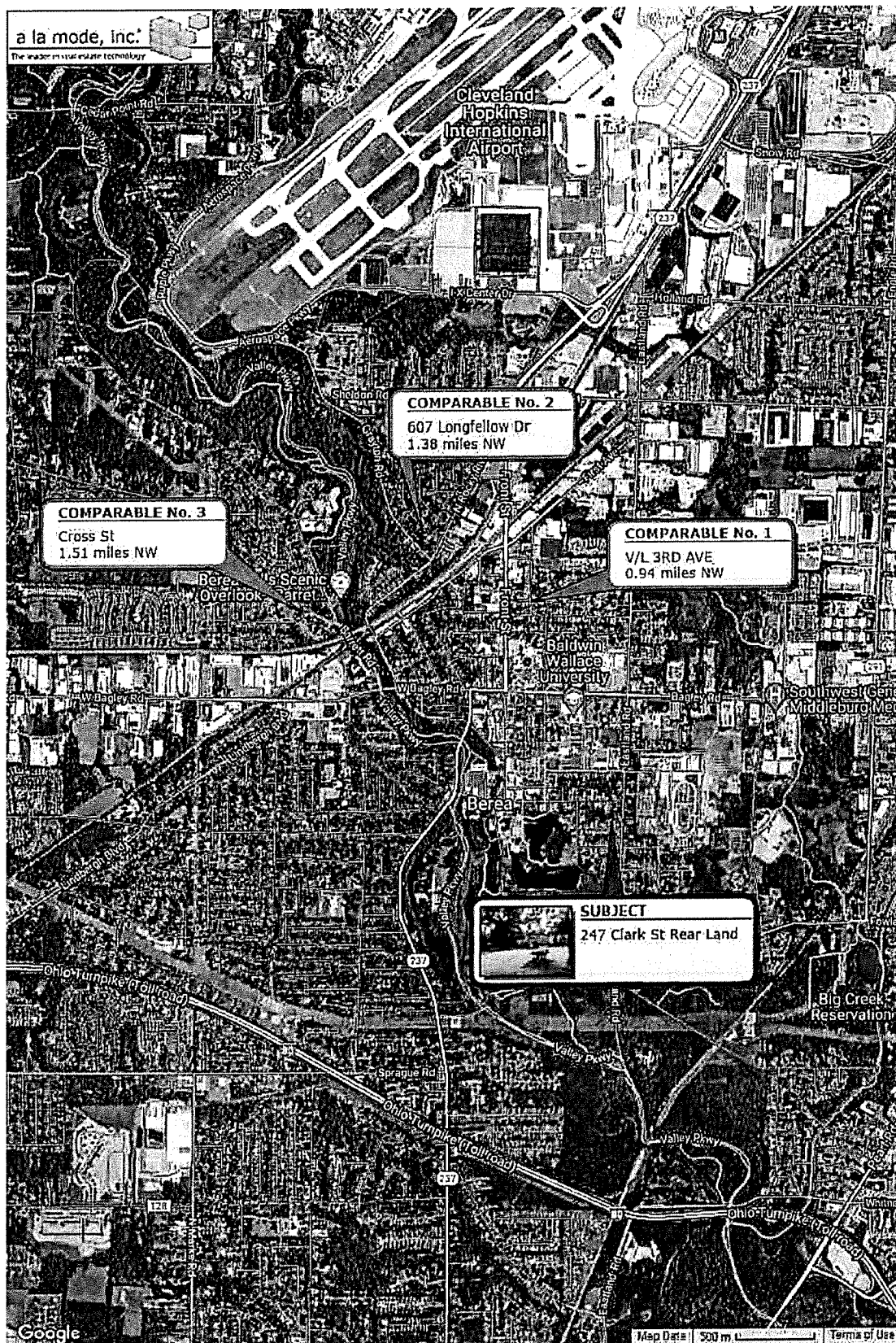
SUBJECT - VACANT LANDLOCKED LAND



SUBJECT - VACANT LANDLOCKED LAND

Comparable Sales Map

Client	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM				
Property Address	247 Clark St Rear Land				
City	Berea	County	CUYAHOGA	State	OH Zip Code 44017
Owner	CITY OF BEREA LAND BANK REUTILIZATION PROGRAM				



Elk Appraisal Company
LAND APPRAISAL REPORT

7-15-23
File No. 7-15-23

SUBJECT	Borrower CITY OF BERE A LAND BANK REUTILIZAT		Census Tract 1343.00	Map Reference 17460
	Property Address 247 Clark St Rear Land		County CUYAHOGA	State OH Zip Code 44017
	City Berea			
	Legal Description vol 296 pg 44 pcd c ff 117.92 d 137.41 0.3317 ac sect 17 2016 s r PPN 364-14-078			
NEIGHBORHOOD	Sale Price \$ N/A Date of Sale N/A Loan Term 0 yrs		Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD	
	Actual Real Estate Taxes \$ 826 (yr)		Loan charges to be paid by seller \$ 0	
	Lender/Client CITY OF BERE A		Address 11 BERE A COMMONS, BERE A, OH 44107	
	Occupant CITY OF BERE A Appraiser JOHN J. LYNCH		Instructions to Appraiser APPRAISE REAR LANDLOCKED LAND	
	Location <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural		Good Avg. Fair Poor	
	Built Up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%		Employment Stability <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Growth Rate <input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Steady <input type="checkbox"/> Slow		Convenience to Employment <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Property Values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining		Convenience to Shopping <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Oversupply		Convenience to Schools <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Marketing Time <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 4-6 Mos. <input type="checkbox"/> Over 6 Mos.		Adequacy of Public Transportation <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
SITE	Present 75 % One-Unit 5 % 2-4 Unit 5 % Apts. 10 % Condo 0 % Commercial		Recreational Facilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Land Use 5 % Industrial 0 % Vacant		Adequacy of Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Change in Present Land Use <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*)		Property Compatibility <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant 5 % Vacant		Protection from Detrimental Conditions <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	One-Unit Price Range \$ 90,000 to \$ 400,000 Predominant Value \$ 218,500		Police and Fire Protection <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	One-Unit Age Range 2 yrs. to 120 yrs. Predominant Age 60 yrs.		General Appearance of Properties <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)		Appeal to Market <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	THIS IS A LANDLOCKED PARCEL OF LAND TO THE REAR OF 247 CLARK ST. AND HAS NO ACCESS TO PUBLIC ROADS OR UTILITIES WITHOUT GOING OVER OTHER PROPERTIES. IT BEGINS 115/118 FEET NORTH OF 247 CLARK ST. WHICH IS THE PROPERTY IMMEDIATELY SOUTH OF THIS PARCEL OF LAND.			
	Dimensions 112 136 82 39 35 96		= 0.3317 ACR	
	Zoning Classification RESIDENTIAL		Present Improvements <input checked="" type="checkbox"/> Do <input checked="" type="checkbox"/> Do Not Conform to Zoning Regulations	
Highest and Best Use <input type="checkbox"/> Public <input type="checkbox"/> Other (Describe) <input checked="" type="checkbox"/> Other (specify) TO BE PART OF ADJOINING PROPERTIES TO SO IT WOULD NOT BE LANDLOCKED				
Elec. <input type="checkbox"/> N/A		Topo FLAT		
Gas <input type="checkbox"/> N/A		Size 0.3317 ACRES		
Water <input type="checkbox"/> N/A		Shape IRREGULAR RECTANGULAR		
San. Sewer <input type="checkbox"/> N/A		View HOMES		
Underground Elect. & Tel. <input type="checkbox"/>		Drainage AVERAGE		
Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions)		Is the property located in a FEMA Special Flood Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
THE SUBJECT IS LAND LOCKED LAND WITHOUT ACCESS TO STREETS OR UTILITIES. IT IS TO THE REAR OF THE ADJOINING RESIDENTIAL HOME LOCATED AT 247 CLARK ST TO THE SOUTH AND EAST OF THE ODD NUMBERED HOMES AT 155-161 EASTLAND ROAD AND THE EVEN NUMBERED HOMES AT 242-246 E. BRIDGE ST TO THE NORTH OF THE SUBJECT				
MARKET DATA ANALYSIS	The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.			
	ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2
	Address	247 Clark St Rear Land Berea, OH 44017	V/L 3RD AVE Berea, OH 44017	607 Longfellow Dr Berea, OH 44017
	Proximity to Subject		0.94 miles NW	1.38 miles NW
	Sales Price	\$ N/A	\$ 38,000	\$ 60,000
	Price \$/Sq. Ft.	\$ N/A	\$ 4.83	\$ 3.83
	Data Source(s)	COUNTY	COUNTY	COUNTY
	ITEM	DESCRIPTION	DESCRIPTION	DESCRIPTION
	Date of Sale/Time Adj.	N/A	7/21/2022	2/14/2023
	Location	URBAN BLOCKED	URBAN ACCESS	URBAN ACCESS
	Site/View	0.3317 ACR	HOMES	HOMES
	ZONING	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
	LAND AREA SQ. FT.	14,449	7860	15,651
	USE	VACANT LAND	VACANT LAND	VACANT LAND
	PPN	364-14-078	362-16-053	361-15-023, 024
Sales or Financing	0	CASH	CASH	
Concessions	0	0	0	
Net Adj. (Total)		+	+	
Indicated Value of Subject		\$ 38,000	\$ 60,000	
Comments on Market Data ALL THE COMPS ARE LOCATED IN BERE A AND ARE ALL ARMS LENGTH SALES OF BUILDABLE PARCELS OF LAND, COMP 1 HAS 60 FEET OF FRONTAGE, COMP 2 104 FEET AND COMP 3 HAS 162 FEET.				
RECONCILIATION	Comments and Conditions of Appraisal SQ. FT. PRICE RANGE FOR BUILDABLE LOTS WITH ACCESS TO UTILITIES IS FROM \$1.64-\$4.83 PER SQ. FT., THE SUBJECT CAN ONLY BE USED AS YARD EXPANSION BY ANY OF THE 5 ADJACENT PROPERTIES SINCE ACCESS TO THE STREET CAN ONLY BE OBTAINED BY CROSSING THE ADJACENT PROPERTIES. THE APPRAISER ESTIMATES THE VALUE OF THE LAND TO BE 20-40% SAY 30% OF THE AVERAGE SALES PRICE PER FOOT OF THE SALES ABOVE.			
	Final Reconciliation IN THE FINAL DETERMINATION OF VALUE THE APPRAISER VALUES THE PROPERTY AT \$14,882 SAY \$15,000.			
	I (WE) ESTIMATE THE MARKET VALUE AS SHOWN BY THE SUBJECT PROPERTY AS OF 7/15/2023 TO BE \$ 15,000			
	Appraiser JOHN J. LYNCH		Supervisory Appraiser (if applicable)	
	Date of Signature and Report 07/16/2023		Date of Signature	
Title CERTIFIED GENERAL APPRAISER		Title		
State Certification # 382465		State Certification #		
Or State License #		Or State License #		
Expiration Date of State Certification or License 09/25/2023		Expiration Date of State Certification or License		
Date of Inspection (if applicable) 7/15/23		Did <input type="checkbox"/> Did Not <input type="checkbox"/> Inspect Property Date 7/15/23		

ENVIRONMENTAL ADDENDUM

APPARENT* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

7-15-23

File # 7-15-23

Client	CITY OF BERA LAND BANK REUTILIZATION PROGRAM				
Property Address	247 Clark St Rear Land				
City	Berea	County	CUYAHOGA	State	OH Zip Code 44017
Owner	CITY OF BERA LAND BANK REUTILIZATION PROGRAM				

*Apparent is defined as that which is visible, obvious, evident or manifest to the appraiser.

This Environmental Addendum is for use with any real estate appraisal. Only the statements which have been marked by the appraiser apply to the Subject property.

This addendum reports the results of the appraiser's routine viewing of and inquiries about the subject property and its surrounding area. It also states what assumptions were made about any observed evidence of any hazardous substances and/or detrimental environmental conditions. The appraiser is not an expert environmental inspector and therefore might be unaware of existing hazardous substances and/or detrimental environmental conditions which may have a negative effect on the safety or value of the property. It is possible that tests and inspections made by a qualified environmental inspector would reveal the existence of hazardous materials and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.

DRINKING WATER

- ☒ Drinking water is supplied to the subject from a municipal water supply which is considered safe. However, the only way to be absolutely certain that the water meets published standards is to have it tested at all discharge points.
- ☐ Drinking water is supplied by a well or other non-municipal source. It is recommended that tests be made to be certain that the property is supplied with adequate drinking water.
- ☐ Lead can get into drinking water from its source, the pipes, at all discharge points, plumbing fixtures and/or appliances. The only way to be certain that water does not contain an unacceptable lead level is to have it tested at all discharge points.
- ☒ The opinion of value is based on the assumption that there is an adequate supply of safe, lead-free drinking water.

Comments:

SEWER SYSTEM

- ☒ Sewage is removed from the property by a municipal sewer system.
- ☐ Sewage is disposed of by a septic system or other sanitary on-site waste disposal system. The only way to determine that the disposal system is adequate and in good working condition is to have it inspected by a qualified inspector.
- ☒ The opinion of value is based on the assumption that the sewage is disposed of by a municipal sewer or an adequate properly permitted alternate treatment system in good condition.

Comments:

SOIL CONTAMINANTS

- ☒ There are no apparent signs of soil contaminants on or near the subject property (except as stated in Comments, below). It is possible that research, inspection and testing by a qualified environmental inspector would reveal existing and/or potential hazardous substances and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.
- ☒ The opinion of value is based on the assumption that the subject property is free of soil contaminants.

Comments:

ASBESTOS

- ☒ All or part of the improvements were constructed before 1979 when asbestos was a common building material. The only way to be certain that the property is free of friable and non-friable asbestos is to have it inspected and tested by a qualified asbestos inspector.
- ☐ The improvements were constructed after 1979. No apparent friable asbestos was observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no uncontained friable asbestos or other hazardous asbestos material on the property.

Comments:

PCBs (POLYCHLORINATED BIPHENYLS)

- ☒ There were no apparent leaking fluorescent light ballasts, capacitors or transformers anywhere on or nearby the property (except as stated in Comments, below).
- ☐ There was no apparent visible or documented evidence known to the appraiser of soil or groundwater contamination from PCBs anywhere on the property (except as reported in Comments below).
- ☒ The opinion of value is based on the assumption that there are no uncontained PCBs on or nearby the property.

Comments:

RADON

- ☒ The appraiser is not aware of any radon tests made on the subject property within the past 12 months (except as stated in Comments, below).
- ☐ The appraiser is not aware of any indication that the local water supplies have been found to have elevated levels of radon or radium.
- ☐ The appraiser is not aware of any nearby properties (except as stated in Comments, below) that were or currently are used for uranium, thorium or radium extraction or phosphate processing.
- ☒ The opinion of value is based on the assumption that the Radon level is at or below EPA recommended levels.

Comments:

USTs (UNDERGROUND STORAGE TANKS)

- ☒ There is no **apparent** visible or documented evidence known to the appraiser of any USTs on the property nor any known historical use of the property that would likely have had USTs.
- ☐ There are no **apparent** petroleum storage and/or delivery facilities (including gasoline stations or chemical manufacturing plants) located on adjacent properties (except as reported in Comments below).
- ☐ There are **apparent** signs of USTs existing now or in the past on the subject property. It is recommended that an inspection by a qualified UST inspector be obtained to determine the location of any USTs together with their condition and proper registration if they are active; and if they are inactive, to determine whether they were deactivated in accordance with sound industry practices.
- ☒ The opinion of value is based on the assumption that any functioning USTs are not leaking and are properly registered and that any abandoned USTs are free from contamination and were properly drained, filled and sealed.

Comments: _____

NEARBY HAZARDOUS WASTE SITES

- ☒ There are no **apparent** hazardous waste sites on the subject property or nearby the subject property (except as stated in Comments, below). Hazardous Waste Site search by a trained environmental engineer may determine that there is one or more hazardous waste sites on or in the area of the subject property.
- ☒ The opinion of value is based on the assumption that there are no hazardous waste sites on or nearby the subject property that negatively affect the value or safety of the property.

Comments: _____

UREA FORMALDEHYDE INSULATION (UFFI)

- ☒ All or part of the improvements were constructed before 1982 when urea foam insulation was a common building material. The only way to be certain that the property is free of urea formaldehyde is to have it inspected by a qualified urea formaldehyde inspector.
- ☐ The improvements were constructed after 1982. No **apparent** urea formaldehyde materials were observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no significant UFFI insulation or other urea formaldehyde material on the property.

Comments: _____

LEAD BASED PAINT

- ☒ All or part of the improvements were constructed before 1978 when lead based paint was a common building material. There is no **apparent** visible or known documented evidence of peeling or flaking Lead Paint on the floors, walls or ceilings (except as stated in Comments, below). The only way to be certain that the property is free of surface or subsurface lead based paint is to have it inspected by a qualified inspector.
- ☐ The improvements were constructed after 1978. No **apparent** Lead Paint was observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no flaking or peeling Lead Paint on the property.

Comments: _____

AIR POLLUTION

- ☒ There are no **apparent** signs of air pollution at the time of the appraiser's viewing of the subject property, nor were any reported (except as reported in Comments, below). The only way to be certain that the air is free of pollution is to have it tested.
- ☒ The opinion of value is based on the assumption that the property is free of air pollution.

Comments: _____

WETLANDS/FLOOD PLAINS

- ☒ The site does not contain any **apparent** wetlands/flood plains (except as stated in Comments, below). The only way to be certain that the site is free of wetlands/flood plains is to have it inspected by a qualified environmental professional.
- ☒ The opinion of value is based on the assumption that there are no Wetlands/Flood Plains on the property (except as stated in Comments, below).

Comments: _____

MISCELLANEOUS ENVIRONMENTAL HAZARDS

- ☒ There are no other **apparent** hazardous substances and/or detrimental environmental conditions on or in the area of the site except as indicated below.

- ☐ Excess noise _____
- ☐ Radiation and/or electromagnetic radiation _____
- ☐ Light pollution _____
- ☐ Waste heat _____
- ☐ Acid mine drainage _____
- ☐ Agricultural pollution _____
- ☐ Geological hazards _____
- ☐ Nearby hazardous property _____
- ☐ Infectious medical wastes _____
- ☐ Pesticides _____
- ☐ Other (chemical storage, drums, pipelines, etc.) _____

- ☒ The opinion of value is based on the assumption that, except as reported above, there are no other environmental hazards that would negatively affect the value of the subject property.

When any of the environmental assumptions made in this addendum are not correct, the opinion of value in this appraisal may be affected.

REAL ESTATE PURCHASE AGREEMENT

Landlocked Vacant Land Identified as Permanent Parcel Number 364-14-078

This **Agreement** is made at City of Berea, Cuyahoga County, State of Ohio, on this 17th day of October, 2023, by the **City of Berea**, an Ohio Municipal Corporation, whose principal address is 11 Berea Commons, Berea, Ohio 44017, **SELLER**, and **Joan T. Sweeny-Dent and Wayne Mark Dent**, a wife and husband, whose address is 247 Clark Street, City of Berea, County of Cuyahoga, State of Ohio, **PURCHASERS**.

In consideration of the covenants made each to the other, as set forth below, the parties agree as follows:

Section One

Property

SELLER will sell and convey and **PURCHASERS** will purchase, on the terms and conditions set forth herein, the vacant real property identified as Permanent Parcel Number 364-14-078, a landlocked parcel, situated near Clark Street in the City of Berea, County of Cuyahoga, State of Ohio, as more fully described in a Legal Description (which is attached hereto as Exhibit A and incorporated herein) and further referred to as the "Property."

Section Two

Fair-Market Value

On July 15, 2023, a Land Appraisal Report was completed for the Property by a General Appraiser certified by the State of Ohio. This Land Appraisal Report concluded that the Fair Market Value of the Property is Fifteen Thousand dollars and no cents (\$15,000.00). **SELLER** paid One Thousand dollars and no cents (\$1,000.00) for this appraisal.

Section Three

Purchase Price; Terms of Payment

The Parties have agreed that the purchase price for the Property shall be the Fair Market Value of the Property along with the cost of the appraisal. Therefore, the total purchase price is Sixteen Thousand dollars and no cents (\$16,000.00), which will be paid in one installment at Closing.

Section Four

Zoning and Taxes

PURCHASERS shall acquire the property subject to zoning, restrictions of record, easements and Ordinances of the City of Berea, and all taxes and assessments not yet due and payable.

Section Five

Approval by Berea City Council

The sale of Permanent Parcel Number 364-14-078 was authorized by Ordinance 2023-41, which was approved by Berea City Council on October 2, 2023.

Section Six

Closing; Time of Essence

Unless extended by written agreement of the Parties, this contract shall be completed and the transaction closed on or before November 3, 2023. Time is of the essence of this contract.

Section Seven

Escrow Agent

This Real Estate Purchase Agreement shall be placed in escrow with Ohio Real Title, 1213 Prospect Avenue, Suite 200, Cleveland, Ohio 44115, herein referred to as the "Escrow Agent." An executed copy of this Real Estate Purchase Agreement shall be deposited with the Escrow Agent and this document shall serve as the escrow instructions. All documents and funds necessary for the completion of this transaction shall be placed in escrow with the Escrow Agent on or before the Closing Date. The Escrow Agent herein may attach its standard conditions of acceptance hereto; however, should such standard conditions be inconsistent with or in conflict with the terms and provisions hereof, then the terms and provision of this Real Estate Purchase Agreement shall control.

Section Eight

Duties of the Escrow Agent

On the Closing Date, the Escrow Agent shall file for record the Quit Claim Deed and any other instruments required to be recorded and shall thereupon deliver to each of the parties the documents to which they shall be respectively entitled, together with its escrow statement, provided that the Escrow Agent shall then have on hand all funds and documents necessary to complete the within real estate transaction and provided that the title company has stated in writing that it is in a position to and will issue and deliver, upon the filing of the Quit Claim Deed for record.

In closing this transaction, the Escrow Agent shall charge **PURCHASERS** with all closing costs, including but not limited to:

- (a) The full amount of the taxes up to and including the Closing Date;
- (b) The filing fees, transfer taxes or any other fees necessary to complete the transfer referenced in this Real Estate Purchase Agreement;
- (c) The escrow fee;
- (d) All other prorations and holdbacks set out in this Real Estate Conveyance Agreement;

and immediately thereafter, shall deliver to **PURCHASERS** the recorded Quit Claim Deed, or Cuyahoga County Fiscal Officer's receipt therefor, and any prorations to which any party is entitled, and any other funds or documents required by the provisions hereof.

Section Nine

Condition of Property

PURCHASERS have inspected the property, including the improvements on it, if any, and accepts the property in its present "As Is" condition. The **PURCHASERS** agree to maintain the property in accordance with all applicable Health, Building, Zoning and Exterior Maintenance Codes of the City of Berea.

IN WITNESS WHEREOF, the SELLER has hereunto set its hand at City of Berea, Ohio, on this 16th day of October, 2023.

Signed and acknowledged
in the presence of:

SELLER: CITY OF BEREA

By Cyril Kleem
Cyril Kleem, Mayor

Matthew J. Madry
[Signature]

STATE OF OHIO)
)
CUYAHOGA COUNTY) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, Cyril Kleem, Mayor, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16 day of October, 2023.

[Signature]
Notary Public



BARBARA L. JONES
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

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IN WITNESS WHEREOF, the PURCHASER has hereunto set its hand at Berea, Ohio, Cuyahoga County, on this 16th day of October, 2023.

Signed and acknowledged
in the presence of:

PURCHASER: JOAN T. SWEENY-DENT

By: [Signature]
Joan T. Sweeny-Dent

STATE OF OHIO)
)
CUYAHOGA COUNTY) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Joan T. Sweeny-Dent**, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16th day of October, 2023.



ALEXANDER ROBERT WARE
Notary Public, State of Ohio
My Comm. Expires 05/19/2024
Recorded in Cuyahoga County

[Signature]
Notary Public

BARBARA L. JORDAN
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
05/19/2024
Section 147.03 O.R.C.



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ADDENDUM TO REAL ESTATE PURCHASE AGREEMENT

PURCHASERS have requested and SELLER has agreed to add a standard Title Examination clause to the Real Estate Purchase Agreement for Permanent Parcel Number 364-14-078. Further, the parties have agreed that the following Section Ten – Title Examination shall be incorporated into and shall be considered a part of the Real Estate Purchase Agreement for the above reference property.

Section Ten

Title Examination

PURCHASERS shall pay for an examination of the title of the Property to ensure that the property is free and clear of any outstanding tax liens, except for taxes and assessments not yet due and payable. In the event that outstanding tax liens are discovered prior to closing, PURCHASERS may either accept title "as is" or terminate the Real Estate Purchase Agreement and thereafter neither party shall be liable to the other.

IN WITNESS WHEREOF, the SELLER has hereunto set its hand at City of Berea, Ohio, on this 16 day of October, 2023.

Signed and acknowledged
in the presence of:

Matthew M. M...
Barbara L. Jones

SELLER: CITY OF BEREA

By *Cyril Kleem*
Cyril Kleem, Mayor

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Cyril Kleem, Mayor**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16 day of October, 2023.

Barbara L. Jones
Notary Public

{The remainder of this page is intentional}



BARBARA L. JONES
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

IN WITNESS WHEREOF, the PURCHASER has hereunto set its hand at Berea, Ohio, Cuyahoga County, on this 16th day of OCTOBER 2023.

Signed and acknowledged
in the presence of:

PURCHASER: JOAN T. SWEENY-DENT

By: [Signature]
Joan T. Sweeny-Dent

STATE OF OHIO)
)
CUYAHOGA COUNTY) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Joan T. Sweeny-Dent**, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16th day of October, 2023.



ALEXANDER ROBERT WARE
Notary Public, State of Ohio
My Comm. Expires 05/19/2024
Recorded in Cuyahoga County

[Signature]
Notary Public

IN WITNESS WHEREOF, the PURCHASER has hereunto set its hand at Berea, Ohio, Cuyahoga County, on this 16 day of October 2023.

Signed and acknowledged
in the presence of:

PURCHASER: WAYNE MARK DENT

By: [Signature]
Wayne Mark Dent

STATE OF OHIO)
)
CUYAHOGA COUNTY) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Wayne Mark Dent**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16th day of October, 2023.

APPROVED AS TO FORM



ALEXANDER ROBERT WARE
Notary Public, State of Ohio
My Comm. Expires 05/19/2024
Recorded in Cuyahoga County

[Signature]
Notary Public

Barbara L. Jones, Director of Law
City of Berea
Atty Reg No 0042464

IN WITNESS WHEREOF, the PURCHASER has hereunto set its hand at Berea, Ohio, Cuyahoga County, on this 16 day of October 2023.

Signed and acknowledged
in the presence of:

PURCHASER: WAYNE MARK DENT

By: [Signature]
Wayne Mark Dent

STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Wayne Mark Dent**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Berea, Ohio, on this 16th day of October, 2023.



ALEXANDER ROBERT WARE
Notary Public, State of Ohio
My Comm. Expires 05/19/2024
Recorded in Cuyahoga County

[Signature]
Notary Public

APPROVED AS TO FORM:

[Signature]

Barbara L. Jones, Director of Law
City of Berea
Atty Reg No 0042464

