

CITY OF BROOK PARK, OHIO

P/C _____
CA _____
1st R 9-2-2025
2nd R _____
3rd R _____
D/C _____

Resolution No. 20-2025

Introduced By: COUNCIL AS A WHOLE

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

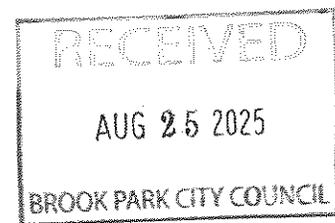
WHEREAS, the request for a storm water access easement was presented at a public hearing on July 7, 2025, to the Brook Park Planning Commission, which referred this matter to Council for approval.

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: September 2, 2025

Richard Stahl
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
Clerk of Council

APPROVED: E.M. Smith
MAYOR

9-3-25
DATE

CERTIFICATE

Carol Johnson, 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. 20-2025
passed on the 2 day of September
20 25 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCorkle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wolindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dufour	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Victor Conrad
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 130th Street (Width Varies);

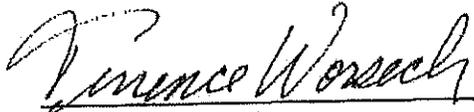
Thence North 00°37'11" East, along the Westerly right of way of said West 130th Street, a distance of 197.94 feet to the principal point of beginning for the easement hereinafter described;

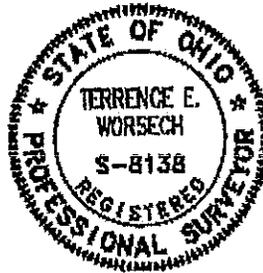
- Course 1 Thence South 89°59'11" West, a distance 324.70 feet;
- Course 2 Thence South 00°26'10" West, a distance of 116.12 feet;
- Course 3 Thence South 89°54'21" West, a distance of 20.35 feet;
- Course 4 Thence South 00°00'00" East, a distance of 11.22 feet;
- Course 5 Thence North 90°00'00" West, 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 130th Street;
- Course 8 Thence South 00°37'11" West, along the Westerly right of way of said West 130th 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.

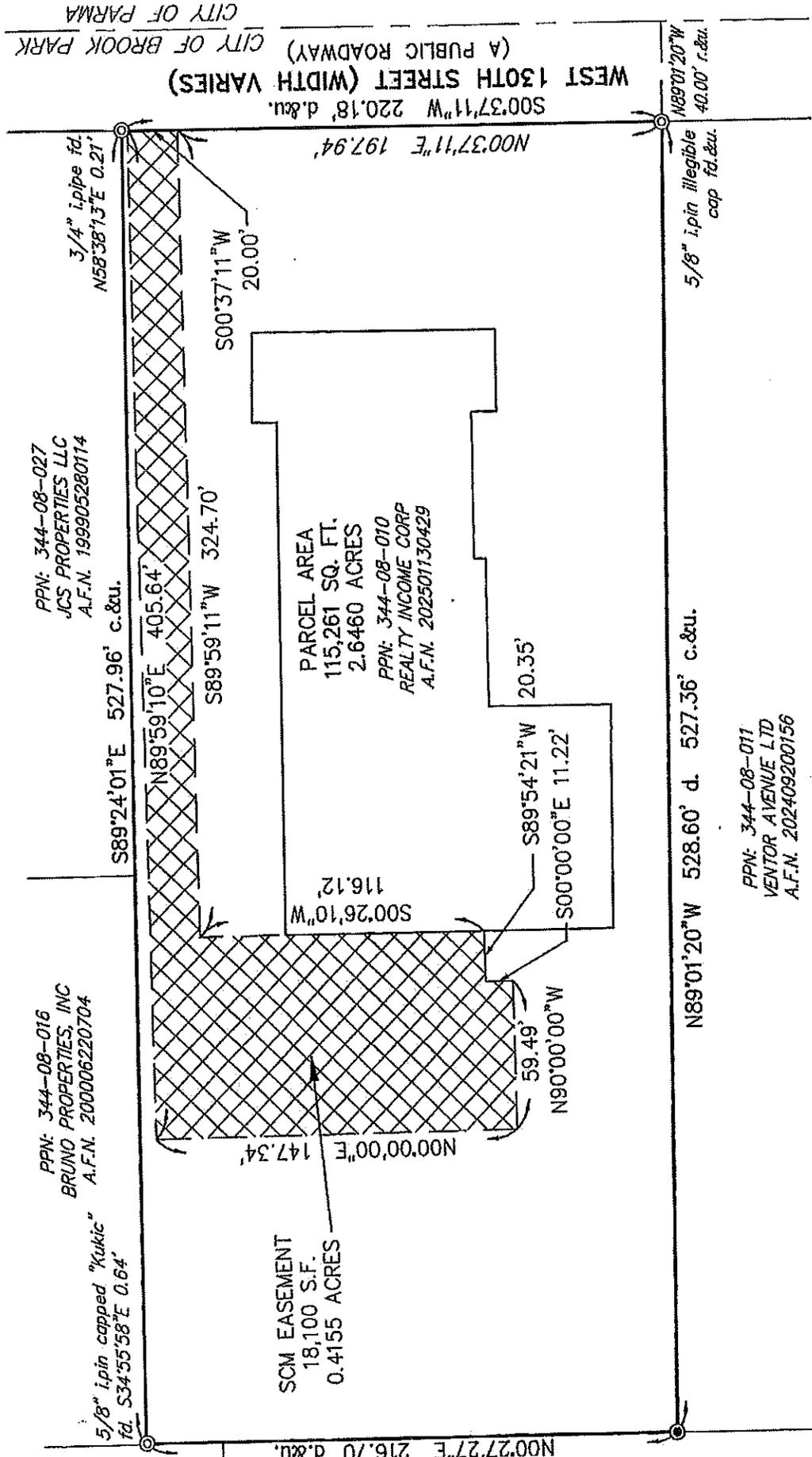
Be the same more or less, but subject to all legal highways and easements of record.

Legal Description
SCM Easement
ATS Express
P.P.N. 344-08-010
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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.

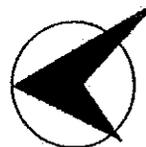
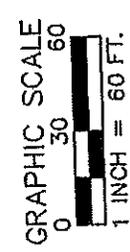

Terrence E. Worsch
Registered Survey No. 8138-Ohio





SCM EASEMENT
 18,100 S.F.
 0.4155 ACRES

PARCEL AREA
 115,261 SQ. FT.
 2.6460 ACRES
 PPN: 344-08-010
 REALTY INCOME CORP
 A.F.N. 202501130429



NORTH

NEFF
 & ASSOCIATES

Civil Engineers - Landscapers - Surveyors - Planners - Surveyors
 6465 York Road | Parma Heights, Ohio 44130
 Tel: 440.884.3100 | Fax: 440.884.3104

CITY OF BROOKPARK, OHIO
 05/20/25 JOB#15048
 SCM EASEMENT EXHIBIT
 ATS EXPRESS