

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, AUGUST 20, 2019
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. PROPOSED CHARTER AMENDMENTS - PER COUNCIL PRESIDENT VECCHIO. **Note:** The following Charter sections were moved by **motion** from the July 9, 2019 Special Caucus meeting for further research by the law director:
 - a. Article III, Section 3.02 - The Mayor - Absence
 - b. Article III, Section 3.03 - The Mayor - Duties and Powers of the Mayor
 - c. Article VI, Section 6.01 - Department of Law - Election
 - d. Article VIII, Section 8.06 - Department of Building
 - e. Article XII, Sections 12.01 - Primary Elections, 12.02 - Municipal Elections, 12.03 - Declaration of Candidacy, 12.04 - Designation of Candidates and 12.05 - Independent Candidate proposed as Write-in Votes; Ballots.

Note: At the July 9, 2019 Special Caucus meeting, City Council by **motion** requested legislation drafted for discussion items two (2) through six (6).

2. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE II, SECTION 2.01; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.
3. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IV, SECTION 4.05(b); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

III. DISCUSSION: CONT.

4. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE IX, SECTION 9.04; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

5. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XI, SECTION 11.04 (a); OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

6. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO ARTICLE XIII, SECTION 13.01; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

IV. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO DISPOSE OF OBSOLETE OFFICE FURNITURE, FILE CABINETS AND OTHER MISCELLANEOUS OFFICE EQUIPMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

2. AN ORDINANCE ENACTING CHAPTER 163 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TECHNOLOGY COMMISSION' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter

V. PLANNING COMMITTEE - CHAIRMAN, BURGIO:

1. REQUEST FOR APPROVAL FOR A CONDITIONAL USE PERMIT AT 17510 BROOKPARK ROAD LOCATED IN THE U7-A DISTRICT TO OPERATE AN AIRPORT PARKING FACILITY. **In attendance:** Anthony Russell, 2 Birds Shuttle and Detail.

V. PLANNING COMMITTEE - CHAIRMAN, BURGIO: CONT.

2. REQUEST FOR APPROVAL OF A 1.283 ACRES LOT SPLIT, LABELED PARCEL B-1 AT 14801 HOLLAND ROAD 'NORTH PARK RETIREMENT COMMUNITY' FOR THE PURPOSE OF LICENSING AND CONVERTING THE STRUCTURE LOCATED ON THE PROPOSED LOT TO AN ASSISTED LIVING FACILITY. **In attendance:** John Coury, North Park Retirement Community.

3. REQUEST FOR APPROVAL BY AND BETWEEN THE CITY OF BROOK PARK (Grantor) AND NASA (Grantee) TO VACATE THE PROPERTY KNOWN AS 'OLD CEDAR POINT ROAD' EASTERLY FROM AEROSPACE PARKWAY IN THE U1-A2 ZONE AND THE PROPERTY DEDICATED 'RIGHT-OF-WAY' FUTURE CONSOLIDATION OF ALL NASA PROPERTY INTO ONE PARCEL. **In attendance: (1)** Robert Strunak, Realty Specialist, Facilities Management Integration Division NASA Glenn Research Center. **(2)** Timothy Monk, P.E. LEED AP, Civil Systems Manager, Facilities Division Nasa Glenn Research Center.

4. REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT AT 5775 ENGLE ROAD LOCATED IN THE U3-A ZONE TO OPERATE AN AIRPORT PARKING FACILITY. **In attendance: Jeff Goebel, Property Owner.**

VII. ADJOURNMENT:**Posted 8/16/19**

ARTICLE III
THE MAYOR

Section 3.01 Term of Office

The Mayor shall be the Chief Executive of the City. The Mayor shall be elected at the regular municipal election in the year 1989, and every fourth year thereafter, for a term of four (4) years. **No person elected Mayor shall hold the office for more than three (3) consecutive terms or twelve (12) consecutive years, unless one (1) full term or more has elapsed since that person last held the office of Mayor.** His term shall commence and he shall assume office on the first day of January following such election and shall serve until his successor has been duly elected and qualified. He may be a candidate to succeed himself. Amended November 7, 1989.

Qualifications

He shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City. The Mayor, whether elected or appointed to fill a vacancy, shall serve in a full time-capacity, shall hold no other employment and shall comply with all ethics laws of the State of Ohio. In the case of the Mayor, he shall have attained the age of twenty-five (25) years prior to assuming such office.

Section 3.02 Absence

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his duties, **he shall notify the President of Council in writing and the President of Council shall be Acting Mayor and shall also continue as President of Council with all the powers and duties of that position.** Whenever the Mayor shall be out of state, he shall notify the President of Council in writing. In the event the President of Council shall be absent or inaccessible or for any reason, be unable to perform his duties as Acting Mayor, the President Pro Tem of the Council, shall become the Acting Mayor with all the powers and duties of the Mayor, and he shall not thereby cease to be a Member of Council. Whenever the President of Council shall be out of state, he shall notify the President Pro Tem of Council in writing. Amended November 6, 2001.

Section 3.03 Duties and Powers of the Mayor

The 2019 Brook Park Charter Review Commission was tasked by the city charter and the residents of the city of Brook Park to review, research, and recommend a list of proposed changes. This document is simply our draft of what is being proposed. This document will be presented to city council on Tuesday, June 11th at the caucus meeting at 7:00 PM. If council chooses to take any of our proposed recommendations, the document will be submitted to the Law Director and then follow the procedure to be placed on the ballot.

Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

RESEARCH

RESEARCH

(a) EXECUTIVE: The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all offices, departments and divisions. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

Subject to provisions of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter, and (c) the Departments of Law and Finance.

The Director of Public Safety, the Director of Public Service and all appointive officers, and members of all Commissions, shall serve at the pleasure of the Mayor with the exception of *the two* Parks and Recreation Commission *members appointed by* City Council per City Charter Section 11.05.

The Mayor shall review annually the wages of all city employees and appointed officers of the City and submit his recommendation to Council. Unless otherwise provided for in this Charter, the Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all of said but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City government by the Governor for military purposes and by the courts for the purpose of serving civil processes. The Mayor shall have his office at the City Hall. Amended November 6, 2001.

(b) LEGISLATIVE: The Mayor shall be entitled to a seat in Council but shall have no vote

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson*

6, 2001.

Section 5.02 Directors of Offices, Departments and Division Heads

The head of each Office or Department shall be a Director. The head of each office, department and division shall, unless otherwise provided for in Charter, be appointed by the Mayor, with the concurrence of a majority of the Members of the Council, and, unless otherwise provided for in this Charter, shall serve at the pleasure of the Mayor. Amended November 6, 2001.

**ARTICLE VI
DEPARTMENT OF LAW**

Section 6.01 Director - Election

Research The Director of Law shall be elected at the regular municipal election in the year 1987, and every fourth year thereafter for a term of four (4) years. He shall assume office on the first day of January next following his election, and shall continue to serve until his successor has been duly elected (or appointed) and qualified.

In the event that no person is elected to the office of Law Director, the Mayor with the concurrence of a majority vote of Council, shall appoint the Law Director, and such appointee shall serve at a salary previously set for the term to which he is appointed, and the salary shall not thereafter be changed in any respect during such term or part thereof.

The Director of Law, whether elected or appointed, shall be an attorney at law duly admitted to the practice of law in the State of Ohio **and shall have engaged in the active practice of law, as defined by the Supreme Court of Ohio's Rules for the Government of the Bar of Ohio, continuously for a period of not less than five (5) years preceding his appointment.** If the Mayor fails to appoint a Law Director within thirty (30) days, Council shall then appoint.

Section 6.02 Duties

The Director of Law shall serve the Mayor, the Council, the administrative officers and departments, and the commissions and boards of the City as legal counsel, and shall represent the City in all proceedings in court or before any administrative body. He shall act as the prosecuting attorney for the City. He shall perform all other duties now

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 8.03 Departments and Divisions Established

Within the Office of Public Safety there is hereby established a Department of Fire, a Department of Police, and a Division of Building, a Department of Pub may be established by Council. Such Department, if established, shall be charged with the enforcement of the air pollution ordinance of the City. Amended November 6, 2001.

Section 8.04 Department of Fire

The Department of Fire shall be in active charge of a Chief. The Chief of the Department of Fire shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Bureau of Fire Protection and Investigation within the Department of Fire. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Fire. The operation of such bureau or bureaus shall be by personnel of the Department of Fire. The Fire Chief shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.05 Department of Police

The Department of Police shall be in active charge of a Chief. The Chief of the Department of Police shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Detective Bureau and a Juvenile Bureau within the Department of Police. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Police. The operation of such bureau or bureaus shall be by personnel of the Department of Police. The Chief of Police shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.06 Division of Building

1. Establishment and Duties

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission Chair/Person

Research

There is hereby established a Division of Building for the City to be organized as set forth herein, with the duty of enforcing the building and zoning regulations of the City and such other duties consistent with building in the City as may be prescribed by ordinance or by the Mayor

2. Building Commissioner

There is hereby created the office of Building Commissioner for the City. Appointment to such position shall be made by the Mayor with the concurrence of Council and said Building Commissioner shall serve at the pleasure of the Mayor.

(a) Duties

It shall be the duty of the Building Commissioner:

1. To administer and enforce all the Ohio laws and City ordinances relating to building and zoning.
2. To approve or disapprove all blueprints submitted for new construction and issue all licenses, permits, with regard to original construction, remodeling and repair of all buildings, fences, signs, billboards and other structures within the City, and approve all insurance policies and bonds of general contractors, as well as sub trades operating in the City.
3. To supervise the Building Inspector, Electrical Inspector, and Plumbing Inspector.
4. To issue all Certificates of Occupancy and Re-Occupancy.
5. To make rules and regulations for the administration of the affairs under his supervision.
6. To administrate and direct the issuance of all building, plumbing, heating and electrical permits as required by the building and zoning regulations of the city.

(b) Qualifications

~~The Building Commissioner shall have at least five (5) years experience in the building trades or related occupations. Amended November 5, 2013. **The building**~~

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*Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson*

~~(c) Powers and Duties~~

~~It shall be the function and duty of the Advisory Parks and Recreation Commission to act in an advisory capacity only, and in that capacity shall direct any recommendation to the Administration and to the City Council. The Commission shall also act as an appeal board for resident grievances regarding policies and procedures of the Recreation Department, although the Recreation Director shall have the final decision in all matters. The Advisory Parks and Recreation Commission will not have control of hiring direction or supervision of any employee. Additionally, no monies may be under control of the Commission.~~

~~(d) Joint Operation~~

~~The Advisory Parks and Recreation Commission, upon approval by ordinance of Council, may jointly with the Berea School District, Cuyahoga County, or any contiguous municipality, acquire property for, supervise, equip, operate and maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers. Amended November 6, 2007.~~

ARTICLE XII
NOMINATIONS AND ELECTIONS

Section 12.01 Primary Elections

On the second Tuesday of September in each odd numbered year prior to the general municipal election, primary elections shall be held for the purpose of nominating persons as candidates of political parties for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election.

Except as provided otherwise in this Charter, candidates for all offices to be voted for at any municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held in odd numbered years on the second Tuesday in September and at a time and place provided for by the County Board of Elections.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson*

Section 12.02 Municipal Elections

A general municipal election for the purpose of the election of officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in each odd numbered year, Elections so held shall be known as Regular Municipal Elections. All other elections held under the provisions of this Charter or as required by law shall be known as Special Municipal Elections.

Section 12.03 Declaration of Candidacy

Each person desiring to become a candidate for a party nomination to be voted for at a primary election shall not later than 4:00 p.m. of the ninetieth (90th) day before the day of such primary election, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors of the same political party as the candidate, not less than twenty-five (25) for Ward Councilman, not less than one hundred (100) for Councilman-at-large, and not less than one hundred (100) for the City offices-at-large. Amended November 5, 2013.

Section 12.04 Designation of Candidates

Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy together with the required number of valid signatures and paying the required filing fee. If the number of persons filing such declaration for one political party does not exceed the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared nominated. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.

The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-By-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary. The number of candidates for the office of Council- At-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the

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Rachel McDonnell*

2019 Brook Park Charter Review Commission ChairPerson

nomination of a candidate for the Office of Council-At-Large, and such person shall appear at the Regular Municipal Election. The filing deadline for such petition for nomination of a candidate for the Office Of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter.

In case there shall be no more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) persons shall not be held. All persons who have filed petitions for the office of Council-at Large as provided for in the Charter shall be the candidates at the regular municipal election.

Anyone who has not properly filed a petition for the appropriate primary election as provided by this Charter, shall be ineligible as a designated candidate in the regular municipal election. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.

Section 12.05 -Independent-Candidate- Write In Votes; Ballots

Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the ninetieth (90) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of council-at-large and all other city offices at large shall be signed by that number of electors equal to at least four (4) percent in number of the electors voting at the next preceding regular municipal election. The petition for office of ward councilman shall be signed by that number of the electors equal to at least four (4) percent in number of the electors voting in the next preceding regular municipal election for councilman in that ward. Names of independent candidates will not appear on the primary ballot, but will appear on the ballot of the next regular municipal election. Amended November 5, 2013.

Write-in votes for a municipal candidate in the City of Brook Park shall not

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2019 Brook Park Charter Review Commission ChairPerson*

be permitted at a primary or general election unless no person files for a particular municipal office and no person is duly nominated at a municipal primary. The procedures for filing as a write-in when permitted under this section shall be determined by the laws of the State of Ohio and the Cuyahoga County Board of Elections.

The ballots used in the primary and general municipal election shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and should be rotated in a manner provided by the laws of Ohio.

Section 12.06 Qualified Electors

Every citizen of the United States who is of the age of eighteen (18) years or over, who possesses the qualifications herein required, shall be entitled to vote at a special primary, or regular municipal election.

No person shall be permitted to vote at any election unless he has been a resident of the State of Ohio for thirty (30) days, of the County of Cuyahoga for thirty (30) days, and the voting precinct thirty (30) days, next preceding the election at which he desires to vote, except as otherwise herein provided.

A qualified elector who has resided in the State and in the County the length of time required herein and who moves from one precinct to another within the City of Brook Park shall have the right to vote in such precinct provided the precinct shall have corrected his registration as required by law. No person residing in any registration precinct shall be entitled to vote at any election or shall sign any nominating, initiative, referendum or recall petition unless he is duly registered as an elector in the manner provided by law. The term "qualified elector" as used throughout this Charter shall be construed to mean an elector who has complied with the forgoing requirements.
Amended November 8, 1983.

Section 12.07 General Provisions

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*Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson*

CA Plum 8-20-17
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE II, SECTION 2.01;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article II, Section 2.01; of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION 2.01 MUNICIPAL POWERS.

The City of Brook Park shall have all powers of local self government now and hereafter granted to municipalities by the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by the Charter, **or if not prescribed wherein** by ordinance or resolution of the Council created hereby, or in such manner as prescribed now or hereafter by the Constitution and laws of the State of Ohio.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article II, Section 2.01, be amended to provide that if a municipal power exercised is not prescribed in the Charter or by ordinance or resolution of the Council, it will be governed by the Constitution and the laws of the State of Ohio?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

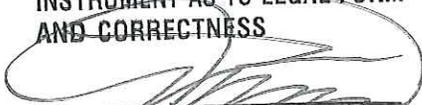
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS



DIRECTOR OF LAW

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IV, SECTION 4.05 (b);
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article IV, Section 4.05(b); of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 4.05 MEETINGS.

(b) Special Meetings. Special meetings of the Council may be called in accordance with and as provided for by the rules, regulations or, by-laws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) members of Council, shall be given to each member of Council and the Mayor, by serving on each of them personally ~~or by leaving a copy thereof at his usual place of residence,~~ **or electronically or as otherwise determined by Council Rules**, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.05, be amended to have special meeting notices served to the Mayor and Council either personally, electronically or as otherwise determined by Council Rules?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this

Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS



DIRECTOR OF LAW

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE IX, SECTION 9.04
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article IX, Section 9.04; of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 9.04 Appointment of Division Heads

The Director of Public Service shall appoint the heads of the Divisions established in Section 9.03 of this charter, except the Division of Engineering, which Division head shall be appointed by the Mayor, **and shall have the qualifications as may be set forth in the city ordinances.** Such appointees shall serve at the pleasure of the appointing authorities.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IX Section 9.04, be amended to include qualifications for Division Heads within the Service Department as may be set forth in the City Ordinances?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

DIRECTOR OF LAW
I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XI, SECTION 11.04(a);
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article XI, Section 11.04(a); of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 11.04 BOARD OF ZONING AND BUILDING APPEALS.

(a) Organization. The Board of Zoning and Building Appeals shall consist of a member of City Council and six (6) appointed members who shall not be members of the Planning Commission, **subject to the approval of a majority of the Members of Council.** The terms of the members appointed by the Mayor shall be five (5) years each.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article XI, Section 11.04(a), be amended to have a majority of Council members approve the Mayor's appointments to the Board of Zoning and Building Appeals?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

DIRECTOR OF LAW
I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XIII, SECTION 13.01;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article XIII, Section 13.01; of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 13.01 INITIATIVE.

The electors of the City shall have the power to propose any ordinance or resolution, except an ordinance for the appropriation of money or authorization for a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiative petition shall be submitted to the Clerk of the Council by petition signed by the registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election.

When so submitted, the Clerk shall forthwith determine the sufficiency of the petition. If found insufficient the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole.

Provision shall be made for public hearing on the proposed ordinance or resolution not later than twenty (20) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall, within sixty (60) days after such ordinance was submitted, take final action thereon, either

enacting, amending, or rejecting the proposed ordinance or resolution.

If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk, within ten (10) days after final action on such ordinance or resolution by Council, a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, total not less in number than twenty (20) percent of the electors of the City voting at the last preceding general election, and if said supplemental petition is signed by such number of additional registered electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing such supplemental petition. The Council shall thereupon provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than ~~sixty (60)~~ **ninety (90)** days from the filing of such supplemental petition, if no date be so fixed therein.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within one (1) year after it takes effect.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article XIII, Section 13.01, be amended to increase the days for Council to submit an initiative to vote of the electors from 60 days to 90 days from the filing of such supplemental petition?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least

ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: 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 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

PRESIDENT OF COUNCIL

ATTEST: _____

Clerk of Council

APPROVED: _____

MAYOR

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

DATE


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

CA
1st R
2nd R
3rd R
B/C

ORDINANCE NO:

INTRODUCED BY: MAYOR GAMMELLA

**AN ORDINANCE AUTHORIZING THE MAYOR TO,
DISPOSE OF OBSOLETE OFFICE FURNITURE, FILE CABINETS, AND
OTHER MISCELLANEOUS OFFICE EQUIPMENT,
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Brook Park has various old furniture and office equipment that is obsolete and/or in disrepair; and

WHEREAS, said furniture, file cabinets, and office equipment has little or no value and it is not feasible to sell said property; and

WHEREAS, it is in the best interest of the City of Brook Park to dispose of said office furniture and equipment.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized and directed to dispose of obsolete and/or broken furniture, file cabinets and office equipment, a list of which is attached hereto as "Exhibit A."

SECTION 2: 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: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to dispose of obsolete furniture, file cabinets and office equipment; therefore provided this Ordinance receives the affirmative vote of at least five (5) 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: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

**I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS**



DIRECTOR OF LAW

Single office

- 4 Shelve Book case
- 2 wood file cabinets 6379, 0380
- 1 SHEDDER. 5726
- LEXMARK PRINTER 6810
- 2 DRAW METAL FILE CABINET
- COMP. DESK 7290
- PHONE 0011
- 2 CHAIRS

Council offices / COURT HOUSE

- STACK CHAIRS (#79)
- SOUND SYSTEM (5713)

② 4 DRAW FILE CABINETS 0374

- 1 SHARP CASH REGISTER
- 8 DRAW CART FILE CABINET
- 4 SETS OF METAL SHELVING 4FT
- COMPAX COMPUTER 8916

2 DRAW FILE CABINETS 5214 COUNCIL OFFICE

- 2 4 DRAW FILE CABINETS
- WORK STATION 4931 / 3 pieces
- 1 SHARP WORK STATION 4929
- LATERAL FILE CABINET 1265

- 5 CHAIRS
- 2 PHONES

COMPUTER ROOM

- COMPUTER RACK / BLACK - 11 #0975
- SLIDING DOOR COMPUTER DESK - GREY - #8834
- 2 DOOR RAM PRINTER DESK, #9706, 1 WITH NO TAG
- 4 DRAWER METAL FILING CABINET / BROWN -
- CHAIR

CIVIL SERVICE OFFICE - "DONNA"

- CHAIRS - 11
- 3 SHELF BOOK SHELF
- DESK - 3 PIECE DESK / WORKSTATIONS. #2365, #4365
- PHONE (DESK)
- WHITE BOARD - 4' X 6'

FINANCE - "MARALYN"

- 3 PIECE WORKSTATION - CHERRY W/ OVERHEAD CREDENZA - CHERRY (1000)
- 4 DRAWER - FILING CABINET - GREY - LATERAL
- 2 FABRIC CHAIRS
- DESK CHAIR
- 4 SHELF BLACK / PLASTIC
- PHONE

"MARTY HEALY"

- DESK - CHERRY
- PHONE
- 2 DRAWER / WOOD - CHERRY - #8498
- DESK STATION W/ STORAGE CREDENZA - CHERRY (0497 DESK)
(0496 CREDENZA)
- OFFICE CHAIR
- 2 - FABRIC / WOOD CHAIR
- SHELF WITH 2 DOOR CABINET - CHERRY - ~~XXXXXXXXXX~~
- COAT RACK (8351)

OLD CITY HALL INVENTORY -

RECEPTION
AREA
"TERRI"

- 5 DRAWER FILE CABINET #7772, #2011, #4251 & 6 NO TAG
- 2 DRAWER FILE CABINET - #9428, #9430
- BLACK 5 DRAWER FILE CABINET
- 2 DRAWER LATERAL - 11-2
- 3 DRAWER LATERAL
- PHONE SWITCH BOARD
- ROLLING FABRIC CHAIR
- RECEPTION DESK

NEED ACCESS

- GREG CINGLE - LOCKED
- MAYOR - LOCKED
- LAW DIRECTOR - LOCKED
- COUNCIL INTERSTOCK

FRONT LOBBY

- OFFICE DESK - #2251
- 2 LEATHER CHAIRS
- 2 CHAIRS

- MADELINE AND MARLY
- VISUAL INSPECTION - DOC
- NEED ACCESS FOR TAGS

BUILDING DEPT. "BRADEN"

- WOOD BOOK SHELF
- 3 DRAWER FILING CABINET - 11-2
- PHONE (DESK)
- WOODEN LAMINATE DESK
- DESK CHAIR - UPHOLSTERED

COUNCIL -

BUILDING DEPT. - "CHRIS"

- TABLE - #1230
- CHAIR -
- SHELF WOOD BOOK SHELF

MAYORS OFFICE

TAX DEPARTMENT - "JOHN"

- 3 piece workstation w/ overhead filing cabinet - Grey
- 2 drawer credenza - Grey - (desk/workstation is at PD)
- 2 desk phones
- workstation - Grey - (front tax window)
- 2 drawer filing cabinets - Grey (2) II.
- 2 drawer / 2 door cabinet #10324 - Grey
- printer table - Grey - Jenny O'Beirne
- fabric chair - Grey/Wood - (2)

TAX - "MARY OFFICE"

- wood desk w/ glass top
- wood credenza
- wood filing cabinet - 2 drawer
- 4 drawer filing cabinet - wood
- metal 2-drawer - Grey - II (2)
- phone

TAX SMALL FILE ROOM

- wood 2 door shelf - #6373
- wood file cabinet

TAX - ANDREA

- ~~2 door metal cabinet~~ - 2 door metal cabinet
- box fan - Bl
- 3 piece workstation - Grey
- 3 drawer filing cabinet - Grey
- 2 piece workstation - (PD has the rest)
- 2 drawer filing cabinet - (2)
- metal front area w/ 2 chairs

FINANCE OFFICE

- 3 PIECE WORKSTATION - "BOB CUBLES"
- 2 DRAWER FILE CABINET
- 3 DRAWER FILE CABINET.
- DESK CHAIR - III
- OVERHEAD FILE CABINET
- 8' ROTATING FILE CABINET
- PHONE - (BOB'S DESK)
- 7' ROTATING FILE CABINET.
- 5 DRAWER FILING CABINET - #10664, #10665, #10666, #10667, #10668, #10669
- WORK STATION (BACK SIDE OF BOB'S DESK) - GREY - SINGLE DESK
- 3 SHELF WOOD BOOK SHELF
- 4' ROTATING CABINET
- WORK STATION - GREY W/ OVERHEAD SHELF - SINGLE DESK
- WORK STATION - GREY - #10070 - 3 PIECE (CLAUDIA) W/OVERHEAD CABINET
- 2 DRAWER METAL FILING CABINET.
- PHONE (CLAUDIA'S)
- #6377 - WOOD/METAL 2 DRAWER CREDENZA
- ~~4~~ 4 DRAWER METAL FILING CABINET (CIVIL SERVICE)
- UPRIGHT METAL CABINET - 6' / GOLD
- WOODEN MICROWAVE CART.
- 4 DRAWER METAL FILING CABINET / BELL

WOMEN'S RESTROOM -

- WHITE WOODEN CABINET.

TAX DEPARTMENT - "JOHN"

- 3 piece workstation w/ OVERHEAD FILING CABINET - GREY
- 2 DRAWER CREDENZA - GREY - (DESK/WORKSTATION IS AT PD)
- 2 DESK PHONES
- WORKSTATION - GREY - (FRONT TAX WINDOW)
- 2 DRAWER FILING CABINETS - GREY (2) 11
- 2 DRAWER/2 DOOR CABINET #10324 - GREY
- PRINTER TABLE - GREY - JENNY O'BENE -
- FABALL CHAIR - GREY/WOOD - (2)

TAX - "MARY DEPKER"

- WOOD DESK w/ GLASS TOP
- WOOD CREDENZA
- WOOD FILING CABINET - 2 DRAWER
- 4 DRAWER FILING CABINET - WOOD -
- METAL 2-DRAWER - GREY - 11 (2)
- PHONE

TAX SMALL FILE ROOM

- WOOD 2 DOOR SHELF - #6373
- WOOD FILE CABINET -

TAX - ANDREA

- 2 ~~DOOR~~ METAL CABINET - 2 DOOR METAL CABINET
- 3 piece workstation - GREY
- 3 DRAWER FILING CABINET - GREY
- 2 piece workstation - (PD HAS THE REST)
- 2 DRAWER FILING CABINET - (2)
- 3 DESK PHONES - METAL COAT RACK w/ 3 SHELVES
- BOX FAN - BLUE

MAYORS office

- 1- Credenza 6020
- 1- Desk 9097
- 1- Computer Table No Number
- 1- Printer Table No Number
- 1- 1' Book shelf wood No Number
- 1- 3' Book shelf 2 shelf No Number
- 1- 5 Drawer Lat file 0364
- 11- CHAIRS:
- ~~3- 4 Drawer file 4375~~

LAW office

- 3- 4 Drawer File 4375
- 2375
- 6374
- 1 Large Conference Table No Number
- 2- wood Desk w/Return + Topper 99175
- 9916
- 1- fixed wall cabinets 4356

LAW Director office

- 1- wood desk w/glass top 0822
- 1- Credenza w/glass top 0823
- 1- 4 Drawer file 2378 STORAGE
- 3- chairs

KITCHEN

- 2 DRAWER CREDENZA
- WORK STATION TABLE
- CHAIR - ROLLING DESK

HUMAN RESOURCES

- 3 PIECE WORK STATION - CHERRY/GREY
- 2 END TABLES - CHERRY/GREY
- OFFICE DESK CHAIR
- PHONE (DESK)
- 4 DRAWER FILING CABINET
- FABRIC CHAIR
- WALL MOUNT ORGANIZER

MITSY OFFICE

- 2 SECTION DESK - CHERRY/GREY

- BUILDING DEPT. - "TED HORST" / BOILER RM.

- 4 DRAWER FILING CABINETS - #6491, #0494, #4494, #6441, #4472
#6493 + 11 W/O TAGS

- # MISC. BOXES ??

- DESK CHAIR

All Building Dept Files moved TO Building Dept.

5 Drawer File CAB. Council Storage

3159

0355

5159

1159

4 Drawer File CAB.

1242

1238

1234

1241

1237

1233

1240

1236

1239

1235

3 Drawer LAT

No Tag.

Micro fish Reaker broken

9887

3-4 metal shelving 4' Tall

ECONOMIC DEVELOPMENT - "SCOTT ADAMS"

- 1 CHERRY WOOD DESK w/ GLASS TOP
- CORNER SHELF - CHERRY - 11 - (2)
- 4 DOOR CREDENZA - CHERRY - moved TO MAYORS OFFICE
- 2 SHELF PRINTER TABLE - CHERRY/GREY
- COMPUTER DESK - CHERRY/GREY
- 4 DRAWER LATERAL FILING CABINET - METAL - GREY
- 2 DOOR METAL FILING CABINET - GREY
- 3 DR. DRAWER METAL FILING CABINET - GREY
- BLUEPRINT - HOLDER
- ROLLING CART - BLACK/GREY ?
- PLASTIC EASEL
- WALL MOUNT WHITE BOARD moved TO SERVICE
- PHONE

1st R _____
2nd R _____
3rd R _____
BO _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN POINDEXTER

AN ORDINANCE
ENACTING CHAPTER 163 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'TECHNOLOGY COMMISSION,'
AND DECLARING AN EMERGENCY

WHEREAS, Section 5.02 of the Brook Park City Charter states that the Council by ordinance may create, change, or abolish offices, departments, divisions, boards, commissions or agencies established by the Charter; and

WHEREAS, new and innovative technology is constantly changing the operations and assets of municipal government, as well as impacting on the City's laws, infrastructures and equipment; and

WHEREAS, understanding the implementation of new technology requires research and review by those who are most knowledgeable on the subjects; and

WHEREAS, City Council finds merit in forming a Technology Commission to review and assess any technological issues the City may face, including but not limited to telecommunications, computers and computer software and equipment, the internet, two way radios, and any other technology related field or matter, and wishes to establish such a Commission.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Brook Park codified ordinances shall be supplemented by enacting a new chapter 163, entitled "Technology Commission" is hereby enacted to read as follows:

CHAPTER 163 TECHNOLOGY COMMISSION

163.01 COMPOSITION, TERM; VACANCY.

There is hereby established the Brook Park Technology Commission, which shall consist of five members as follows:

- a) The Mayor or his Designee
- b) One member of Council who shall be appointed by Council
- c) Three residents with technology experience who shall be chosen by the Mayor with the concurrence of a majority of City Council.
- d) Other than the Mayor's designee and representative of Council, all members of this Commission shall be appointed by the Mayor and confirmed by Council for the following terms: Shall serve five (5) years each.
- e) Commission Vacancies. Any vacancies on the Commission shall be filled for the balance of term by appointment by the Mayor and confirmed by Council.

163.02 PURPOSE.

The functions of the Technology Commission shall be to review the City's current and various technology programs and determine those which no longer have administrative, or fiscal values to the City or its citizens, and further recommend other programs and/or innovations which would be of benefit to the City.

163.03 MEETINGS.

The technology Commission shall meet quarterly, and upon the call of the Mayor.

SECTION 2: 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: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to enact Chapter 163 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

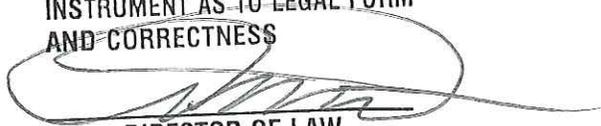
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS



DIRECTOR OF LAW



PLANNING COMMISSION APPROVAL MEMO
DATED 07/02/19 PAGE 2 of 2

3. Request approval for a Conditional Use Permit at 17510 Brookpark Road located in the U7-A District to operate an airport parking facility.

AGENT/CONTACT PERSON:

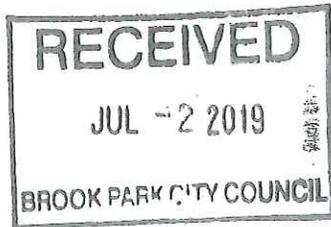
Anthony Russell, 2 Birds Shuttle and Detail
19540 Puritas Ave | Cleveland | Ohio | 44135

Cell: 216-905-3680 or 216-780-0466 Email: Russell.Anthony715@gmail.com

*** *CONDITIONS FOR APPROVAL* ***

1. Parking grade asphalt to be provided for Phase #1 parking area (Approx. 250 spaces)
2. Phase #1 parking area to be properly striped with 9' x 20' spaces
3. Phase #1 parking spaces to be numbered
4. Site lighting to be repaired and operational
5. Site perimeter to be fenced; ornamental black metal fence to be installed along South frontage
6. Site landscape to be properly maintained and improvements added
7. Valid lease to be maintained with property owner (GCRTA) & signed copy provided to the City
8. Sub-leasing prohibited
9. Conditional Use Permit is non-transferable
10. Phase #2 Site improvements require re-submittal & approval for a new Conditional Use Permit
11. Applicant will be given 120 days (upon council approval) to conform with outlined conditions

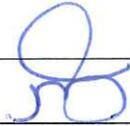
P/C 7-2-19 Planning
 CA PR102 8-20-19
 1st R _____
 2nd R _____
 3rd R _____
 B/C _____





'19 AUG 7 AM 10:12:40

MEMO

To:	Michelle Blazak, Clerk of Council
Cc:	Kate Schmidt, Law Dept. File
From:	Katie Anzalone, BZA/PC Secretary 
Date:	08/06/19
Re:	Planning Commission Approval

The requests below were approved (*with the conditions outlined*) at the Monday – August 5, 2019 Planning Commission meeting, and should be forwarded to City Council for approval:

1. Request for approval of a 1.283 acres lot split, labeled Parcel B-1 (survey provided) at 14801 Holland Road “North Park Retirement Community” for the purpose of licensing and converting the structure located on the proposed lot to an assisted living facility

*** CONDITION(S) FOR APPROVAL ***

1. Upon execution, copies of the signed & recorded lot split and easements must be provided to the City of Brook Park Law Department

AGENT/CONTACT PERSON:

John Coury, North Park Retirement Community
14801 Holland Road | Brook Park | Ohio | 44142

Phone: 216-803-1995 Email: jcoury@sovereignhealthcare.com

2. Request for approval by and between the City of Brook Park (Grantor) and NASA (Grantee) to vacate the property known as “Old Cedar Point Road” easterly from Aerospace Pkwy in the U1-A2 zone and the property dedicated right-of-way easterly of Grayland Drive in the U6 zone for the purpose of future consolidation of all NASA property into one parcel.

*** CONDITION(S) FOR APPROVAL ***

1. Upon execution, copies of the signed & recorded vacation plat and easements must be provided to the City of Brook Park Law Department

AGENT/CONTACT PERSON:

Robert Strunak, NASA
21000 Brookpark Road | Brook Park | Ohio | 44135

Phone: 216-433-2199 Email: robert.t.strunak@nasa.gov

P/C _____
 CA PRICP 8-20-19
 1st R _____
 2nd R _____
 3rd R _____
 B/C _____



PLANNING COMMISSION APPROVAL MEMO
DATED 08/06/19 PAGE 2 of 2

'19 AUG 7 AM 10:13:13

3. Request for approval of a Conditional Use Permit at 5775 Engle Road located in the U3-A Zone to operate an airport parking facility

*** CONDITION(S) FOR APPROVAL ***

1. Asphalt parking area to be properly repaired, re-surfaced, striped with 9' x 20' spaces and numbered
2. Site landscape to be properly maintained and improvements added
3. Site lighting to be repaired/added and operational
4. Compliance with City Engineer's comments, dated 07/31/19 (copy provided to Applicant at meeting)
5. Existing pole sign on premises only to be used for on-site business signage
6. Sub-leasing prohibited
7. Conditional Use Permit is non-transferable

AGENT/CONTACT PERSON(S):

Jeff & Mike Goebel, Property Owners
P.O. Box 81657 | Cleveland | Ohio | 44181
Phone: Mike 216-533-4530

Joseph Park, Cle Airport Express Parking
5240 Smith Road | Brook Park | Ohio | 44142
Phone: 216-322-4464

P/C _____
 CA PRICER 8-20-19
 1st R _____
 2nd R _____
 3rd R _____
 B/C _____

** signed minutes also
 furnished for items 1 & 2 **



PLANNING COMMISSION APPROVAL MEMO
DATED 07/02/19 PAGE 2 of 2

3. Request approval for a Conditional Use Permit at 17510 Brookpark Road located in the U7-A District to operate an airport parking facility.

AGENT/CONTACT PERSON:

Anthony Russell, 2 Birds Shuttle and Detail
19540 Puritas Ave | Cleveland | Ohio | 44135

Cell: 216-905-3680 or 216-780-0466 Email: Russell.Anthony715@gmail.com

*** *CONDITIONS FOR APPROVAL* ***

1. Parking grade asphalt to be provided for Phase #1 parking area (Approx. 250 spaces)
2. Phase #1 parking area to be properly striped with 9' x 20' spaces
3. Phase #1 parking spaces to be numbered
4. Site lighting to be repaired and operational
5. Site perimeter to be fenced; ornamental black metal fence to be installed along South frontage
6. Site landscape to be properly maintained and improvements added
7. Valid lease to be maintained with property owner (GCRTA) & signed copy provided to the City
8. Sub-leasing prohibited
9. Conditional Use Permit is non-transferable
10. Phase #2 Site improvements require re-submittal & approval for a new Conditional Use Permit
11. Applicant will be given 120 days (upon council approval) to conform with outlined conditions

P/C 7-2-19 Planning
 CA Prior 8-20-19
 1st R _____
 2nd R _____
 3rd R _____
 B/C _____





Board of Zoning Appeals & Planning Commission

PLANNING COMMISSION APPLICATION

PROPERTY TYPE
OWNER/AGENT DETAILS
PROJECT SUMMARY
PLANNING REQUESTS

- RESIDENTIAL APPLICANT (\$50 Filing Fee) - COMMERCIAL APPLICANT (\$75 Filing Fee)

PROJECT ADDRESS: 14801 Holland Road PARCEL #: 344 21 002

BUSINESS NAME (IF APPLICABLE): North Park Retirement Community

- Property Owner to Attend Meeting - Agent/Contact Person to Attend Meeting

PROPERTY OWNER NAME(S): John Coury

PHONE # (216) 803-1995 Cell Home Office ALT # _____ Cell Home Office

EMAIL: jcoury@sovereignhealthcare.com

ADDRESS: 14801 Holland Rd, Brook Park, OH 44142 (CITY) (ZIP)

AGENT/CONTACT PERSON NAME(S): _____

PHONE # _____ Cell Home Office ALT # _____ Cell Home Office

EMAIL: _____

ADDRESS: _____ (CITY) (ZIP)

North Park is proposing a lot split of one of its eleven independent living apartment buildings. The lot split will allow North Park the opportunity to license the building as an assisted living, and provide collateral for the financing required to fund the conversion.

AESTHETIC/PROJECT APPROVAL (Include: Plot Plan, Current & Proposed Elevation, Landscape & Signage details, Floor Plan, Detailed Business Plan)

CONDITIONAL USE PERMIT (Include: Plot Plan, Current & Proposed Elevation, Landscape & Signage details, Floor Plan, Detailed Business Plan)

REZONING (Include: Plot Plan, Legal Description, Detailed Business Plan)

LOT SPLIT LOT CONSOLIDATION (Include: Plot Plan, Lot split/consolidation Plat, Legal Description, Mylar)

TELECOMMUNICATION TOWER (Include: Plot Plan, Elevation/Construction drawings, Structural calculations)

BILLBOARD (Include: Plot Plan, Elevation/Construction drawings)

FRONT PORCH (Include: Plot Plan with setback distance clearly marked, Elevation details & Material list/photos)

OTHER _____

APPLICANT SIGNATURE: John Coury Owner Agent Date: 6-5-2019

GRANT OF ACCESS AND UTILITY EASEMENT AND RESTRICTIVE COVENANT

This Grant of Access and Utility Easement and Restrictive Covenant (this "Easement") is made as of the ____ day of _____, 2019 by and between **NORTH PARK PROPERTIES, LLC**, an Ohio limited liability company ("Parcel A Owner") **NORTH PARK RETIREMENT COMMUNITY CENTER, INC.**, an Ohio corporation ("Parcel B Owner") each of Parcel A Owner and Parcel B Owner, a "Party" and together, the "Parties".

WITNESSETH:

WHEREAS, Parcel A Owner is the sole owner of certain real property located in Cuyahoga County, Ohio, identified as PPN 334-21-170, as depicted on Exhibit A, attached hereto and incorporated herein by reference ("Parcel A");

WHEREAS, Parcel B Owner is the sole owner of certain real property located in Cuyahoga County, Ohio, as described on Exhibit B, attached hereto and incorporated herein by reference ("Parcel B-1") and certain real property located in Cuyahoga County, Ohio, as described on Exhibit C, attached hereto and incorporated herein by reference ("Parcel B-2"; together with Parcel A, Parcel B-1, the "Property");

WHEREAS, in order to fully develop the Property, the Parties desire to grant certain perpetual, non-exclusive access and utility easements in, under, over, across and through the Property for the benefit of Parcel A, Parcel B-1 and Parcel B-2;

WHEREAS, in connection with the same, Parcel B Owner desires to split Parcel B-1 and Parcel B-2 into two separate tax parcels (the "Split"), pursuant to the Lot Split attached as Exhibit A;

WHEREAS, the City of Brook Park, Ohio, has required the recording of this Easement as a condition to the approval of the Split;

WHEREAS, Parcel B Owner desires to record a restrictive covenant against Parcel B-1 and Parcel B-2 such that neither of Parcel B-1 or Parcel B-2 can be sold without also selling the other; and

WHEREAS, the Parties agrees to the following covenants, conditions and restrictions on their respective property upon the terms and conditions provided herein.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties agree as follows:

1. Grant of Easements. The Parties hereby grant, declare and convey to each of Parcel A, Parcel B-1 and Parcel B-2 and their respective successors and assigns, a perpetual non-exclusive easement in, over, under, across and through the Property to permit unobstructed pedestrian and vehicular passage, ingress and egress by the owners of each of Parcel A, Parcel B-1 and Parcel B-

2 and their respective agents, contractors, employees, tenants, licensees and invitees among Parcel A, Parcel B-1 and Parcel B-2. Additionally, the Parties hereby grant, declare and convey to each of Parcel A, Parcel B-1 and Parcel B-2 and their respective successors and assigns, a perpetual non-exclusive easement in, over, under, across and through the Property for the purpose of the installation, operation, flow, passage, use, maintenance, connection, repair, relocation and removal of all necessary utilities, including, without limitation, above ground and below ground electric utility lines, electric poles, connections, storm sewer, sanitary sewer, water mains, gas mains, telephone lines, cable lines, internet cables, and related improvements together with the right of ingress and egress for the foregoing purposes. Any maintenance and repair of the foregoing improvements shall be performed in such a manner as to cause as little disturbance in the use of the Property as is practicable under the circumstances. Following any Parties' installation, maintenance or replacement of such improvements, the installing party shall restore the affected portion of the Property to a condition equal to or better than the condition which existed prior to commencement of such work. In the exercise of the foregoing, each owner of Parcel A, Parcel B-1 and Parcel B-2 agrees not to interfere with the use and enjoyment of the other parties' parcel and to exercise the rights granted herein in such a manner as to avoid any interference with any improvements now or hereafter constructed upon the Property.

2. Restrictive Covenant. For so long as Parcel B-1 and Parcel B-2 remain two separate and distinct tax parcels, Parcel B Owner agrees not to sell or convey one parcel to a third party without also conveying the second parcel to the same third party. This restrictive covenant shall run with the land and be binding upon the owners of the Parcel B-1 and Parcel B-2 until the earlier of (i) the date Parcel B-1 and Parcel B-2 are no longer two separate and distinct tax parcels; and (ii) ninety-nine (99) years from the date of this Easement.

3. Damage. If in the exercise of this Easement and right, the owner of Parcel A, Parcel B-1 or Parcel B-2 or their respective agents, contractors, employees, or invitees damage the Property or any facilities or other property of the owner of Parcel A, Parcel B-1 or Parcel B-2 located on the Property, such party shall reimburse the owner for all reasonable costs and actual expenses incurred by such party as a result of such damage including the repair or replacement of the damaged property, and which are submitted to the damaging party in an itemized and written form.

4. Attorneys Fees. A breach of this Easement or any material agreements contained herein shall entitle the prevailing party to collect from the non-prevailing party reasonable attorneys' fees and related costs arising from any such breach.

5. Entire Agreement. This Easement contains the entire agreement between the Parties hereto with respect to the subject matter hereof. All representations, promises and prior or contemporaneous undertakings between such Parties are merged into and expressed in this Easement, and any and all prior agreements or understandings between such parties are hereby canceled. This Easement shall not be amended, modified or supplemented except by a written agreement duly executed by all of the then owners of the Property.

6. Notice. All notices given under this Easement shall be in writing and sent by personal delivery, prepaid certified or express mail, return receipt requested, or by a nationally-recognized overnight courier (such as Federal Express), addressed as follows:

If to Parcel A: The tax mailing address of record with the Cuyahoga County, Ohio Recorder's Office.

If to Parcel B-1: The tax mailing address of record with the Cuyahoga County, Ohio Recorder's Office.

If to Parcel B-2: The tax mailing address of record with the Cuyahoga County, Ohio Recorder's Office.

Notice shall be deemed given upon the date indicated on written confirmation of receipt by the receiving party if sent via certified mail or twenty-four (24) hours after notice is given to a courier for overnight delivery. The address to which notices are to be mailed may be changed from time to time by either Party upon written notice to the other Party.

7. Reservation of Rights. The Parties reserves the right to use the Property for any use not inconsistent with the terms and provisions of this Easement provided such use does not adversely affect access, ingress or egress across or maneuverability of vehicles or pedestrians on the Property.

8. Easement to Run with the Land. This Easement shall benefit the owners of Parcel A, Parcel B-1 and Parcel B-2 and their successors and assigns and shall run with the Property.

9. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Ohio. If any part of this Easement is adjudged to be contrary to law by a court of competent jurisdiction, such Easement shall in all other respects be and remain legally effective and binding to the fullest extent permissible.

10. Counterparts. This Easement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any of the Parties or signatories hereto may execute this Easement by signing any such counterpart.

11. Further Assurances. Each Party agrees to execute and deliver any and all such further documents, agreements and instruments, and take such further actions, that any other Party may reasonably request in order to effectuate the purposes contemplated by this Easement.

[Signature Page Follows]

IN WITNESS WHEREOF, Parcel A Owner has caused this Easement to be executed as of the date first above written.

PARCEL A OWNER:

NORTH PARK PROPERTIES, LLC, an Ohio limited liability company

By: _____

Name: _____

Title: _____

Personally appeared before me today, _____, the duly authorized _____ of Parcel A Owner, and acknowledged the execution of this Easement to be his/her voluntary act and deed for and on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, on this ___ day of _____, 2019.

Notary Public: _____

Printed Name: _____

My Commission Expires: _____

My County of Residence: _____

IN WITNESS WHEREOF, Parcel B Owner has caused this Easement to be executed as of the date first above written.

PARCEL B OWNER:

NORTH PARK RETIREMENT COMMUNITY CENTER, INC., an Ohio corporation

By: _____

Name: _____

Title: _____

Personally appeared before me today, _____, the duly authorized _____ of Parcel B Owner, and acknowledged the execution of this Easement to be his/her voluntary act and deed for and on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, on this ___ day of _____, 2019.

Notary Public: _____

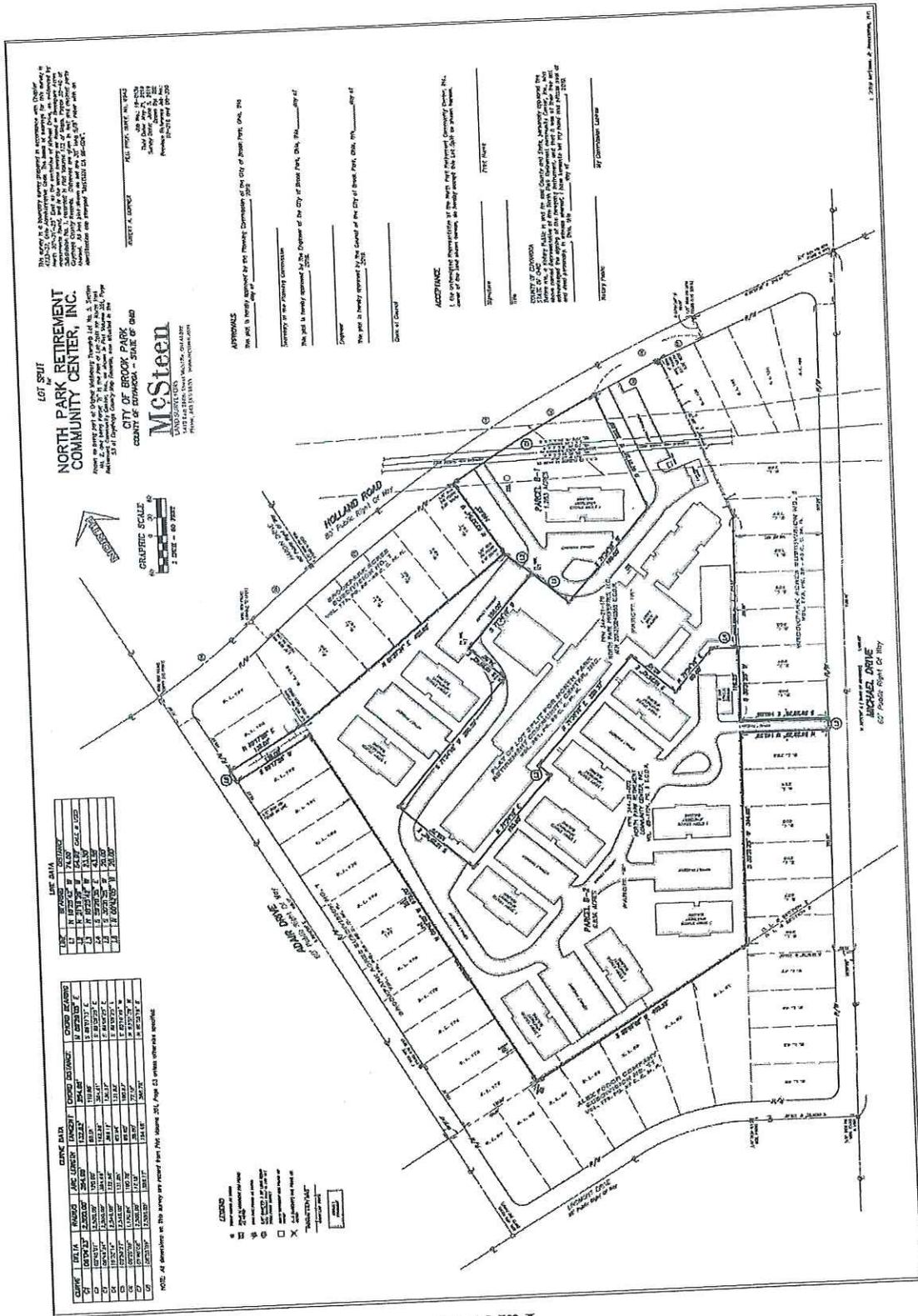
Printed Name: _____

My Commission Expires: _____

My County of Residence: _____

This instrument prepared by: Eric M. Simon, Taft Stettinius & Hollister LLP, 200 Public Square Suite 3500, Cleveland, OH 44114-2302.

Exhibit A "Parcel A"



LOT SPLIT
NORTH PARK RETIREMENT COMMUNITY CENTER, INC.
 1000 North Park Road, North Park, Ohio 44134
 Attention: Mr. J. J. ...
 City of Brook Park, Ohio

McSteen
 LAND SURVEYORS & ENGINEERS
 1000 North Park Road, North Park, Ohio 44134
 Phone: 419-233-1111

APPROVALS
 This plan is hereby approved by the Planning Commission of the City of Brook Park, Ohio, on this _____ day of _____, 200__.

APPROVED: _____
 City Engineer
 This plan is hereby approved by the City of Brook Park, Ohio, on this _____ day of _____, 200__.

APPROVED: _____
 Mayor
 This plan is hereby approved by the Mayor, Brook Park, Ohio, on this _____ day of _____, 200__.

ACCEPTANCE: _____
 State of Ohio
 This plan is hereby approved by the State of Ohio, on this _____ day of _____, 200__.

LOT DATA

LOT	AREA	PERCENTAGE
1	10,000	10.00%
2	10,000	10.00%
3	10,000	10.00%
4	10,000	10.00%
5	10,000	10.00%
6	10,000	10.00%
7	10,000	10.00%
8	10,000	10.00%
9	10,000	10.00%
10	10,000	10.00%

CEILING DATA

CEILING	AREA	PERCENTAGE
1	10,000	10.00%
2	10,000	10.00%
3	10,000	10.00%
4	10,000	10.00%
5	10,000	10.00%
6	10,000	10.00%
7	10,000	10.00%
8	10,000	10.00%
9	10,000	10.00%
10	10,000	10.00%

NOTE: All dimensions on this survey are rounded from total station data. Page C3 unless otherwise indicated.

- LEGEND**
- 1. Proposed building
 - 2. Existing building
 - 3. Proposed parking
 - 4. Existing parking
 - 5. Proposed driveway
 - 6. Existing driveway
 - 7. Proposed sidewalk
 - 8. Existing sidewalk
 - 9. Proposed utility
 - 10. Existing utility
 - 11. Proposed fence
 - 12. Existing fence
 - 13. Proposed wall
 - 14. Existing wall
 - 15. Proposed gate
 - 16. Existing gate
 - 17. Proposed sign
 - 18. Existing sign
 - 19. Proposed monument
 - 20. Existing monument
 - 21. Proposed easement
 - 22. Existing easement
 - 23. Proposed right-of-way
 - 24. Existing right-of-way
 - 25. Proposed street
 - 26. Existing street
 - 27. Proposed alley
 - 28. Existing alley
 - 29. Proposed road
 - 30. Existing road
 - 31. Proposed highway
 - 32. Existing highway
 - 33. Proposed bridge
 - 34. Existing bridge
 - 35. Proposed culvert
 - 36. Existing culvert
 - 37. Proposed ditch
 - 38. Existing ditch
 - 39. Proposed stream
 - 40. Existing stream
 - 41. Proposed canal
 - 42. Existing canal
 - 43. Proposed waterway
 - 44. Existing waterway
 - 45. Proposed water
 - 46. Existing water
 - 47. Proposed sewer
 - 48. Existing sewer
 - 49. Proposed storm
 - 50. Existing storm
 - 51. Proposed gas
 - 52. Existing gas
 - 53. Proposed electric
 - 54. Existing electric
 - 55. Proposed telephone
 - 56. Existing telephone
 - 57. Proposed cable
 - 58. Existing cable
 - 59. Proposed fiber
 - 60. Existing fiber
 - 61. Proposed power
 - 62. Existing power
 - 63. Proposed water
 - 64. Existing water
 - 65. Proposed sewer
 - 66. Existing sewer
 - 67. Proposed storm
 - 68. Existing storm
 - 69. Proposed gas
 - 70. Existing gas
 - 71. Proposed electric
 - 72. Existing electric
 - 73. Proposed telephone
 - 74. Existing telephone
 - 75. Proposed cable
 - 76. Existing cable
 - 77. Proposed fiber
 - 78. Existing fiber
 - 79. Proposed power
 - 80. Existing power
 - 81. Proposed water
 - 82. Existing water
 - 83. Proposed sewer
 - 84. Existing sewer
 - 85. Proposed storm
 - 86. Existing storm
 - 87. Proposed gas
 - 88. Existing gas
 - 89. Proposed electric
 - 90. Existing electric
 - 91. Proposed telephone
 - 92. Existing telephone
 - 93. Proposed cable
 - 94. Existing cable
 - 95. Proposed fiber
 - 96. Existing fiber
 - 97. Proposed power
 - 98. Existing power
 - 99. Proposed water
 - 100. Existing water

Exhibit B
"Parcel B-1"



File No. 19-013a
June 5, 2019

LEGAL DESCRIPTION
PARCEL "B-1"
North Park Retirement
Community Center, Inc.
Brook Park, Ohio

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio, and know as being part of Original Middleburg Township Lot No. 5, Section No. 2, and being part of Parcel "B" in the Plat of Lot Split for North Park Retirement Community Center, Inc., as shown in Plat Volume 351, Page 53 of Cuyahoga County Map Records, and being part of land conveyed to North Park Retirement Community Center, Inc. by deed recorded in Deed Volume 88-1104, Page 6 of Cuyahoga County Deed Records, being further known as Lot "B-1" in a Lot Split for North Park Retirement Community Center, Inc., as recorded in AFN _____ Cuyahoga County Map Records, and containing 1.283 Acres of land, more or less.

**Exhibit C
"Parcel B-2"**



File No. 19-013a
June 5, 2019

**LEGAL DESCRIPTION
PARCEL "B-2"
North Park Retirement
Community Center, Inc.
Brook Park, Ohio**

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio, and know as being part of Original Middleburg Township Lot No. 5, Section No. 2, and being part of Parcel "B" in the Plat of Lot Split for North Park Retirement Community Center, Inc., as shown in Plat Volume 351, Page 53 of Cuyahoga County Map Records, and being part of land conveyed to North Park Retirement Community Center, Inc. by deed recorded in Deed Volume 88-1104, Page 6 of Cuyahoga County Deed Records, being further known as Lot "B-2" in a Lot Split for North Park Retirement Community Center, Inc., as recorded in AFN _____
Cuyahoga County Map Records, and containing 6.836 Acres of land, more or less.





City of Brook Park – Application for PLANNING COMMISSION

TYPE	<input type="checkbox"/> - RESIDENTIAL APPLICANT (\$25 Filing Fee) <input checked="" type="checkbox"/> - COMMERCIAL APPLICANT (\$75 Filing Fee)
PROPERTY DETAILS	PROJECT ADDRESS: Vacant property dedication Cedar Point Rd from Aerospace Pkwy. to prev vacated portion PARCEL #: N/A _____ BUSINESS NAME (IF APPLICABLE): NASA _____ PROPERTY OWNER: US POC: Robert Strunak _____ PHONE #: 216-433-2199 _____ ADDRESS: _____ 21000 Brook Park Road _____ Brook Park _____ 44135 _____ <small>(STREET ADDRESS) (CITY) (ZIP)</small> EMAIL: robert.t.strunak@nasa.gov _____
APPLICANT	AGENT: (NASA/GRC Real Property Officer) _____ CONTACT PERSON: Robert Strunak _____ PHONE #: 216-433-2199 _____ <input type="checkbox"/> -Cell <input checked="" type="checkbox"/> -Office <input type="checkbox"/> -Fax ALT. #: _____ <input type="checkbox"/> -Cell <input type="checkbox"/> -Office <input type="checkbox"/> -Fax ADDRESS: _____ 21000 Brook Park Road _____ Brook Park _____ 44135 _____ <small>(STREET ADDRESS) (CITY) (ZIP)</small> EMAIL: robert.t.strunak@nasa.gov _____
PROJECT SUMMARY	To vacate dedicated on Cedar Point Rd from Aerospace Pkwy. to prev vacated portion. _____ _____ _____ _____
PLANNING REQUEST(S)	<input type="checkbox"/> AESTHETIC/PROJECT APPROVAL (Include: Plot Plan, Current & Proposed Elevation, Landscape & Signage details, Floor Plan, Detailed Business Plan) <input type="checkbox"/> CONDITIONAL USE PERMIT (Include: Plot Plan, Current & Proposed Elevation, Landscape & Signage details, Floor Plan, Detailed Business Plan) <input type="checkbox"/> REZONING (Include: Plot Plan, Legal Description, Detailed Business Plan) <input type="checkbox"/> LOT SPLIT <input type="checkbox"/> LOT CONSOLIDATION (Include: Plot Plan, Lot split/consolidation Plat, Legal Description, Mylar) <input type="checkbox"/> TELECOMMUNICATION TOWER (Include: Plot Plan, Elevation/Construction drawings, Structural calculations) <input type="checkbox"/> BILLBOARD (Include: Plot Plan, Elevation/Construction drawings) <input type="checkbox"/> FRONT PORCH (Include: Plot Plan with setback distance clearly marked, Elevation details & Material list/photos) <input type="checkbox"/> OTHER _____
APPLICANT SIGNATURE:	_____ <i>Robert Strunak</i> _____ <input type="checkbox"/> - Owner <input type="checkbox"/> - Agent Date: 10/12/18

National Aeronautics and
Space Administration

John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191



June 7, 2019

Reply to Attn of: FXP

TO: A/Center Director

FROM: FXP/Branch Chief, Facility Program Management

SUBJECT: Memorandum of Understanding (MOU) Between NASA Glenn Research Center (GRC) and the City of Brook Park

The NASA submitted, to the City of Brook Park, documentation requesting the formal handing over (vacation) of Grayland Road and Cedar Point Road at the south end of Lewis Field. The land on either side of the road has been owned by NASA for several years, but this portion of land (Plats) has never been filed. The city has no interest in owning this land other than needing access, via easement rights, to maintain sewers and a water line owned by the city. The vacation of this land was approved at the City of Brook Park November 2018 Planning Commission meeting that Tim Monk, NASA Civil Systems Manager, and Robert Strunak, Real Property Accountable Officer attended.

The legal process of signing and filing these documents has taken much longer than anticipated, and GRC needs to commence construction in this area as part of the Repair Storm Sewers Phase 2 Project starting June 17, 2019. We are planning to improve and use this road as a detour route when we close the West Area Road hill. To assure no delays in construction, the Chief Counsel and the Facilities, Test and Manufacturing Directorate have collaborated on the enclosed MOU that the City of Brook Park Mayor has signed, to grant permission to begin construction immediately. We are requesting the Center Director's signature on the enclosed MOU to assure that construction plans are not delayed.

If you have any questions, please contact Robert Strunak, Real Property Accountable Officer, at (216) 433-2199 or robert.t.strunak@nasa.gov.

A handwritten signature in cursive script that reads "Robert T. Strunak".

Robert T. Strunak

Enclosure

MEMORANDUM OF UNDERSTANDING
Between
The City of Brook Park
and
The National Aeronautics and Space Administration (NASA)
For the Use of Cedar Point Road

I. STATEMENT OF INTENT

This Memorandum of Understanding ("MOU") is between the City of Brook Park, located in Cuyahoga County, Ohio (the "City"), and the National Aeronautics and Space Administration ("NASA"). This MOU hereby sets forth the terms of agreement and understanding between NASA and the City to ensure that NASA is permitted to use, maintain, and improve Cedar Point Road prior to the recording of a certain vacation plat of Cedar Point Road by the City.

II. BACKGROUND

NASA owns property abutting both sides of Cedar Point Road, east of Aerospace Parkway, and has requested the vacation of this portion of Cedar Point Road without objection from the City of Brook Park. The anticipated portion of Cedar Point Road to be vacated is depicted in the attached Exhibit A. NASA and the City are preparing the vacation plat documents and intend to execute and record (as applicable) the vacation plat documents as soon as practicable.

III. SCOPE

A portion of Cedar Point Road, as depicted in Exhibit A, will be modified by NASA so that the connection to Aerospace Parkway will be removed and routed to West Area Road, just to the north of the NASA West Gate. NASA intends to extend the perimeter fence to include the aforementioned modifications so that the portion of Cedar Point Road to be vacated will be within the secured aforementioned perimeter.

IV. TERM

This MOU will remain in effect until the vacation plat of Cedar Point Road and associated easement areas east of Aerospace Parkway are recorded or five years from the date of the last signature below, whichever comes first.

V. TERMS & CONDITIONS

- A. For the term of this MOU, the City does hereby grant and convey to NASA the exclusive right of use of that certain portion of Cedar Point Road, as depicted in Exhibit A.
- B. For the term of this MOU, NASA shall maintain that certain portion of Cedar Point Road, as depicted in Exhibit A, at NASA's expense. Notwithstanding, all costs associated with sewer and water maintenance shall be borne by the City, except in circumstances where costs are derivative of NASA's gross negligence.

- C. There will be no transfer of funds between the Parties under this MOU. Each Party shall be responsible for all costs associated with the activities undertaken with respect to this MOU. All activities under or pursuant to this MOU are subject to the availability of funds, and, further, no provision of this MOU shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, (31 U.S.C. § 1341).

VI. LIABILITY AND RISK OF LOSS

- A. Each Party agrees to assume liability for its own risks and acts arising from or related to activities conducted under this MOU.
- B. Each Party hereby waives any claim against the other Party, employees of the other Party, the other Party's Related Entities (as defined below), or employees of the other Party's Related Entities for any injury to, or death of, the waiving Party's employees or the employees of its Related Entities, or for damage to, or loss of, the waiving Party's property or the property of its Related Entities arising from or related to activities conducted under this MOU, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.
- C. Each Party further agrees to extend this cross-waiver to its Related Entities by requiring them, by contract or otherwise, to waive all claims against the other Party, Related Entities of the other Party, and employees of the other Party or of its Related Entities for injury, death, damage, or loss arising from or related to activities conducted under this MOU. Additionally, each Party shall require that their Related Entities extend this cross-waiver to their Related Entities by requiring them, by contract or otherwise, to waive all claims against the other Party, Related Entities of the other Party, and employees of the other Party or of its Related Entities for injury, death, damage, or loss arising from or related to activities conducted under this Agreement.
- D. For the purpose of this MOU, the term "Related Entity" means: (i) A contractor or subcontractor of a Party at any tier; (ii) A grantee or any other cooperating entity or investigator of a Party at any tier; or (iii) A contractor or subcontractor of a grantee or any other cooperating entity or investigator of a Party at any tier.

VII. DISPUTE RESOLUTION

Except in those situations where a pre-existing statutory or regulatory system exists (e.g., under the Freedom of Information Act, 5 U.S.C. § 552), all disputes concerning questions of fact or law arising under this MOU shall be referred by the claimant in writing to the appropriate person identified in this MOU as the "Points of Contact" in this Article VII. The persons identified as the "Points of Contact" for NASA and the City will consult and attempt to resolve all issues arising from the implementation of this MOU. If they are unable to come to agreement on any issue, the dispute will be referred to the signatories to this MOU, or their designees, for joint resolution. If the Parties remain unable to resolve the dispute, then the NASA signatory or that person's designee, as applicable, will issue a written decision that will be the final agency

decision. Nothing in this Article limits or prevents either Party from pursuing any other right or remedy available by law upon the issuance of the final agency decision.

VIII. POINTS OF CONTACT

The following people are designated as the Points of Contact in the performance of this MOU:

NASA

Timothy A. Monk, P.E., LEED AP

Civil Systems Manager

21000 Brookpark Road

Cleveland, OH 44135

Phone: 216-433-3921

Email: timothy.a.monk@nasa.gov

The City

Michael D. Gammella

Mayor

6161 Engle Road

Brook Park, Ohio, 44142

Phone: 216-433-1300

Email: mgammella@cityofbrookpark.com

IX. MODIFICATIONS

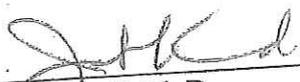
Any modifications to this MOU shall be executed, in writing, and signed by an authorized representative of NASA and the City.

X. SIGNATORY AUTHORITY

The signatories to this MOU covenant and warrant that they have authority to execute this MOU. By signing below, the undersigned agrees to the above terms and conditions.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
GLENN RESEARCH CENTER

THE CITY OF BROOK PARK

BY: 
Janet L. Kavandi, Ph.D.
Center Director

BY: 
Michael D. Gammella
Mayor, City of Brook Park

DATE: 6/12/19

DATE: 6/5/19

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS

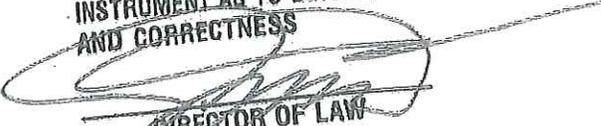
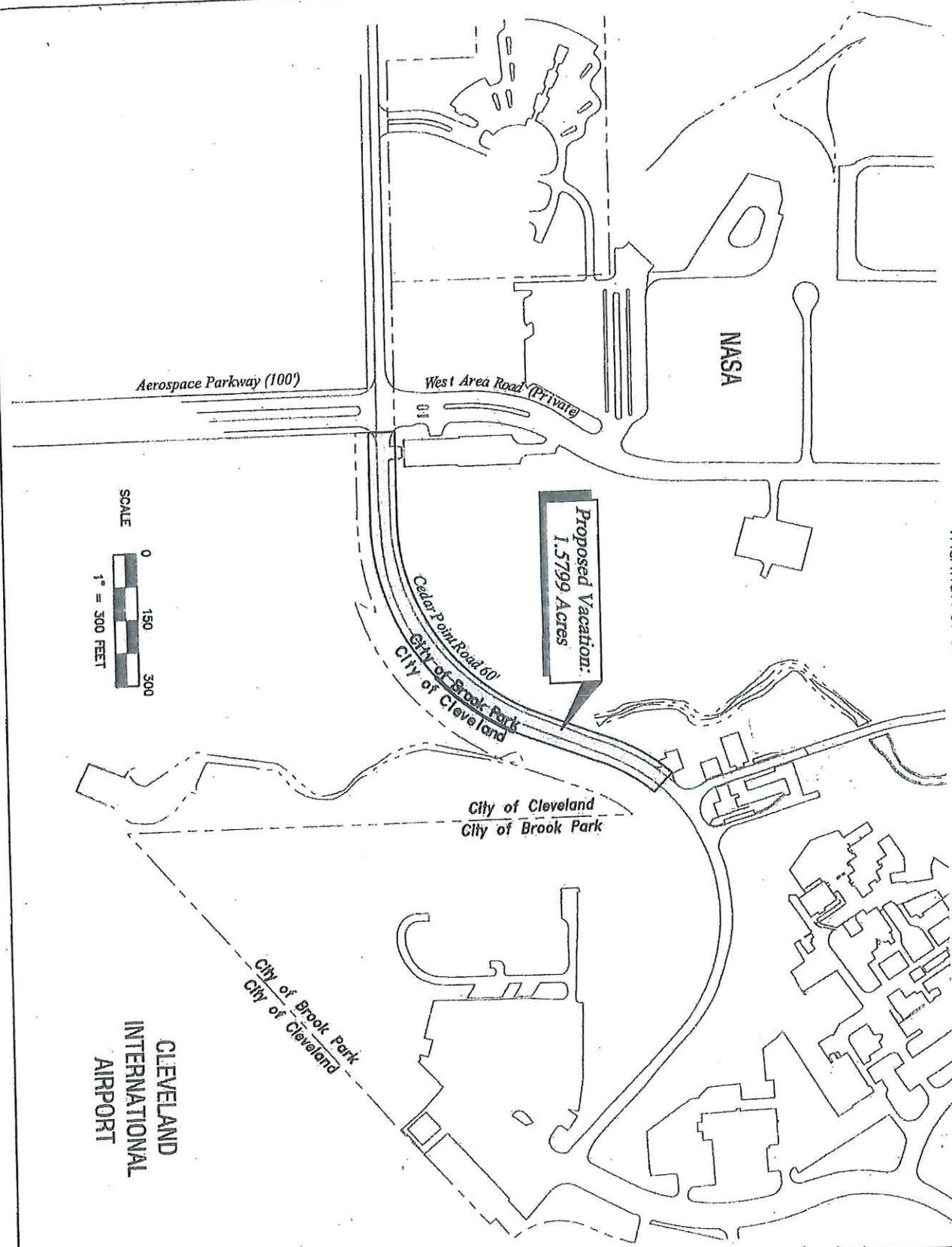

DIRECTOR OF LAW

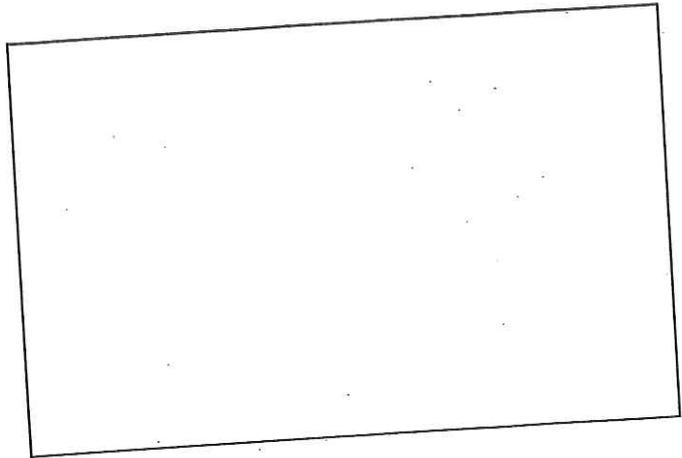
EXHIBIT "A"
VACATION OF CEDAR POINT ROAD



SHEET NO. 1 OF 1	JOB: 220064 05/10/2019	P.M. T. MONK DR. DY CH: BP	  
	NASA GLENN RESEARCH CENTER		
	SECTION 21 TWP 6N RANGE 14W		
	CITY OF BROOKPARK CUYAHOGA COUNTY, OH		

When Recorded Return To:

NASA – Glenn Research Center
Attn: Tim Monk
21000 Brookpark Road, MS 86-9
Cleveland, Ohio 44135



STORM SEWER UTILITY EASEMENT AGREEMENT

This Storm Sewer Utility Easement Agreement ("Agreement") is made as of this ____ day of _____, 2019 by and between the National Aeronautics and Space Administration ("GRANTOR"), acting by and through the Center Director for the National Aeronautics and Space Administration, Glenn Research Center, and the City of Brook Park, Ohio ("GRANTEE"), acting by and through its Mayor, Michael D. Gammella.

RECITALS

- A. WHEREAS, GRANTOR has granted GRANTEE the real property legally described in Exhibit A attached hereto, visually depicted in Exhibit B attached hereto designated as "Storm Easement", and;
- B. WHEREAS, GRANTOR owns the real property in fee legally described in Exhibit C attached hereto, and visually depicted in Exhibit D attached hereto and designated as Vacation Plat (Plat Volume _____, Page _____ by the Cuyahoga County Records) (the "Grantor's Tract") and GRANTOR now owns the Grantor's Tract in fee;

NOW THEREFORE, GRANTOR, in consideration of the sum of \$10.00 and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to GRANTEE:

- 1. a perpetual non-exclusive easement for vehicular and pedestrian ingress and egress across, over and under the Easement Tract to construct, reconstruct, maintain, alter, inspect, use, and repair a public sewer and its appurtenances, including manholes, embankments and sewage tanks or valves (the "Easement").

GRANTEE's use of the Easement Tract shall be subject to GRANTOR'S security and badging (i) protocols, (ii) requirements, (iii) restrictions, and (iv) procedures.

GRANTEE shall provide 15 days advance written notice to GRANTOR and obtain GRANTOR's written approval, which shall not be unreasonably withheld, prior to exercising any rights granted in this Agreement.

GRANTOR herein reserves the right to itself, its heirs and assigns to continue to use the land within the Easement Tract for any use and purposes which shall not interfere with the use of the Easement Tract by the GRANTEE in fulfilling the purpose for which the Easement is granted.

This Agreement shall be binding upon and inure to the benefit of the GRANTEE, their agents, employees, successors, and assigns and shall constitute a covenant for the benefit of and running with and appurtenant to the property of the GRANTEE.

IN WITNESS WHEREOF, GRANTOR has executed and delivered this Easement as of the date first above written.

GRANTOR:

NATIONAL AERONAUTICS SPACE ADMINISTRATION,
GLENN RESEARCH CENTER

By: _____

JANET KAVANDI, CENTER DIRECTOR

ACKNOWLEDGEMENT

STATE OF OHIO

COUNTY OF CUYAHOGA

The foregoing instrument was acknowledged before me this _____ by Janet Kavandi, Center Director of the National Aeronautics and Space Administration, Glenn Research Center, a federal agency of the United States of America, on behalf of the agency.

Notary Public

Printed Name: _____

My Commission Expires: _____

Exhibit A

**LEGAL DESCRIPTION
STORM EASEMENT
FOR CEDAR POINT ROAD
TO THE CITY OF BROOK PARK, OHIO**

Situated in the City of Brook Park, County of Cuyahoga State of Ohio and known as being part of Original Middleburg Township Lot No. 3, Section 21, and also known as being part of Cedar Point Road as shown on the recorded plat in Volume 130 of Maps, Pages 4-5 of Cuyahoga County Records, bounded and described as follows:

Beginning at a 5/8" iron pin found at the intersection of the easterly line of Aerospace Parkway (100 feet wide) and the former northerly line of Cedar Point Road, as vacated by City of Brook Park Ordinance No. _____-2019 and plat recorded in Volume _____ of Maps, Page _____ of Cuyahoga County Records, (60 feet wide);

Thence North $00^{\circ} 06' 18''$ West and parallel to the centerline of Aerospace Parkway, 60.00 feet to a point on the northerly line of Cedar Point Road;

Thence South $89^{\circ} 49' 13''$ East along the northerly line of Cedar Point Road, 196.30 feet to a point of curvature;

Thence along the northerly line of Cedar Point Road along the arc of a curve deflecting to the left 598.26 feet, said curve having a central angle of $69^{\circ} 55' 16''$, a radius of 490.24 feet, and a chord that bears North $55^{\circ} 13' 09''$ East, 561.82 feet to a point of tangency;

Thence North $20^{\circ} 15' 31''$ East along the northerly line of Cedar Point Road, 161.51 feet to a point of curvature;

Thence along the northerly line of Cedar Point Road along the arc of a curve deflecting to the right 166.99 feet, said curve having a central angle of $21^{\circ} 47' 59''$, a radius of 438.89 feet, and a chord that bears North $31^{\circ} 09' 30''$ East, 165.98 feet to a point on the southwesterly line of that portion of Cedar Point Road, previously vacated, as shown on the recorded plat in Volume 250 of Maps, Page 18 of Cuyahoga County Records;

Thence South $45^{\circ} 50' 41''$ East along the southwesterly endline of vacated Cedar Point Road, 60.05 feet to a point on the southerly line of Cedar Point Road;

Thence along the southerly line of Cedar Point Road along the arc of a curve deflecting to the left 141.96 feet, said curve having a central angle of $21^{\circ} 28' 03''$, a radius of 378.89 feet and a chord that bears South $30^{\circ} 59' 32''$ West, 141.13 feet to a point of tangency;

Thence South $20^{\circ} 15' 31''$ West along the southerly line of Cedar Point Road, 161.51 feet to a point of curvature;

Thence along the southerly line of Cedar Point Road along the arc of a curve deflecting to the right 671.48 feet, said curve having a central angle of $69^{\circ} 55' 16''$, a radius of 550.24 feet, and a chord that bears South $55^{\circ} 13' 09''$ West, 630.58 feet to a point;

Thence North $89^{\circ} 49' 13''$ West along the southerly line of Cedar Point Road, 196.00 feet to the point of beginning and containing 1.5799 acres (68,820 square feet) of land as calculated and described by Brian C. Peionek, Ohio P.S. No. 8295 of Leidos, Inc. in February of 2015, be the same more or less, but subject to all legal highways.

Exhibit C

**LEGAL DESCRIPTION
VACATION PLAT OF
CEDAR POINT ROAD**

Situated in the City of Brook Park, County of Cuyahoga State of Ohio and known as being part of Original Middleburg Township Lot No. 3, Section 21, and also known as being part of Cedar Point Road as shown on the recorded plat in Volume 130 of Maps, Pages 4-5 of Cuyahoga County Records, bounded and described as follows:

Beginning at a 5/8" iron pin found at the intersection of the easterly line of Aerospace Parkway (100 feet wide) and the south line of Cedar Point Road (60 feet wide);

Thence North $00^{\circ} 06' 18''$ West and parallel to the centerline of Aerospace Parkway, 60.00 feet to a point on the northerly line of Cedar Point Road;

Thence South $89^{\circ} 49' 13''$ East along the northerly line of Cedar Point Road, 196.30 feet to a point of curvature;

Thence along the northerly line of Cedar Point Road along the arc of a curve deflecting to the left 598.26 feet, said curve having a central angle of $69^{\circ} 55' 16''$, a radius of 490.24 feet, and a chord that bears North $55^{\circ} 13' 09''$ East, 561.82 feet to a point of tangency;

Thence North $20^{\circ} 15' 31''$ East along the northerly line of Cedar Point Road, 161.51 feet to a point of curvature;

Thence along the northerly line of Cedar Point Road along the arc of a curve deflecting to the right 166.99 feet, said curve having a central angle of $21^{\circ} 47' 59''$, a radius of 438.89 feet, and a chord that bears North $31^{\circ} 09' 30''$ East, 165.98 feet to a point on the southwesterly line of that portion of Cedar Point Road, previously vacated, as shown on the recorded plat in Volume 250 of Maps, Page 18 of Cuyahoga County Records;

Thence South $45^{\circ} 50' 41''$ East along the southwesterly endline of vacated Cedar Point Road, 60.05 feet to a point on the southerly line of Cedar Point Road;

Thence along the southerly line of Cedar Point Road along the arc of a curve deflecting to the left 141.96 feet, said curve having a central angle of $21^{\circ} 28' 03''$, a radius of 378.89 feet and a chord that bears South $30^{\circ} 59' 32''$ West, 141.13 feet to a point of tangency;

Thence South $20^{\circ} 15' 31''$ West along the southerly line of Cedar Point Road, 161.51 feet to a point of curvature;

Thence along the southerly line of Cedar Point Road along the arc of a curve deflecting to the right 671.48 feet, said curve having a central angle of $69^{\circ} 55' 16''$, a radius of 550.24 feet, and a chord that bears South $55^{\circ} 13' 09''$ West, 630.58 feet to a point;

Thence North 89° 49' 13" West along the southerly line of Cedar Point Road, 196.00 feet to the point of beginning and containing 1.5799 acres (68,820 square feet) of land as calculated and described by Brian C. Pcioneck, Ohio P.S. No. 8295 of Leidos, Inc. in February of 2015, be the same more or less, but subject to all legal highways.

Standard Easement
For The
Maintenance Of A Water Main
In Streets Vacated By City Ordinances
For Circulation Purposes Only

KNOWN ALL MEN BY THESE PRESENTS: That (I, We, Company or Corporation)
the City of Brook Park, a municipal corporation of Ohio, the grantor, herein, for valuable consideration received and to be received to (my, our or its) full satisfaction, (do or does) hereby give, grant, bargain and convey to the City of Cleveland, a municipal corporation of the State of Ohio, the Grantee herein, the perpetual right-of-way and easement, for the purpose hereinafter mentioned in the following described premises, to-wit:

Situating in the City of Brook Park, County of Cuyahoga, State of Ohio, and Known as being part of the Original Middleburgh Township Lot No. 3 and bounded and described as follows:

See legal description attached hereto as Exhibit A

In consideration of the mutual covenants herein contained, the Grantor hereby gives, grants and conveys unto said the right and maintain therein a water main and all appurtenances connected therewith that in the opinion of the Grantee, its successors or assigns, may be necessary at any time, also, to turn off the water of any main, or to do any other thing that may be necessary or advisable in the judgement of said Grantee, its successors or assigns, in order to maintain or operate said main, pipes and appurtenances, in accordance with the ordinance, rules and regulations for the management and protection of said Grantee now in force or that may hereafter be adopted. Further, whenever maintenance or work of any kind is required hereunder, the Grantee shall not be responsible for restoration of the property or its environs to its original topographical condition, and should also be held blameless for any damage accruing by reason of water leakage from water mains or appurtenances.

The Grantors hereby restrict said premises within the limits of the above described easement against the construction thereon of any buildings of a temporary or permanent type, excepting any sidewalks and/or pavements, or the construction, in, over, or subjacent to the above described easement of any tunnels, railroad switch tracks, sewers, ducts; pipe, or pole lines within the limits of the above described easement which cross over or under said easement at any angle of not less than forty-five (45) degrees with the center lines of the water main or with clearance of not less than one (1) foot above or one and one-half (1 ½) feet below said water main.

In the event of a violation of any of the provisions of this easement by the Grantor, or his successors or assigns, the Grantee shall retain the right to enter upon the premises of the Grantor and either discontinue the water service, or make the necessary alterations to conform to the ordinances, rules and regulations of the Grantee. Any expenses involved by reason of the work involved shall be the responsibility of the Grantor. Further the Grantee shall not be responsible for restoration of the property of its environs to its original topographical condition, and should also be held blameless for any damage occurring by reason of water leakage from water mains or appurtenances. Further, to restrict the storing or placing of any materials, parking of any vehicles of any type, equipment or other obstructions thereon, or otherwise interfering with the access to or the maintenance of the water or appurtenances, and also against the planting or sufferance thereon or in such proximity thereto of trees and shrubbery which may restrict the accessibility for the maintenance of said watermain and appurtenances.

The Granters further agree that no additional fill will be made, or a ramp constructed within the limits of the above described easement for the purpose of providing access to the property which will increase the depth of the water main in excess of six (6) feet or to grade the surface within the limits of said easement which will reduce the depth of the water main to less than five (5) feet. It is agreed, however, that if in the event the Granter herein, his successors, or assigns, desire to build over, encroach upon, change the grade, or otherwise utilize all or any portion of the easement granted hereby to permit improvement of property now restricted hereunder, the Grantee must first approve such use of land within the limits of easement granted hereby, the Granter shall reconstruct or relocate all or any portion of water main affected by such use of land and where necessary, grant a new easement of not less than thirty (30) feet in width under the same terms and conditions as herein provided and bear the entire cost of reconstruction or relocation of the water main or appurtenances, in accordance with the provisions, rules and requirements of the Grantee, its successors or assigns. Said reconstructed or relocated water main and appurtenances shall, upon completion and approval of the Grantee, become the property of the City of Cleveland.

The Granters further agree that the Grantee shall be relieved of all liability to the Granter on account of the maintenance, construction, and reconstruction or relocation of said water main or appurtenances, and said Granter hereby indemnifies and guarantees to save harmless the Grantee against any expense or damage to said later main or appurtenances, that said Granters, their successors or assigns may at any time cause by the sewers, ducts, pipe or pole lines within or over said easement, or such other use of premises within the limits of the above described easement as are not expressly prohibited herein, under the same conditions that legally exist for the installation and maintenance of water mains and appurtenances in streets dedicated to public use.

The Granter further agrees that since this water main is for circulation purposes only, no service connections or hydrants, shall be taken off it at any time, and that divisional valves of the same size of the water main shall be installed at each longitudinal end of the easement area. All existing water service connections within the water circulation easement shall be plugged prior to recording of said easement. In the event of leakage or a break, the Division of Water and Heat will close the divisional valves and take the section of water main out of service until it is repaired by and at the expense of the Granter.

To HAVE AND TO HOLD THE above granted easement, right-of-way, water lines and appurtenances and further additions installed by the Granter to said water lines and appurtenances in, over, and subject to above described premises, for the purpose above mentioned unto said Grantee forever.

It is the intent of this conveyance that neither the filing of this deed or conveyance, its acceptance by the Grantee nor any other circumstances shall be construed as a dedication of or as an agreement by the Grantee to accept for dedication the premises here in described for public use as a street.

And the Grantor does for itself, its successors and assigns covenant with the said Grantee, and its successors and assigns, that at and until the sealing of these presents, it is well seized of the above described premises as a good and indefeasible estate in FEE SIMPLE and has good right to bargain and grant the same in manner and forms as above written, and that it will WARRANT AND DEFEND SAID PREMISES with the appurtenances thereunto belonging to the Grantee, its successors and assigns against all lawful claims and demands whatsoever for the purpose herein described.

It is agreed that whatever party is named in this instrument there shall be intended and included, in each case, that party, his or hers heirs, administrators, its successors, and/or assigns.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at _____, this _____ day of _____, 20____.

Signed in the Presence of:

Grantor:

STATE OF OHIO

)

SS

COUNTY OF CUYAHOGA

)

Before me, a Notary Public in and for said County and State, personally appeared the above named _____ who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed, personally and as such officers and the free act and deed of said corporation.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at _____, this _____ day of _____, 20____.

The City of Cleveland, by and through its Director of Public Utilities, does hereby accept the within easement and all terms and conditions thereof this ____ day of _____ 20 ____ as authorized by Resolution #1620-72 adopted by the Council of the City of Cleveland on May 1, 1974.

Signed in the presence of:

BY _____
Director of Public Utilities

The legal form and correctness of the within instrument is hereby approved.

Director of Law

BY _____
Assistant Director of Law

Exhibit A
**LEGAL DESCRIPTION
WATER EASEMENT
FOR CEDAR POINT ROAD
TO THE CITY OF BROOK PARK, OHIO**

Situated in the City of Brook Park, County of Cuyahoga State of Ohio and known as being part of Original Middleburg Township Lot No. 3, Section 21, and also known as being part of Cedar Point Road as shown on the recorded plat in Volume 130 of Maps, Pages 4-5 of Cuyahoga County Records, bounded and described as follows:

Beginning at a 5/8" iron pin found at the intersection of the easterly line of Aerospace Parkway (100 feet wide) and the south line of Cedar Point Road as vacated by City of Brook Park Ordinance No. _____-2019 and plat recorded in Volume _____ of Maps, Page _____ of Cuyahoga County Records, (60 feet wide);

Thence North 00° 06' 18" West and parallel to the centerline of Aerospace Parkway, 20.00 feet to a point;

Thence South 89° 49' 13" East, 196.10 feet to a point of curvature;

Thence along the arc of a curve deflecting to the left 647.08 feet, said curve having a central angle of 69° 55' 16", a radius of 530.24 feet, and a chord that bears North 55° 13' 09" East, 607.66 feet to a point of tangency;

Thence North 20° 15' 31" East, 161.51 feet to a point of curvature;

Thence along the arc of a curve deflecting to the right 150.30 feet, said curve having a central angle of 21° 35' 22", a radius of 398.89 feet, and a chord that bears North 31° 03' 22" East, 149.42 feet to a point on the southwesterly line of that portion of Cedar Point Road, previously vacated, as shown on the recorded plat in Volume 250 of Maps, Page 18 of Cuyahoga County Records;

Thence South 45° 50' 41" East along the southwesterly endline of vacated Cedar Point Road, 20.02 feet to a point on the southerly line of Cedar Point Road;

Thence along the former southerly line of Cedar Point Road as aforesaid, along the arc of a curve deflecting to the left 141.96 feet, said curve having a central angle of 21° 28' 03", a radius of 378.89 feet and a chord that bears South 30° 59' 32" West, 141.13 feet to a point of tangency;

Thence South 20° 15' 31" West along the former southerly line of Cedar Point Road, 161.51 feet to a point of curvature;

Thence along the former southerly line of Cedar Point Road along the arc of a curve deflecting to the right 671.48 feet, said curve having a central angle of $69^{\circ} 55' 16''$, a radius of 550.24 feet, and a chord that bears South $55^{\circ} 13' 09''$ West, 630.58 feet to a point;

Thence North $89^{\circ} 49' 13''$ West along the former southerly line of Cedar Point Road, 196.00 feet to the point of beginning and containing 0.5340 acres (23,259 square feet) of land as calculated and described by Brian C. Pcionek, Ohio P.S. No. 8295 of Leidos, Inc. in February of 2019, be the same more or less, but subject to all legal highways.



MEMO

TO: Ted Hurst, Building Commissioner

FROM: Edward R. Piatak, P.E., Consulting City Engineer

DATE: July 31, 2019

SUBJECT: 5775 Engle Road - Airport Parking (Planning Commission Submittal)

CC:

Mr. Hurst:

I have reviewed the Planning Commission submittal for the above referenced project and offered the following comments:

1. Recommend aisle width of 24' between rows of 90° parking stalls
2. ADA Parking Spaces to be included as per Brook Park and ADAAG. (8 ADA spaces, 2 being van accessible)
3. Parking stall shall be 9' wide by 180 sf

Please advise me if you have any questions or require additional information.

EUTHENICS, INC.

Edward R. Piatak, P.E.
Consulting City Engineer

F:\Jobs\187\Misc-Plans\2019 Plan Reviews\Planning Commission\August 2019\Hurst Memo 073119.docx

Encls.