

P/C
CA PRICE 8-24-21
1st R 9-7-21
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO: 16-2021

INTRODUCED BY: COUNCIL AS A WHOLE

**A RESOLUTION GRANTING THE APPROVAL FOR A STORM WATER MANAGEMENT
AND ACCESS EASEMENT AGREEMENT, BETWEEN CORRIGAN WORLDWIDE
PROPERTIES, LLC AND THE CITY OF BROOK PARK, OHIO, AND DECLARING
AN EMERGENCY**

WHEREAS, on August 2, 2021, the Planning Commission approved and referred to Council a request for approval for a Storm Water Management and Access Easement agreement by and between Corrigan Worldwide Properties, LLC (Grantor) and the City of Brook Park (Grantee) at 13900 Keystone Parkway, located in the U5-A Zone.

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

SECTION 1: The storm water management and access easement agreement between Corrigan Worldwide Properties LLC and the City of Brook Park, approved by the Planning Commission on August 2, 2021, 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 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 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 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 reason to approve this storm water management and access easement agreement; 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:

September 7, 2021

M. P. Vukobratovic
PRESIDENT OF COUNCIL

ATTEST:

Michelle Blazak
Clerk of Council

APPROVED:

[Signature]
MAYOR

9/7/2021
DATE

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. 16-2021

passed on the 7th day of September

20 21 by said council.

Michelle Blazak
Clerk of Council

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 five 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, #2 Fire Station 22530 Rupple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library #165 Engle Road, for a period of fifteen days.

commencing September 10, 2021
Michelle Blazak
MICHELLE BLAZIK
Clerk of Council

	Yea	Nay
Troyer	<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"/>
Schmuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

[Signature]
DIRECTOR OF LAW

STORM WATER MANAGEMENT AND ACCESS EASEMENT

Know All Men By These Present:

That **Corrigan Worldwide Properties, 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 Brookpark** ("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. 344-31-007 and more particularly described in Exhibit A attached hereto. Grantee's access over Grantor's real property is described as the Proposed Access Easement being 30' wide which is depicted in Exhibit B attached hereto and incorporated herein by this reference (the "Access Easement Area"). The Access Easement Area shall grant access to the storm water management facilities on the Grantor's real property described as the Proposed Stormwater Easement which is depicted in Exhibit C (the "Stormwater 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 Access Easement Area to inspect all systems and perform any and all construction, repair, and maintenance to the Stormwater 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.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this ____ day of _____, 2021.

GRANTOR:
Corrigan Worldwide Properties, LLC

By: _____

Its: _____

STATE OF _____)
)ss
_____ COUNTY)

The foregoing instrument was acknowledged before me this _____ date of 2021 by _____, _____ of Corrigan Worldwide Properties, LLC.

Notary Public

Approved by the Council of the City of Brook Park by Ordinance No. _____ adopted this ____ day of _____, 2021.

Clerk of Council

Date

The legal form and correctness of the within instrument is hereby approved this 30 day of August, 2021.



City of Brook Park, Law Director

This instrument was prepared by:
Witschey Witschey & Firestone Co., L.P.A.
Karan A. Moss, Esq.
405 Rothrock Rd, Suite 103
Akron, Ohio 44321
cli.620const.gen.corrigan.easement-1

EXHIBIT A
LAND DESCRIPTION

Parcel No. 1:

Situated in the City of Brook Park, County of Cuyahoga and State of Ohio and known as being Parcel No. 2 in the Lot Split of PPN 344-31-007 and being a part of Original Rockport Township Lot Nos. 1 and 2 as shown by the recorded plat in Volume 335 of Maps, Page 96, of Cuyahoga County Records; together with all of grantor's right title and interest in and to the following appurtenant easements thereto. *AS APPEARS BY SAID PLAT, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL*
Parcel No. 2- Easement: *LEGAL HIGHWAYS.*

TOGETHER WITH the Appurtenant Easement for ingress and egress created in the Perpetual Easement and Assignment of Easement from The Board of County Commissioners of Cuyahoga County, Ohio, to Walter and Karin Laich, filed for record December 29, 1989 recorded in Volume 89-07274, Page 8 of Cuyahoga County Records and also in Volume 90-1976, Page 39 of Cuyahoga County Records and being an assignment of easement rights reserved and recorded in Volume 12324, Page 319 of Cuyahoga County Records, over the following described premises:

Easement A

Situated in the City of Brook Park, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township, Sections 1 and 2 and bounded and described as follows:

Beginning at the intersection of the centerline of Brookpark Road, 100 feet wide, and the centerline of West 147th Street, 40 feet wide;

Thence North 89° 09' 07" East, along the centerline of said Brookpark Road, a distance of 901.71 feet;

Thence South 89° 34' 59" East, continuing along the centerline of said Brookpark Road, a distance of 70.19 feet to the centerline of Access Road "C", 50 feet wide;

Thence North 0° 47' 32" East, along the centerline of said Access Road "C" a distance of 50.00 feet to a point on the Northerly line of said Brookpark Road and the principal place of beginning;

Thence North 89° 34' 59" West, along the Northerly line of said Brookpark Road, a distance of 25 feet;

Thence North 0° 47' 32" East, on a line parallel to the centerline of said Access Road "C", a distance of 439.07 feet;

Thence North 54° 39' 38" East a distance of 61.91 feet;

This Legal Description Complies with
The Cuyahoga Transfer and
Conveyance Standards and is approved
for transfer.

MAY 23 2019
[Signature]

Thence South 0° 47' 32" West a distance of 475.25 feet to a point on the Northerly line of said Brookpark Road;

Thence North 89° 34' 59" West, along the Northerly line of said Brookpark Road, a distance of 25 feet to the principal place of beginning, containing 22,858 square feet of land as surveyed by the Cuyahoga County Engineers Survey Department August 1989.

Easement B

Situated in the City of Brook Park, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Sections 1 and 2, bounded and described as follows:

Being a parcel of land 25 feet on either side of that part of an access road centerline between the Northerly Limited Access Right of Way line and the Southerly Limited Access Right of way line of Interstate Route 480, and being a minimum height of 14 feet, and a maximum height not to exceed the underside of the bridge to be constructed over said access road, said centerline being described as follows:

Beginning at a monument box in the centerline of Brookpark Road (State Road 17) at its intersection with the centerline of West 147th Street;

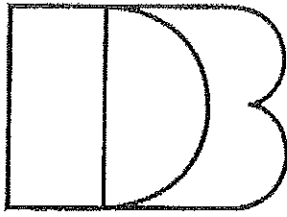
Thence North 89° 09' 07" East a distance of 902.35 feet along said centerline of Brookpark Road to an angle point;

Thence South 89° 34' 58" East a distance of 70.19 feet to the point of intersection with said access road centerline to be described;

Thence North 0° 47' 32" East a distance of 997.07 feet along the centerline of said access road and passing through Station 543 plus 29.00 on the centerline of Interstate Route 480 to an iron pin and terminating therein.

Parcel No. 3- Easement:

Non-exclusive easement for the construction and maintenance of a watercourse reserved in the Limited Warranty Deed from Walter Laich and Karin Laich, husband and wife, to TT Realty LLC, an Ohio limited liability company filed for record November 12, 2004 and being Cuyahoga County Recorder's AFN 200411120068.



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130
F 216.642.1132

Access Easement
0.1597 Acres
DGB 4992-2

Exhibit B

June, 2020

LEGAL DESCRIPTION

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio, and known as being part of Parcel No. 2 in a Lot Split of P.P. No. 344-31-007, of part of Original Rockport Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 335, Page 96 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at an iron pin monument in the easterly terminus of Keystone Parkway, 60 feet wide;

Thence North 89 degrees 48 minutes 16 seconds West along the centerline of Keystone Parkway, 226.44 feet to a point;

Thence North 0 degrees 11 minutes 44 seconds East, 30.00 feet to a point in the northerly line of Keystone Parkway, and the principal place of beginning of the easement herein described;

Thence North 89 degrees 48 minutes 16 seconds West along the northerly line of Keystone Parkway, 40.50 feet to a point;

Thence North 0 degrees 11 minutes 44 seconds East, 65.43 feet to a point;

Thence South 89 degrees 17 minutes 21 seconds East, 175.51 feet to a point;

Thence South 0 degrees 42 minutes 39 seconds West, 30.00 feet to a point;

Thence North 89 degrees 17 minutes 21 seconds West, 97.30 feet to a point of tangency;

Thence southwesterly being an arc of a curve deflecting to the left, 48.49 feet to a point of non-tangency, said arc having a radius of 39.50 feet, a central angle of 70 degrees 20 minutes 31 seconds, and a chord which bears South 55 degrees 32 minutes 24 seconds West, 45.51 feet;

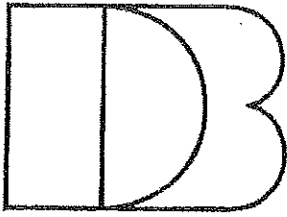
Thence South 0 degrees 11 minutes 44 seconds West, 8.85 feet to the principal place of beginning, containing 6,956 square feet or 0.1597 acres of land, as described by Donald G. Bohning & Associates, Inc. in June, 2020.

The courses used in this description are referenced to and assumed meridian, and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196

m:\adcd\p\4992-2\documents\legals\access easement-0.1597 ac- june 2020.docx





**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44126

T 216.642.1130
F 216.642.1132

Stormwater Management Easement
0.5335 Acres
DGB 4992-2

Exhibit C

June, 2020

LEGAL DESCRIPTION

Situated in the City of Brook Park, County of Cuyahoga, and State of Ohio, and known as being part of Parcel No. 2 in a Lot Split of P.P. No. 344-31-007, of part of Original Rockport Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 335, Page 96 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning in the northerly cul-de-sac of Keystone Parkway, 60 feet wide, at its intersection with the southeasterly line of said Parcel No.2;

Thence North 0 degrees 42 minutes 39 second East along the easterly line of said Parcel No. 2, 12.00 feet to a point, and the principal place of beginning of the easement herein described;

Thence southwesterly being an arc of a curve deflecting to the left, 79.54 feet to a point, said arc having a radius of 72.00 feet, a central angle of 63 degrees 17 minutes 54 seconds, and a chord which bears South 59 degrees 14 minutes 54 seconds West, 75.56 feet;

Thence North 89 degrees 17 minutes 21 seconds West, 27.55 feet to a point;

Thence North 0 degrees 42 minutes 39 seconds East, 272.43 feet to a point;

Thence South 89 degrees 14 minutes 10 seconds East, 92 .00 feet to a point in the easterly line of said Parcel 2;

Thence South 0 degrees 42 minutes 39 seconds West, 232.91 feet to the principal place of beginning, containing 23,241 square feet or 0.5335 acres of land, as described by Donald G. Bohning & Associates, Inc. in June, 2020.

The courses used in this description are referenced to and assumed meridian, and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196

\\:\adca\dd\p\4992-2\documents\legals\stormwater management easement - 0.5335 ac- june 2020.docx





P.P.N. 344-31-007
CORRIGAN WORLDWIDE
PROPERTIES, LLC
A.F.N. 201905230567

LOT SPLIT
VOL. 335 PG.
96 C.C.M.R.
PARCEL 2

1/2" IR.
PIN USED

S89°14'10"E
92.00'

PROPOSED STORMWATER
EASEMENT
23,241 S.F.
0.5335 Ac.

P.P.N. 344-34-009
WALTER & KARIN LAICH, TRUSTEES
A.F.N. 201411250593

R=72.00'
L=79.54'
T=44.38'
C=75.56'
S 59°14'54" W
Δ=63°17'54"

N0°42'39"E
12.00'

1/2" IR. PIN
FND. & USED

P.O.B.

R=60.00'
L=74.96'

P.O.B.

60.00'

S0°56'06"W

IR. MON.
USED

30.46'

S0°15'15"E

IR. MON.
USED

IR. MON.
USED

S89°48'16"E
372.01' OBS.

KEYSTONE PARKWAY 60'

(a.k.a. Laich Pky.) DED. VOL. 332 PG. 49-50 C.C.M.R

EXHIBIT TO ACCOMPANY LEGAL
DESCRIPTION FOR STORMWATER
MANAGEMENT EASEMENT
BROOKPARK, OHIO



PREPARED BY:

ORDER No. 4992-2

DONALD G. BOHNING & ASSOCIATES, INC.
CIVIL ENGINEERING & SURVEYING
7879 HUB PARKWAY * VALLEY VIEW, OHIO 44125
PHONE: (216) 642-1130 FAX: (216) 642-1132

Mr. Vedanadda Up | 4992-2 | DWG | 4992-2_5.dwg 6/8/2020 10:49am

