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Caucus Prior 10/2/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11041-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT
BETWEEN VARBROS, LLC AND THE CITY OF BROOK PARK FOR
ACCESS TO THE STORM WATER MANAGEMENT AREA LOCATED AT
16025 BROOKPARK ROAD IN A U7-B DISTRICT,
AND DECLARING AN EMERGENCY

WHEREAS, on September 10, 2018, the Planning Commission approved and referred to Council a request for an easement of the storm water management area at 16025 Brookpark Road "Varbros" which is located in a U7-B District; and

WHEREAS, the City of Brook Park needs to enter into an easement with Varbros, LLC for the access to the storm water management area for inspection, operation, maintenance and repair of said facilities; and

WHEREAS, this easement shall not be construed as an obligation of the City of Brook Park to maintain or repair the storm water management facility or the access easement; and

WHEREAS, the owners of the land for the storm water management area have agreed to grant the necessary easement to the City of Brook Park as shown in the attached Exhibit "A."

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

SECTION 1: The easement 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 that it is Council's desire to approve said Easement Agreement; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: October 2, 2018

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

10/2/18
DATE

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

[Signature]
DIRECTOR OF LAW

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, 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 six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing October 3, 2018
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

CERTIFICATE
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11041-2018 passed on the 2nd day of October 2018 by said council.
Michelle Blazak
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

STORM WATER MANAGEMENT AND ACCESS EASEMENT

We the undersigned:

Varbros LLC

Owner of the property shown and described hereon does hereby grant to the Varbros LLC and the City of Brook Park a perpetual easement as described herein and as shown on the attached exhibit.

Varbros LLC

- A.) Storm water management and access easement is herein created for the access to the storm water management facilities and construction and repair of such facilities. Varbros LLC shall be responsible for all inspections and maintenance of the access easement and storm water quality and management systems. At a minimum, an annual inspection shall be completed by Varbros LLC in accordance with all applicable Federal, State, and Local Codes by the 1st of April and the annual inspection report shall be submitted to the City of Brook Park by the 1st of May. The City of Brook Park and its authorized agents shall have the right from time to time to enter upon these areas for the purposes of inspecting all systems and by written notice notify Varbros LLC of any deficiency and Varbros LLC shall have thirty (30) days to remedy the condition.
- B.) Access rights to Varbros LLC to the Storm Water Management Facility and Access Easement shall herein be granted by its use.

THE CITY OF BROOK PARK

Storm water management and access easement is herein created for the access, inspection, operation, maintenance and repair of said facilities. This easement shall not be construed as an obligation of the City of Brook Park to maintain or repair the storm water management facility or the access easement. This easement area is hereby restricted against the construction of any buildings of any type or other obstructions thereof, and further are restricted from the planting of trees and/or shrubbery upon or in close proximity thereto, which may restrict the accessibility for the maintenance of storm water management facility or access easement.

LEGAL DESCRIPTION

Containing 0.9244 +/- Total Acres

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio and known as being part of Original Middleburgh Township Lot No. 1 in Section No. 10, Township 6 North, Range 14 West, and being part of a parcel conveyed to Varbros, LLC (AFN#: 200210010236) bounded as described as follows:

Commencing at a 3/4 inch rebar in a monument box and the Northwest corner of said Varbros lands and the centerline of Brookpark Road (100 ft.), thence along the West line of grantor South 03°08'14" West a distance of 50.08 Feet to the South right-of-way of Brookpark Road and the True Point of Beginning;

Thence through the lands of the grantor the following Eight Courses:

1. North 89°54'59" East along said South right-of-way, a distance of 48.92 Feet
2. South 11°06'30" West leaving said right-of-way, a distance of 207.99 Feet
3. South 03°08'14" West, a distance of 479.15 Feet
4. North 89°56'03" East, a distance of 392.23 Feet
5. North 59°39'00" East, a distance of 112.47 Feet to the Grantor's East line
6. South 04°23'34" West, along Grantor's East Line, a distance of 175.92 Feet to the southeast corner thereof
7. South 89°54'59" West, along Grantor's south line, a distance of 106.87 Feet
8. North 00°03'57" West, a distance of 98.70 Feet

Thence South 89°56'03" West, a distance of 389.96 Feet to the Grantor's Westerly line;

Thence along the Grantor's west line North 03°08'14" East, a distance of 703.53 Feet to the True Point of Beginning containing 0.9244 Acres as described by Steven W. Clutter PS# 7655 for and on behalf of CESO, Inc.



CESO, Inc.

Steven W. Clutter, PS

Date: March 21, 2018

Registered Surveyor No. OH-7655



By: Varbros LLC

DAVID J. GIRO, PRESIDENT David J. Giro
Name, Title, Name of Property Owner

STATE OF OHIO)
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named David J. Giro who acknowledged that he did sign the foregoing instrument and that the same is (his) free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at MARBR23, this 27th day of MARCH, 2018.



NASSER K. MORRA
NOTARY PUBLIC
STATE OF OHIO
Comm. Exp. Oct. 28, 2021
Recorded In
Medina County

Nasser K. Morra
NOTARY

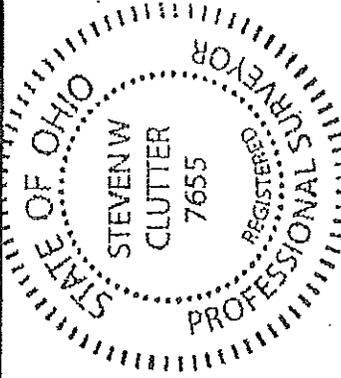
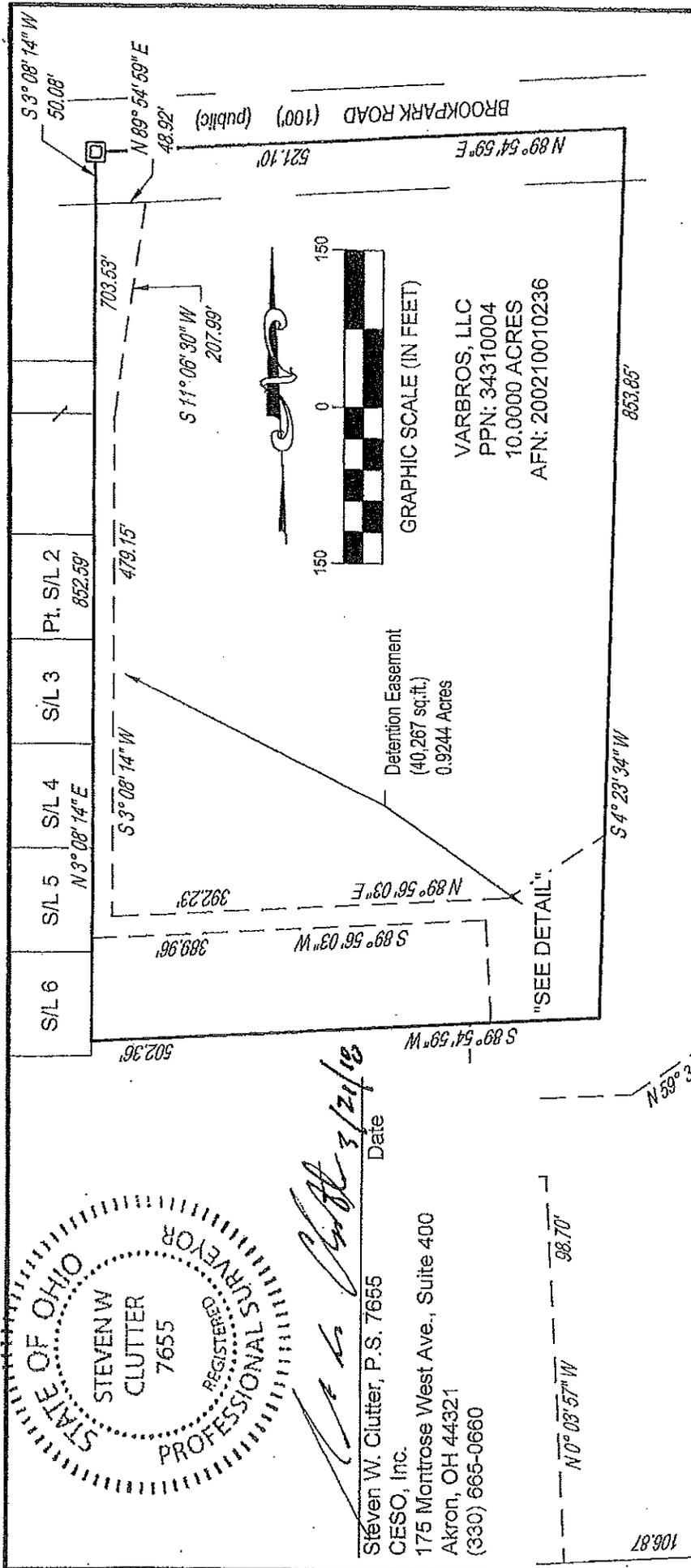
Approved by the Council of the City of Brook Park by Ordinance No. 11041-2018 adopted this 2nd day of October, 2018.

Michelle Blazak
Clerk of Council

October 3, 2018
Date

The legal form and correctness of the within instrument is hereby approved this 3rd day of October, 2018.

[Signature]
Carol Horvath, Law Director



Steven W. Clutter
 Steven W. Clutter, P.S. 7655
 CESO, Inc.
 175 Montrose West Ave., Suite 400
 Akron, OH 44321
 (330) 665-0660

Date

3/21/18

VARBROS, LLC
 PPN: 34310004
 10.0000 ACRES
 AFN: 200210010236



DETENTION EASEMENT	
CAMPBELL CONSTRUCTION	
Original Lot 1, Sec. 10, T 6-N, R 14-W County of Cuyahoga, State of Ohio	
16025 Brookpark Road Brook Park, OH 44142	DATE: March 21, 2018
SCALE: 1" = 150'	JOB NO.: 754789
DESIGN:	SHEET NO.: 1 OF 1
DRAWN: TDC	
CHECKED: SWC	
CESO WWW.CESOINC.COM	

"DETAIL"
 1"=40'

W:\PROJECTS\CAMPBELL CONSTRUCTION\754789 - VARBROS 16025 BROOK PARK ROAD - SURVEY\PLAN\754789 - VARBROS 16025 BROOK PARK RD - DETENTION EASEMENT.DWG - 3/25/2018 8:55 AM