

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2025-35

By: Councilman Leon R. Dozier, Sr. Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

ACCEPTING A PLAT VACATING SECOND AVENUE, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, AND DEDICATING THE RELOCATED SECOND AVENUE.

WHEREAS, Second Avenue, as currently constituted and as further described in Exhibit "A" which is attached hereto and incorporated herein by reference, is no longer needed for municipal purposes; and

WHEREAS, this Council finds that there is good cause for vacation of said street and said vacation will not be detrimental to the general interest and is in the best interest of the community; and

WHEREAS, Rental Acquisitions, LLC, owner of the abutting properties, will receive the land and as abutting owners have provided their written consent to the vacation of Second Avenue, as described herein, and that, therefore, no publication notice is required pursuant to Ohio Revised Code 723.06; and

WHEREAS, the City wishes to dedicate for public use, the relocated Second Avenue, as further described in Exhibit "A", which is attached hereto and incorporated herein by reference.

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

SECTION 1. That this Council hereby vacates Second Avenue, as shown in Exhibit "A," attached hereto and incorporated herein, the same being no longer needed for municipal purposes.

SECTION 2. That this Council finds good and sufficient reason and cause to vacate the subject real property reflected in Exhibit "A" and, more particularly, that the said real property is no longer needed for any 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 3. That this Council hereby dedicates relocated Second Avenue, as shown in Exhibit "A," attached hereto and incorporated herein, for public use.

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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 parcels of real property consisting of the above-described Second Avenue, as shown in Exhibit "A" are hereby vacated without reservation or restriction.

SECTION 6. That Rental Acquisitions, LLC, the adjoining property owner, has agreed to accept said Second Avenue in total and, upon vacation, said land shall therefore attach in total to the adjoining property owner's land, such Owner having provided written consent to the vacation and agreement on vacation that said land shall attach to the Owner's land.

SECTION 7. That this Council hereby accepts the dedication of the public street and other public improvements, known as the relocated Second Avenue, as shown on attached Exhibit "A," and that this Ordinance is enacted in compliance with Ohio Revised Code Section 723.03.

SECTION 8. That the Mayor and appropriate City Administrators be and hereby are authorized and directed to execute the Vacation and Dedication 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 9. That the Clerk of Council is hereby directed to notify the Fiscal Officer of Cuyahoga County of the vacation and dedication by sending a copy of this Ordinance, immediately upon its passage and approval, to the Fiscal Officer of the County.

SECTION 10. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

PASSED: May 19, 2025

ATTEST: [Signature]
Clerk of Council

APPROVED AS TO FORM:

[Signature], Director of Law

[Signature]
President of Council
APPROVED: May 19, 2025
[Signature]
Mayor

