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SP. COUNCIL	1st R 11-23-20 per CR12
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CITY OF BROOK PARK, OHIO

ordinance no: <u>///74-2020</u>

INTRODUCED BY: COUNCIL AS A WHOLE AND MAYOR GAMMELLA

#### AN ORDINANCE

APPROVING THE LOT SPLIT OF PROPERTY LABELED "PARCEL NO. 1" LOCATED AT 16900 HOLLAND ROAD "BROOK PARK MEMORIAL" IN THE MUNICIPAL & BOARD OF EDUCATION ZONE FROM THE PROPERTY LABELED "PARCEL NO. 2, PARCEL NO. 3 AND PARCEL NO. 4" LOCATED AT 17001 HOLLAND ROAD "BROOK PARK ELEMENTARY" IN THE MUNICIPAL AND BOARD OF EDUCATION ZONE, AND THE CONSOLIDATION OF 18.1595 ACRES LABELED AS "PARCEL NO.1",

AND DECLARING AN EMERGENCY

WHEREAS, on November 17, 2020 the Planning Commission approved and referred to Council a request for a lot split for permanent parcel numbers 343-17-001,002, and 003 "Parcel No. 1" located at 16900 Holland Road and known as Brook Park Memorial School, and permanent parcel number 343-17-001 "Parcel No. 2", permanent parcel number 343-17-002 "Parcel No. 3" and permanent parcel 343-17-003 "Parcel No. 4," located at 17001 Holland Road and known as Brook Park Elementary School, and the consolidation of 18.1595 acres labeled as 'Parcel No. 1."

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

SECTION 1: The lot split and the consolidation of the aforementioned properties is further described in Exhibit "A" attached hereto and incorporated herein by reference and is hereby authorized and approved by the Council of the City of Brook Park.

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 approve the lot split and consolidation as described in Exhibit "A"; 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: <u>November</u> 23, 2000 Special Council  ATTEST: <u>Michelle Black</u> KE	PRESIDENT OF COUNCIL PPROVED: MAYOR
CERTIFICATE  Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and acourate copy of Ordinance/Resolution No.  passed on the Asia day of Maranhor by said council.  Clerk of Council	I, Michelia Biazak, Clerk of Council for the City of Brook Park, State of Ohlo, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/ resolutions was made by posting true copies at five of the most public places in sald municipality as determined by Ordinance No. 4838-1975; location City Hell 6161 Engle Road, Police Station 17401 Holland Road, Brook Parkyl Ibrary 6165 Engle Road, for a period of fifteen days.  Commencing Advanced BLAZIK Clerk of Council
Troyer  Mencini Orcutt Scott Schmuck Poindexter Salvatore	Yea Nay

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

DIRECTOR OF LAW

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# Lot Split and Consolidation For The Board of Education of the Berea School District (P.P.N. 343-17-001, -002, and -003)

#### "Parcel No. 1"

Situated in the City of Brook Park and the State of Ohio, County of Cuyahoga, Middleburgh Township, Section 9, Lot 5, and known as parts of parcels conveyed to The Board of Education of The Berea City School District by deeds dated March 15, 1954 and recorded as Volume 8024, Page 394, 396, and 398 of the Cuyahoga County Recorder and more particularly bounded and described as follows:

Commencing for reference at a monument box with a 5/8 inch iron pin at the intersection of the Fry Road (60 feet wide) centerline of right of way with the Sylvia Road (60 feet wide) centerline of right of way, said intersection is also the northeast corner of the aforementioned Lot 5; thence, along the Sylvia Road centerline of right of way, North 88 degrees 56 minutes 53 seconds West, 697.91 feet to the northwest corner of the Hasselbrack Walter Subdivision as shown in Plat Volume 178, Page 34 of the Cuyahoga County Records, thence, along the west line of the aforementioned subdivision, South 02 degrees 26 minutes 44 seconds West, 594.77 feet to an iron pin set at an angle break in the western limited access line of Interstate 71 as shown in the CUY-71-5.72 right of way plans on file with the Ohio Department of Transportation, District 12, and the TRUE POINT OF BEGINNING of the parcel herein;

- 1. Thence, continuing along the west line of the aforementioned subdivision, South 02 degrees 26 minutes 44 seconds West, 508.26 feet to an iron pin set at a point on curve in the Holland Road (80 feet wide) northern right of way;
- 2. Thence, along the Holland Road northern right of way, along a curve with a delta of 14 degrees 47 minutes 25 seconds, a radius of 864.07 feet, a length of 223.05 feet, a tangent of 112.15 feet, and a chord bearing South 72 degrees 29 minutes 18 seconds, 222.43 feet to an iron pin set at a point of tangent in the Holland Road northern right of way;
- 3. Thence, continuing along the Holland Road northern right of way, South 65 degrees 05 minutes 36 seconds West, 526.73 feet to an iron pin set at a point of curvature in the Holland Road northern right of way;
- 4. Thence, continuing along the Holland Road northern right of way, along a curve with a delta of 01 degrees 41 minutes 10 seconds, a radius of 761.40 feet, a length of 22.41 feet, a tangent of 11.21 feet, and a chord bearing South 65 degrees 56 minutes 10 seconds West, 22.41 feet to an iron pin set at the east line of "Parcel

#3" conveyed to the City of Brook Park by deed dated January 19, 1968 and recorded as Volume 12190, Page 757 of the Cuyahoga County Records;

- 5. Thence, along the east line of said "Parcel #3" and the east line of a parcel conveyed to the City of Brook park by deed dated March 3, 1954 and recorded as Volume 8028, Page 50 of the Cuyahoga County Records, North 02 degrees 26 minutes 04 seconds East, 1383.99 feet to an iron pin set on the Sylvia Drive (60 feet wide) southern right of way;
- 6. Thence, along the Sylvia Drive southern right of way, South 88 degrees 56 minutes 53 seconds East, 496.99 feet to an iron pin set at the intersection with said western limited access line of Interstate 71;
- 7. Thence, along the said western limited access line, South 17 degrees 14 minutes 47 seconds East, 594.67 feet to the TRUE POINT OF BEGINNING and enclosing an area of 18.1595 acres, more of less, and is from Cuyahoga County Auditor's Permanent Parcel Numbers 343-17-001, -002, and -003.

"Parcel No. 1" Area 18.1595 acres
Alva Drive Exemption 0.2375 acres
17.9220 acres

Exempting the Alva Drive (50 feet wide) right of way as shown on the Dedication Plat of Holland Road, Alva Drive, and Sylvia Drive recorded as Volume 161, Page 36 of the Cuyahoga County Records and more particularly bounded and described as follows:

Commencing on the Alva Drive southern right of way at the intersection with the east line of said "Parcel #3" and the TRUE POINT OF BEGIINING of the parcel herein;

- 1. Thence, along the east line of said "Parcel #3", North 02 degrees 26 minutes 04 seconds East, 63.60 feet to the Alva Drive northern right of way;
- 2. Thence, along the Alva Drive northern right of way, along a curve with a delta of 32 degrees 00 minutes 21 seconds, a radius of 164.73 feet, a length of 92.02 feet, a tangent of 47.25 feet, and a chord bearing South 40 degrees 52 minutes 12 seconds East, 90.83 feet to a point of tangency in the Alva Drive northern right of way;
- 3. Thence, continuing along the Alva Drive northern right of way, South 24 degrees 52 minutes 02 seconds East, 121.13 feet to a point of curvature in the Alva Drive northern right of way;
- 4. Thence, continuing along the Alva Drive northern right of way, along a curve with a delta 90 degrees 02 minutes 23 seconds, a radius of 20.00 feet, a length

31.43 feet, a tangent f 20.01 feet, and a chord bearing South 69 degrees 53 minutes 13 seconds East, 28.29 feet to a point of tangency with the Holland Road northern right of way;

- Thence, along the Holland Road northern right of way, South 65 degrees 05
  minutes 35 seconds West, 90.00 feet to a point of curvature in the Alva Drive
  southern right of way;
- 6. Thence, along the Alva Drive southern right of way, along a curve with a delta of 89 degrees 57 minutes 37 seconds, a radius of 20.00 feet, a length of 31.40 feet, a tangent of 19.99 feet, and a chord bearing North 20 degrees 06 minutes 47 seconds, 28.27 feet to a point of tangency in the Alva Drive southern right of way;
- 7. Thence, continuing along the Alva Drive southern right of way, North 24 degrees 52 minutes 02 seconds, 121.19 feet to a point of curvature in the Alva Drive southern right of way;
- 8. Thence, continuing along the Alva Drive southern right of way, along a curve with a delta of 15 degrees 34 minutes 11 seconds, a radius of 114.73 feet, a length of 31.18 feet, a tangent of 15.69 feet, and a chord bearing North 32 degrees 39 minutes 07 seconds West, 31.08 feet to the TRUE POINT OF BEGINNING and enclosing an area of 0.2375 acres, more or less.

"Iron pin set" in the above description 5/8 inch x 30 inch reinforcing rods with a plastic cap stamped "S. Horan PS 8678".

The bearings contained herein are based upon the Ohio State Plane Coordinate System, North Zone, NAD83 (2011).

The description was prepared by Scott A. Horan, P.S., Registered Surveyor No. 8678 and is based on survey made between July and November of 2020 for the City of Brook Park.

Scott A. Horan	Date
Professional Land Surveyor No. 8678	

## Lot Split and Consolidation For The Board of Education of the Berea School District (P.P.N. 343-17-001)

#### "Parcel No. 2"

Situated in the City of Brook Park and the State of Ohio, County of Cuyahoga, Middleburgh Township, Section 9, Lot 5, and known as part of a parcel conveyed to The Board of Education of The Berea City School District by deeds dated March 15, 1954 and recorded as Volume 8024, Page 394 of the Cuyahoga County Recorder and more particularly bounded and described as follows:

Commencing for reference at a monument box with a 5/8 inch iron pin at the intersection of the Fry Road (60 feet wide) centerline of right of way with the Holland Road (80 feet wide) centerline of right of way; thence, along the Holland Road centerline of right of way, South 79 degrees 53 minutes 22 seconds West, 705.20 to a point of curvature in the Holland Road centerline of right of way; thence, continuing along the Holland Road centerline of right of way, along a curve with a delta of 14 degrees 47 minutes 46 seconds, a radius of 824.07 feet, a length of 212.81 feet, a tangent of 107.00 feet, and a chord bearing South 72 degrees 29 minutes 28 seconds West, 212.22 feet to a point of tangency in the Holland Road centerline of right of way; thence, continuing along the Holland Road centerline of right of way, South 65 degrees 05 minutes 35 seconds West, 177.67 feet to the west line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated March 15, 1954 and recorded as Volume 8024, Page 396 of the Cuyahoga County Records; thence, along the west line of said parcel conveyed to The Board of Education of The Berea City School District, South 02 degrees 26 minutes 23 seconds West, 45.03 feet to an iron pin set on the Holland Road southern right of way and the TRUE POINT OF BEGINNING of the parcel herein;.

- 1. Thence, continuing along the west line of said parcel conveyed to The Board of Education of The Berea City School District, South 02 degrees 26 minutes 23 seconds West, 541.19 feet to an iron pin set on the south line of the aforementioned Lot 5 and the north line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated October 26, 1959 and recorded as Volume 9765, Page 382 of the Cuyahoga County Records;
  - 2. Thence, along the south line of said Lot 5 and the north line of said parcel conveyed to The Board of Education of The Berea City School District, North 89 degrees 07 minutes 21 seconds West, 266.71 feet to an iron pin set on the east line of the Simmons-Taylor Resubdivision as shown in Plat Volume 177, Page 32 of the Cuyahoga County Records;

- 3. Thence, along the east line of the aforementioned subdivision, North 02 degrees 39 minutes 34 seconds East, 244.82 feet to an iron pin set at an angle break in the east line of the aforementioned subdivision;
- 4. Thence, continuing along the east line of the aforementioned subdivision, North 22 degrees 10 minutes 59 seconds West, 148.80 feet to the intersection with the Holland Road southern right of way, said intersection referenced by 5/8 inch iron pin found bent South 81 degrees 59 minutes 14 seconds East, 0.54 feet;
- 5. Thence, along the Holland Road southern right of way, along a curve with a delta of 02 degrees 43 minutes 26 seconds, a radius of 841.10 feet, a length of 40.00 feet, a tangent of 20.00 feet, and a chord bearing North 66 degrees 27 minutes 18 seconds, 40.00 feet to an iron pin set at a point of curvature in the Holland Road southern right of way;
- 6. Thence, continuing along the Holland Road southern right of way, North 65 degrees 05 minutes 35 seconds East, 328.38 feet to the TRUE POINT OF BEGINNING and enclosing an area of 3.0240 acres, more of less, and is from Cuyahoga County Auditor's 373-17-001.

"Iron pin set" in the above description 5/8 inch x 30 inch reinforcing rods with a plastic cap stamped "S. Horan PS 8678".

The bearings contained herein are based upon the Ohio State Plane Coordinate System, North Zone, NAD83 (2011).

The description was prepared by Scott A. Horan, P.S., Registered Surveyor No. 8678 and is based on survey made between July and November of 2020 for the City of Brook Park.

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Scott A. Horan	Date
Professional Land Surveyor No. 8678	

## Lot Split and Consolidation For The Board of Education of the Berea School District (P.P.N. 343-17-002)

### "Parcel No. 3"

Situated in the City of Brook Park and the State of Ohio, County of Cuyahoga, Middleburgh Township, Section 9, Lot 5, and known as part of a parcel conveyed to The Board of Education of The Berea City School District by deeds dated March 15, 1954 and recorded as Volume 8024, Page 396 of the Cuyahoga County Recorder and more particularly bounded and described as follows:

Commencing for reference at a monument box with a 5/8 inch iron pin at the intersection of the Fry Road (60 feet wide) centerline of right of way with the Holland Road (80 feet wide) centerline of right of way; thence, along the Holland Road centerline of right of way, South 79 degrees 53 minutes 22 seconds West, 705.20 to a point of curvature in the Holland Road centerline of right of way; thence, continuing along the Holland Road centerline of right of way, along a curve with a delta of 13 degrees 31 minutes 01 seconds, a radius of 824.07 feet, a length of 194.41 feet, a tangent of 97.66 feet, and a chord bearing South 73 degrees 07 minutes 51 seconds West, 193.96 feet to the west line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated March 15, 1954 and recorded as Volume 8024, Page 398 of the Cuyahoga County Records; thence, along the west line of said parcel conveyed to The Board of Education of The Berea City School District, South 02 degrees 26 minutes 33 seconds West, 44.80 feet to an iron pin set on the Holland Road southern right of way and the TRUE POINT OF BEGINNING of the parcel herein;

- 1. Thence, continuing along the west line of said parcel conveyed to The Board of Education of The Berea City School District, South 02 degrees 26 minutes 33 seconds West, 626.56 feet to an iron pin set on the south line of the aforementioned Lot 5 and the north line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated October 26, 1959 and recorded as Volume 9765, Page 382 of the Cuyahoga County Records;
- 2. Thence, along the south line of said Lot 5 and the north line of said parcel conveyed to The Board of Education of The Berea City School District, North 89 degrees 07 minutes 21 seconds West, 174.28 feet to an iron pin set on the east line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated March 15, 1954 and recorded as Volume 8024, Page 394 of the Cuyahoga County Records;

- 3. Thence, along the east line of said parcel conveyed to The Board of Education of The Berea City School District, North 02 degrees 26 minutes 23 seconds East, 541.19 feet to an iron pin set on the Holland Road southern right of way;
- 4. Thence, along the Holland Road southern right of way, North 65 degrees 05 minutes 35 seconds East, 196.17 feet to the TRUE POINT OF BEGINNING and enclosing an area of 2.3354 acres, more of less, and is from Cuyahoga County Auditor's 373-17-002.

"Iron pin set" in the above description 5/8 inch x 30 inch reinforcing rods with a plastic cap stamped "S. Horan PS 8678".

The bearings contained herein are based upon the Ohio State Plane Coordinate System, North Zone, NAD83 (2011).

The description was prepared by Scott A. Horan, P.S., Registered Surveyor No. 8678 and is based on survey made between July and November of 2020 for the City of Brook Park.

Scott A. Horan Professional Land Surveyor No. 8678

Date

## Lot Split and Consolidation For The Board of Education of the Berea School District (P.P.N. 343-17-003)

### "Parcel No. 4"

Situated in the City of Brook Park and the State of Ohio, County of Cuyahoga, Middleburgh Township, Section 9, Lot 5, and known as part of a parcel conveyed to The Board of Education of The Berea City School District by deeds dated March 15, 1954 and recorded as Volume 8024, Page 398 of the Cuyahoga County Recorder and more particularly bounded and described as follows:

Commencing for reference at a monument box with a 5/8 inch iron pin at the intersection of the Fry Road (60 feet wide) centerline of right of way with the Holland Road (80 feet wide) centerline of right of way; thence, along the Holland Road centerline of right of way, South 79 degrees 53 minutes 22 seconds West, 705.20 to a point of curvature in the Holland Road centerline of right of way; thence, continuing along the Holland Road centerline of right of way, along a curve with a delta of 00 degrees 37 minutes 35 seconds, a radius of 824.07 feet, a length of 9.01 feet, a tangent of 4.51 feet, and a chord bearing South 79 degrees 34 minutes 34 seconds West, 9.01 feet to the west line of a parcel conveyed to the Brookpark Community Church, an Ohio Corporation by deed dated July 31, 1959 and recorded as Volume 9722, Page 61 of the Cuyahoga County Records; thence, along the west line of said parcel conveyed to the Brookpark Community Church, an Ohio Corporation, South 02 degrees 26 minutes 44 seconds West, 41.14 feet to an iron pin set on the Holland Road southern right of way and the TRUE POINT OF BEGINNING of the parcel herein;

- 1. Thence, continuing along the west line of said parcel conveyed to the Brookpark Community Church, an Ohio Corporation, the west line of a parcel conveyed to the Brook Park Community Church by deed dated May 5, 1970 and recorded as Volume 12706, Page 645, and the west line of a parcel conveyed to the Berea City School District Board of Education by deed dated October 10, 1978 and recorded as Volume 14859, Page 865 of the Cuyahoga County Records, South 02 degrees 26 minutes 44 seconds West, 687.59 feet (passing by a 5/8 inch iron pin found 0.20 feet to the left at 395.13 feet) to an iron pin set on the south line of the aforementioned Lot 5 and the north line of a parcel conveyed to The Board of Education of The Berea City School District by deed dated October 26, 1959 and recorded as Volume 9765, Page 382 of the Cuyahoga County Records;
- 2. Thence, along the south line of said Lot 5 and the north line of said parcel conveyed to The Board of Education of The Berea City School District, North 89 degrees 07 minutes 21 seconds West, 174.29 feet to an iron pin set on the east line of a parcel conveyed to The Board of Education of The Berea City School District by deed

dated March 15, 1954 and recorded as Volume 8024, Page 396 of the Cuyahoga County Records;

- 3. Thence, along the east line of said parcel conveyed to The Board of Education of The Berea City School District, North 02 degrees 26 minutes 33 seconds East, 626.56 feet to an iron pin set on the Holland Road southern right of way;
- 4. Thence, along the Holland Road southern right of way, North 65 degrees 05 minutes 35 seconds East, 2.18 feet to a point of curvature in the Holland Road southern right of way;
- 5. Thence, continuing along the Holland Road southern right of way, along a curve with a delta of 13 degrees 29 minutes 03 seconds, a radius of 784.07 feet, a length of 184.52 feet, a tangent of 92.69 feet, and a chord bearing North 71 degrees 50 minutes 07 seconds East, 184.10 feet to the TRUE POINT OF BEGINNING and enclosing an area of 2.6441 acres, more of less, and is from Cuyahoga County Auditor's 373-17-003.

"Iron pin set" in the above description 5/8 inch x 30 inch reinforcing rods with a plastic cap stamped "S. Horan PS 8678".

The bearings contained herein are based upon the Ohio State Plane Coordinate System, North Zone, NAD83 (2011).

The description was prepared by Scott A. Horan, P.S., Registered Surveyor No. 8678 and is based on survey made between July and November of 2020 for the City of Brook Park.

Scott A. Horan	Date	
Professional Land Surveyor No. 8678		



November 18, 2020

Michael Gammella, Mayor City of Brook Park 6161 Engle Road Brook Park, Ohio 44142

Michael Vecchio, President of Council City of Brook Park 6161 Engle Road Brook Park, Ohio 44142

RE: Berea City School District and the City of Brook Park

The Berea City School District is aware and in agreement with the City of Brook Park in regards to the proposed lot split for the City of Brook Park and the Berea City School District property.

Michael W. Slivochka

Michael W. Slivochka Director of Business Services

MWS/dj