

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY SEPTEMBER 2, 2025  
7:30 P.M.**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. SPECIAL CAUCUS TO MEETING MINUTES HELD ON JULY 21, 2025.
2. SPECIAL COUNCIL MEETING MINUTES HELD ON JULY 21, 2025.
3. CAUCUS TO MEETING MINUTES HELD ON AUGUST 19, 2025.
4. COUNCIL MEETING MINUTES HELD ON AUGUST 19, 2025.

**D. REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Dufour  
Board of Zoning Appeals - Mencini  
Finance Committee - Scott  
Legislative Committee - Scott  
Parks & Recreation Committee - Mccorkle  
Planning Committee - Poindexter  
Safety Committee - Troyer  
Service Committee - Roberts

**E. REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center Trustee - Mencini  
Berea Board of Education Representative - Mccorkle  
Technology & Innovation Council Representative -Dufour

**F. REPORTS OF BOARDS AND COMMISSIONS:**

**G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**

**H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

**I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

**J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL:  
{INTRODUCTION OF NEW LEGISLATION}:**

**K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

**L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

**M. ORDINANCES AND RESOLUTIONS FIRST READING:**

RESOLUTION NO. 20-2025

1. A RESOLUTION GRANTING A STORM WATER ACCESS EASEMENT AT 5370 WEST 130TH STREET, LOCATED IN THE U5-C ZONING DISTRICT, AND DECLARING AN EMERGENCY. Introduced by Council As A Whole.

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

**P. ADJOURNMENT:**

**SYNOPSIS OF LEGISLATION**  
**FOR THE REGULAR COUNCIL MEETING OF SEPTEMBER 2, 2025**

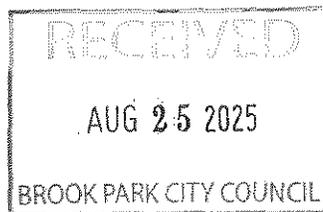
**FIRST READING:**

Res. No.20-2025

A RESOLUTION GRANTING A STORM WATER ACCESS EASEMENT AT 5370 WEST 130<sup>TH</sup> STREET, LOCATED IN THE U5C ZONING DISTRICT, AND DECALRING AN EMERGENCY.

SYNOPSIS: A resolution for a storm water access Easement between ATS Holdings, LLC and the City Of Brook Park.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT**  
**August 25, 2025**



CITY OF BROOK PARK, OHIO

Resolution No. \_\_\_\_\_

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION  
GRANTING A STORM WATER ACCESS EASEMENT AT 5370 WEST 130<sup>TH</sup> STREET,  
LOCATED IN THE U5-C ZONING DISTRICT,  
AND DECLARING AN EMERGENCY

WHEREAS, the request for a storm water access easement was presented at a public hearing on July 7, 2025, to the Brook Park Planning Commission, which referred this matter to Council for approval.

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

SECTION 1: The Council of the City of Brook Park finds that the proposed storm water easement which is attached hereto and incorporated herein as Exhibit "A", is appropriate in the U5-C zoning district.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution 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 purpose of entering into a storm water easement; therefore, provided that this Resolution 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.

*[Signature]*  
Asst. DIRECTOR OF LAW



## STORMWATER MANAGEMENT AND ACCESS EASEMENT

### Know All Men By These Present:

That **ATS Holdings LLC** ("Grantor"), for and in consideration of the sum of ten dollars (\$10.00), and for other good and valuable considerations paid to the Grantor by **The City of Brook Park** ("Grantee"), does hereby declare and grant a perpetual storm water management and access easement for the purpose of granting access to the storm water management facilities and construction and repair of such facilities on Grantor's property described as Cuyahoga County P.P.N. 344-08-010 and more particularly described in Exhibit A attached hereto. Grantee's access over Grantor's real property is described as the Proposed Stormwater Easement which is depicted in Exhibit B (the "Storm Water Easement Area") attached hereto and incorporated herein by this reference.

Grantor, its successors and assigns are responsible for all inspections and maintenance of the storm water management facilities to maintain them in good condition and repair at its own cost. Grantee and its agents shall have the perpetual right to re-enter the Storm Water Easement Area to inspect all systems and perform any and all construction, repair, and maintenance to the Storm Water Easement Area at the Grantor's expense if the Grantor has not remedied the condition after being provided a thirty (30) day advanced written notice to cure.

This easement and the rights and obligations shall run with the land and shall be binding upon both parties and their respective heirs, personal representatives, successors in title and assigns.





# NEFF & ASSOCIATES

Civil Engineers • Landscape Architects • Planners • Surveyors  
Traffic Engineers • Environmental Engineers

## Legal Description

### SCM Easement

### ATS Express

P.P.N. 344-08-010

File No. 15048-LD001

May 20, 2025

Page 1 of 2

Situated in the City of Brookpark, County of Cuyahoga, State of Ohio and known as being part of Original Middleburg Township Lot No. 1, Section No. 1:

Beginning at a capped 5/8" iron pin at the Southeast corner of lands conveyed to Realty Income Corp. by deed recorded in A.F.N. 202501130429 of Cuyahoga County Records and on the Westerly right of way for West 130<sup>th</sup> Street (Width Varies);

Thence North 00°37'11" East, along the Westerly right of way of said West 130<sup>th</sup> Street, a distance of 197.94 feet to the principal point of beginning for the easement hereinafter described;

- Course 1 Thence South 89°59'11" West, a distance 324.70 feet;
- Course 2 Thence South 00°26'10" West, a distance of 116.12 feet;
- Course 3 Thence South 89°54'21" West, a distance of 20.35 feet;
- Course 4 Thence South 00°00'00" East, a distance of 11.22 feet;
- Course 5 Thence North 90°00'00" West, a distance of 59.49 feet;
- Course 6 Thence North 00°00'00" East, a distance of 147.34 feet;
- Course 7 Thence North 89°59'10" East, a distance of 405.64 feet to a point on the Westerly right of way for said West 130<sup>th</sup> Street;
- Course 8 Thence South 00°37'11" West, along the Westerly right of way of said West 130<sup>th</sup> Street a distance of 20.00 feet to the Principal Point of Beginning and containing **0.4155 Acres (18,100 Square Feet)** of land, prepared by Terrence E. Worsech, Registered Surveyor No. 8138-Ohio of Neff & Associates.

Be the same more or less, but subject to all legal highways and easements of record.

Legal Description  
SCM Easement  
ATS Express  
P.P.N. 344-08-010  
File No. 15048-LD001  
May 20, 2025  
Page 2 of 2

Basis of Bearings for this survey is NAD83 (2011) Ohio State Plane Coordinate System, North Zone (3401) and is used to denote angles only.



Terrence E. Worsch  
Registered Survey No. 8138-Ohio



PPN: 344-08-016  
BRUNO PROPERTIES, INC  
A.F.N. 200006220704

PPN: 344-08-027  
JCS PROPERTIES LLC  
A.F.N. 199905280114

5/8" i.pipe capped "Kukic"  
fd. S34°55'58"E 0.64'

S89°24'01"E 527.96' c.&u.

3/4" i.pipe fd.  
N58°38'13"E 0.21'

N89°59'10"E 405.64'

S89°59'11"W 324.70'

S00°37'11"W  
20.00'

SCM EASEMENT  
18,100 S.F.  
0.4155 ACRES

N00°00'00"E 147.34'

S00°26'10"W  
116.12'

PARCEL AREA  
115,261 SQ. FT.  
2.6460 ACRES

PPN: 344-08-010  
REALTY INCOME CORP  
A.F.N. 202501130429

59.49'  
N90°00'00"W

S89°54'21"W 20.35'  
S00°00'00"E 11.22'

N00°37'11"E 197.94'

S00°37'11"W 220.18' d.&u.

WEST 130TH STREET (WIDTH VARIES)  
(A PUBLIC ROADWAY)

CITY OF BROOK PARK  
CITY OF PARMA

N89°01'20"W 528.60' d. 527.36' c.&u.

5/8" i.pipe illegible  
cap fd.&u.

N89°01'20"W  
40.00' r.&u.

PPN: 344-08-011  
VENTOR AVENUE LTD  
A.F.N. 202409200156

GRAPHIC SCALE

0 30 60

1 INCH = 60 FT.



NORTH

**NEFF**  
& ASSOCIATES

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CITY OF BROOKPARK, OHIO  
05/20/25 JOB#15048

SCM EASEMENT EXHIBIT

ATS EXPRESS