

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 BEREALAND 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 BEREALAND 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 Paracel 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

BEREA CITY COUNCIL

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: *Aly E.*
Clerk of Council

APPROVED AS TO FORM:

One J., Director of Law

APPROVED:

October 2, 2023
President of Council

Cyril C.
Mayor

Exhibit A

FROM:			INVOICE		
OHIO REAL PROS, LLC. JOHN J. LYNCH 2001 Crocker Rd # ST200 Westlake, OH 44145-6966			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		
TO: CITY OF BEREALAND BANK REUTILIZATION PROGRAM 11 BEREAL COMMONS BEREAL, OH 44017 E-Mail: MMADZY@CITYOFBEREALORG Telephone Number: 440-826-5803 Fax Number: Alternate Number:					
DESCRIPTION					
Lender: CITY OF BEREAL Purchaser/Borrower: CITY OF BEREALAND BANK REUTILIZATION PROGRAM Property Address: 11 BEREAL COMMONS City: BEREAL, OH 44017 County: CUYAHOGA Legal Description:		Client: CITY OF BEREAL 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 BEREALAND BANK REUTILIZATION PROGRAM		
Property Address	247 Clark St Rear Land		
City	Berea	County	CUYAHOGA
Owner	CITY OF BEREALAND BANK REUTILIZATION PROGRAM		



Aerial Map

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



Subject Land Photo Page

Client	CITY OF BEREALAND BANK REUTILIZATION PROGRAM		
Property Address	247 Clark St Rear Land		
City	Berea	County	CUYAHOGA
Owner	CITY OF BEREALAND 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
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 BEREALAND BANK REUTILIZATION PROGRAM		
Property Address	247 Clark St Rear Land		
City	Berea	County	CUYAHOGA
Owner	CITY OF BEREALAND BANK REUTILIZATION PROGRAM		



Subject house in front of land

247 CLARK ST., BEREALAND
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 BEREALAND BANK REUTILIZATION PROGRAM		
Property Address	247 Clark St Rear Land		
City	Berea	County	CUYAHOGA
Owner	CITY OF BEREALAND BANK REUTILIZATION PROGRAM		



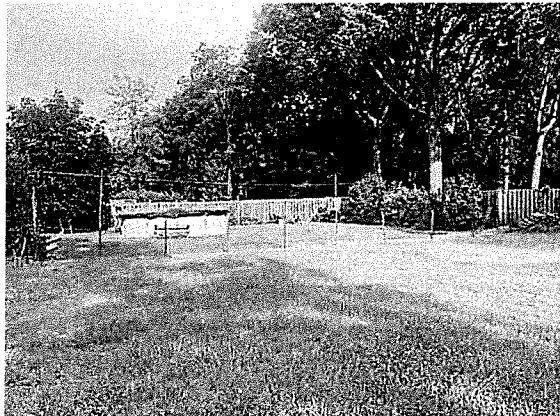
**PROPERTIES ON EAST SIDE OF SUBJECT AT
155-161 EASTLAND ROAD**



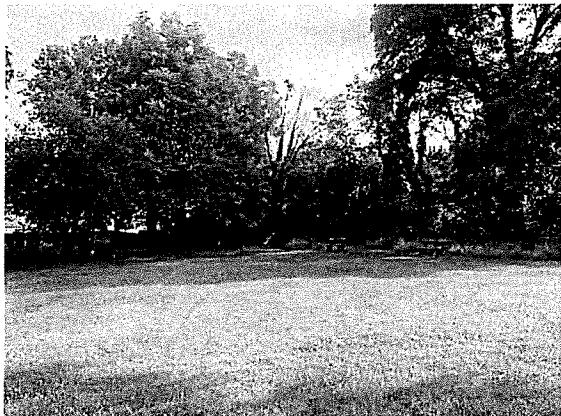
**PROPERTIES ON NORTH SIDE OF SUBJECT
242-246 E. BRIDGE ST.**



CLARK ST



SUBJECT - VACANT LANDLOCKED LAND



SUBJECT - VACANT LANDLOCKED LAND

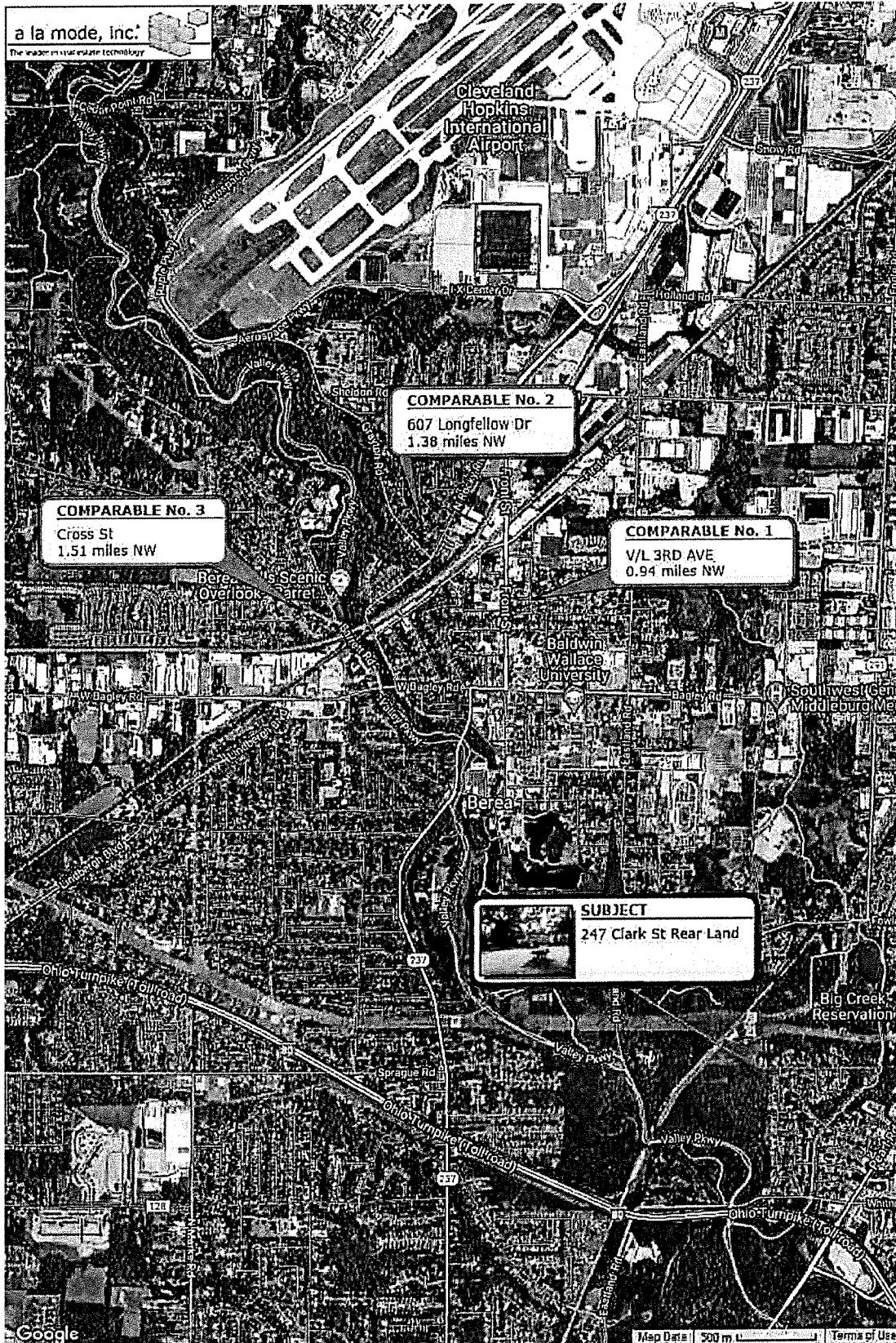


SUBJECT - VACANT LANDLOCKED LAND



Comparable Sales Map

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



Elk Appraisal Company
LAND APPRAISAL REPORT

7-15-23

File No. 7-15-23

SUBJECT	Borrower CITY OF BEREALAND BANK REUTILIZATIK		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 pcl c ff 117.92 d 137.41 0.3317 ac sect 17 2016 s r PPN 364-14-078																																																																																																
	Sale Price \$ N/A		Date of Sale N/A	Loan Term 0	Yrs. 0																																																																																														
	Actual Real Estate Taxes \$ 826		(yr) 0	Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD																																																																																															
	Lender/Client CITY OF BEREALAND BANK REUTILIZATIK		Other sales concessions 0																																																																																																
	Occupant CITY OF BEREALAND BANK REUTILIZATIK		Address 11 BEREALAND COMMONS, BEREALAND, OH 44107																																																																																																
			Instructions to Appraiser APPRAISE REAR LANDLOCKED LAND																																																																																																
NEIGHBORHOOD	Location <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural																																																																																																		
	Built Up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25% to 75% <input type="checkbox"/> Under 25%																																																																																																		
	Growth Rate <input type="checkbox"/> Fully Dev. <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Steady <input type="checkbox"/> Slow																																																																																																		
	Property Values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining																																																																																																		
	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Oversupply																																																																																																		
	Marketing Time <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 4-6 Mos. <input type="checkbox"/> Over 6 Mos.																																																																																																		
	Present 75 % One-Unit 5 % 2-4 Unit 5 % Apts. 0 % Condo 10 % Commercial																																																																																																		
	Land Use 5 % Industrial 0 % Vacant 0 %																																																																																																		
	Change in Present <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely (*) <input type="checkbox"/> Taking Place (*)																																																																																																		
	Land Use (*) From <input type="checkbox"/> To <input type="checkbox"/> 5 % Vacant																																																																																																		
Predominant Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant																																																																																																			
One-Unit Price Range \$ 90,000 to \$ 400,000		Predominant Value \$ 218,500																																																																																																	
One-Unit Age Range 2 yrs. to 120 yrs.		Predominant Age 60 yrs.																																																																																																	
Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)																																																																																																			
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.																																																																																																			
SITE	Dimensions 112 136 82 39 35 96		= 0.3317 ACR																																																																																																
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	Highest and Best Use <input type="checkbox"/> Present Use <input checked="" type="checkbox"/> Other (Specify) TO BE PART OF ADJOINING PROPERTIES TO SO IT WOULD NOT BE LANDLOCKED																																																																																																		
	Public <input type="checkbox"/> Other (Describe)		OFF SITE IMPROVEMENTS	Topo	FLAT																																																																																														
	Elec. <input type="checkbox"/> N/A	Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Size	0.3317 ACRES																																																																																															
	Gas <input type="checkbox"/> N/A	Surface ASPHALT	Shape	IRREGULAR RECTANGULAR																																																																																															
	Water <input type="checkbox"/> N/A	Maintenance <input type="checkbox"/> Public <input type="checkbox"/> Private	View	HOMES																																																																																															
	San. Sewer <input type="checkbox"/> N/A	Storm Sewer <input type="checkbox"/> Curb/Gutter	Drainage	AVERAGE																																																																																															
	Underground Elect. & Tel. <input type="checkbox"/>	Sidewalk <input type="checkbox"/> Street Lights	Is the property located in a FEMA Special Flood Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																																																
	Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions)																																																																																																		
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<p>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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>ITEM</th> <th>SUBJECT PROPERTY</th> <th>COMPARABLE NO. 1</th> <th>COMPARABLE NO. 2</th> <th>COMPARABLE NO. 3</th> </tr> </thead> <tbody> <tr> <td>Address</td> <td>247 Clark St Rear Land</td> <td>V/L 3RD AVE</td> <td>607 Longfellow Dr</td> <td>Cross St</td> </tr> <tr> <td></td> <td>Berea, OH 44017</td> <td>Berea, OH 44017</td> <td>Berea, OH 44017</td> <td>Berea, OH 44017</td> </tr> <tr> <td>Proximity to Subject</td> <td></td> <td>0.94 miles NW</td> <td>1.38 miles NW</td> <td>1.51 miles NW</td> </tr> <tr> <td>Sales Price</td> <td>\$ N/A</td> <td>\$ 38,000</td> <td>\$ 60,000</td> <td>\$ 70,000</td> </tr> <tr> <td>Price/Sq. Ft.</td> <td>\$ 4.83</td> <td>\$ 4.83</td> <td>\$ 3.83</td> <td>\$ 1.64</td> </tr> <tr> <td>Data Source(s)</td> <td>COUNTY</td> <td>COUNTY</td> <td>COUNTY</td> <td>COUNTY</td> </tr> <tr> <td>ITEM</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> <td>DESCRIPTION</td> </tr> <tr> <td>Date of Sale/Time Adj.</td> <td>N/A</td> <td>7/21/2022</td> <td>2/14/2023</td> <td>3/17/2023</td> </tr> <tr> <td>Location</td> <td>URBAN BLOCKED</td> <td>URBAN ACCESS</td> <td>URBAN ACCESS</td> <td>URBAN ACCESS</td> </tr> <tr> <td>Site/View</td> <td>0.3317 ACR</td> <td>HOMES</td> <td>HOMES</td> <td>HOMES</td> </tr> <tr> <td>ZONING</td> <td>RESIDENTIAL</td> <td>RESIDENTIAL</td> <td>RESIDENTIAL</td> <td>RESIDENTIAL</td> </tr> <tr> <td>LAND AREA SQ. FT.</td> <td>14,449</td> <td>7860</td> <td>15,651</td> <td>42,768</td> </tr> <tr> <td>USE</td> <td>VACANT LAND</td> <td>VACANT LAND</td> <td>VACANT LAND</td> <td>VACANT LAND</td> </tr> <tr> <td>PPN</td> <td>364-14-078</td> <td>362-16-053</td> <td>361-15-023, 024</td> <td>361-07-061, 062</td> </tr> <tr> <td>Sales or Financing</td> <td>0</td> <td>CASH</td> <td>CASH</td> <td>CASH</td> </tr> <tr> <td>Concessions</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Net Adj. (Total)</td> <td>+ \$ 38,000</td> <td>+ \$ 60,000</td> <td>+ \$ 70,000</td> <td></td> </tr> <tr> <td>Indicated Value of Subject</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	Address	247 Clark St Rear Land	V/L 3RD AVE	607 Longfellow Dr	Cross St		Berea, OH 44017	Berea, OH 44017	Berea, OH 44017	Berea, OH 44017	Proximity to Subject		0.94 miles NW	1.38 miles NW	1.51 miles NW	Sales Price	\$ N/A	\$ 38,000	\$ 60,000	\$ 70,000	Price/Sq. Ft.	\$ 4.83	\$ 4.83	\$ 3.83	\$ 1.64	Data Source(s)	COUNTY	COUNTY	COUNTY	COUNTY	ITEM	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	Date of Sale/Time Adj.	N/A	7/21/2022	2/14/2023	3/17/2023	Location	URBAN BLOCKED	URBAN ACCESS	URBAN ACCESS	URBAN ACCESS	Site/View	0.3317 ACR	HOMES	HOMES	HOMES	ZONING	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	LAND AREA SQ. FT.	14,449	7860	15,651	42,768	USE	VACANT LAND	VACANT LAND	VACANT LAND	VACANT LAND	PPN	364-14-078	362-16-053	361-15-023, 024	361-07-061, 062	Sales or Financing	0	CASH	CASH	CASH	Concessions	0	0	0	0	Net Adj. (Total)	+ \$ 38,000	+ \$ 60,000	+ \$ 70,000		Indicated Value of Subject				
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Comments on Market Data ALL THE COMPS ARE LOCATED IN BEREALAND 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.																																																																																																			
<p>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 USED AS YARD EXPANSION. 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.</p> <p>Final Reconciliation IN THE FINAL DETERMINATION OF VALUE THE APPRAISER VALUES THE PROPERTY AT \$14,882 SAY \$15,000.</p>																																																																																																			
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ENVIRONMENTAL ADDENDUM

APPARENT* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

7-15-23

File # 7-15-23

Client	CITY OF BEREALAND BANK REUTILIZATION PROGRAM		
Property Address	247 Clark St Rear Land		
City	Berea	County	CUYAHOGA
Owner	CITY OF BEREALAND 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 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.

03/10

Serial# AB99DF16
esign.alamode.com/verify

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 BEREAL**, an Ohio Municipal Corporation, whose principal address is 11 Berea Commons, Berea, Ohio 44017, SELLER, and **JOAN T. SWEENEY-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:

Matthew Mazy
DS

SELLER: CITY OF BEREAL

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



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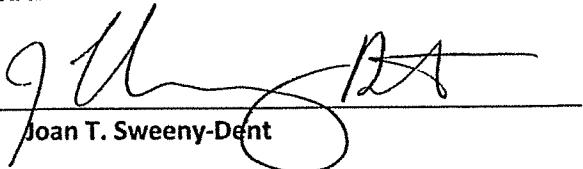
IN WITNESS WHEREOF, the PURCHASER has hereunto set its hand at Berea, Ohio, Cuyahoga County, on this 16th day of October 2023.

Signed and acknowledged
in the presence of:

PURCHASER: JOAN T. SWEENEY-DENT

By:

Joan T. Sweeny-Dent



STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

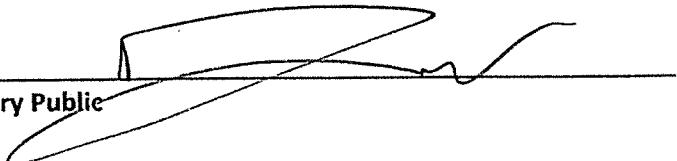
BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, **Joan T. Sweeny-Dent**, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

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

Notary Public



ALEXANDER R. WARE
Notary Public
My Commission Expires
05/19/2024
Notary Public Seal



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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 Mahr
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

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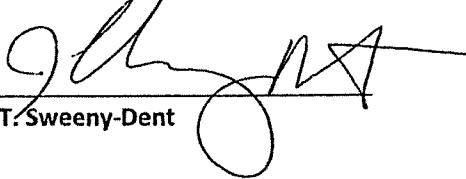


BARBARA L. JONES
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

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. SWEENEY-DENT

By: 
Joan T. Sweeny-Dent

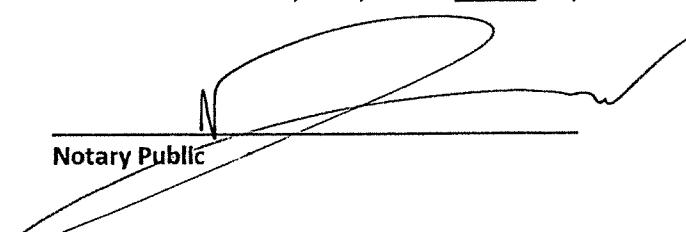
STATE OF OHIO)
) SS:
CUYAHOGA COUNTY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named individual, 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


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:

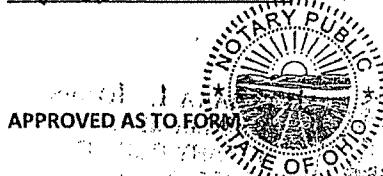
PURCHASER: WAYNE MARK DENT

By: 
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

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: 
Wayne Mark Dent

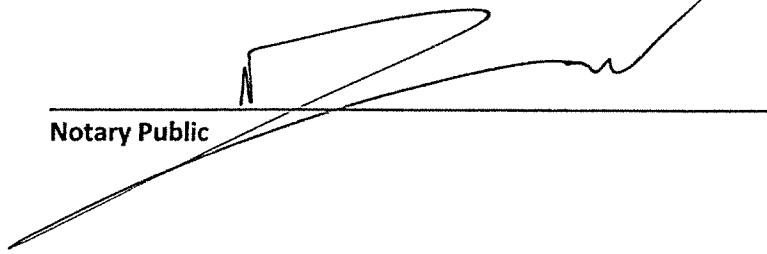
STATE OF OHIO)
)
 SS:
CUYAHOGA COUNTY)

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


Notary Public

APPROVED AS TO FORM:

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

