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CITY OF BROOK PARK, OHIO

RESOLUTION NO: 23-2026

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION DECLARING THE INTENT TO APPROPRIATE CERTAIN REAL PROPERTY (343-05-004) FOR THE PUBLIC PURPOSE OF MAKING OR REPAIRING ROADS AND RELATED APPURTENANCES AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Brook Park, Ohio possesses authority under R.C. Chapters 719 and 163 to appropriate certain real property necessary for the making or repairing of roads open to the public without charge and related appurtenances; and

WHEREAS, the City of Brook Park, Ohio is undertaking the construction and improvement of public roads and related appurtenances as part of a larger project known more commonly as the CUY IR 071/VAR 08.84 Brook Park PID 125149 (the "Project"); and

WHEREAS, the Project will require the City to obtain a fee-simple interest in a portion of certain real property owned by 16891 Brookpark Road (OH), LLC, Cuyahoga County Auditor Parcel Number 343-05-004, and more commonly known as 16891 Brookpark Road, Brook Park, Ohio, 44142, (the "Property") for the purpose of facilitating and performing the work necessary to complete the construction of the Project; and

WHEREAS, the Property necessary for the Project is more accurately described in the legal description attached to this Resolution as Exhibit "A"; and

WHEREAS, the City must acquire the Property in order to move forward with the Project; and

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BROOK PARK CITY COUNCIL

WHEREAS, the City deems it necessary to exercise its eminent domain authority, in accordance with R.C. Chapters 719 and 163, in order to appropriate the Property for the purposes of making and repairing roads and related appurtenances which shall be open to the public without charge.

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

SECTION 1: The City Council, pursuant to R.C. 719.04, hereby declares the necessity to appropriate the Property in furtherance of the public Project, and declares its intent to appropriate a fee-simple interest in the Property as more accurately described in Exhibit A to this Resolution, for the public purpose of making and repairing roads and related appurtenances and completing the Project.

SECTION 2: The Mayor is hereby authorized, as required by R.C. 719.05, to immediately upon the passage of this Resolution cause written notice to be given to the owner of, person in possession of, or person having an interest of record in, the Property, or to the authorized agent of the owner or other such person. Such notice shall be served by a person designated for the purpose and return made in the manner provided for the service and return of summons in civil actions. If such owner, person, or agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code.

SECTION 3: It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City. The reason for the emergency is to timely ensure the City's submission of a complex infrastructure project to the Ohio Department of Transportation and to timely satisfy requirements for appropriation proceedings necessary for a public project. This Resolution shall go into effect immediately upon its passage.

PASSED: November 4, 2024

PRESIDENT OF COUNCIL

ATTEST: Carol Johnson
CLERK OF COUNCIL

APPROVED:
MAYOR

11/5/24
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. 23-2026 passed on the 4 day of November 20 24 by said council.

Carol Johnson
Clerk of Council

	Yea	Nay
Gonzalez	✓	
Mencini	✓	
Roberts	✓	
Scott	✓	
McCorkle	✓	
[illegible]		
Dufour	✓	

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

DIRECTOR OF LAW

EXHIBIT A

Legal Description of Property

Situated in the State of Ohio, County of Cuyahoga, City of Brook Park, Original Middleburg Township Lot Number 5, Section 10, being a 18.419 acre tract as conveyed to 16891 Brookpark Road (OH, LLC. by deed of record in Instrument number 200205170477 (all records being of the Cuyahoga County Recorder's Office), lying on the left side of Hummel Road (40.00 feet wide) and being more particularly described as follows:

COMMENCING at a 1" Rebar found in a Monument Box1 found at intersection of the centerline of right-of-way of Hummel Road and the centerline of right-of-way of Engle Road (State Route 291, also known as Henry Ford Road, width varies), being Station 0+00.00 of said Hummel Road;

Thence South 88° 21' 19" East, a distance 679.83 feet, along the centerline of right-of-way of Hummel Road, to a point, being the centerline of right-of-way Station 6+79.83;

Thence North 01° 38' 41" East, leaving said centerline, a distance of 20.00 feet, to an Iron Pin Set on the northerly right-of-way line of said Hummel Road, and the south line of said 18.419 acre tract, said point being the **POINT OF BEGINNING**, being 20.00 feet left of existing centerline of right-of-way Station 6+79.83;

Thence the following three (3) courses across and through said 18.419 acre tract:

1. North 02° 01' 50" East, 10.00 feet, to an Iron Pin Set, being 30.00 feet left of existing centerline of right-of-way Station 6+79.89;

2. South 88° 21' 19" East, 14.65 feet, to an Iron Pin Set, being 30.00 feet left of existing centerline of right-of-way Station 6+94.54;

3. South 00° 48' 12" West, 10.00 feet, to an Iron Pin Set on said northerly right-of-way line of Hummel Road, and the south line of said 18.419 acre tract, being 20.00 feet left of existing centerline of right-of-way Station 6+94.69;

Thence North 88° 21' 19" West, a distance of 14.86 feet, along said northerly right-of-way line of said Hummel Road, and said south line of said 18.419 acre tract, to the **POINT OF BEGINNING**, containing 0.003 acres, more or less, and being subject to any easements, restrictions, and rights-of-way of record.

Grantor claims title by Instrument Number 200205170477.

The above described area is within Parcel 343-05-004.

Bearings are based on the Ohio State Plane Coordinate System, North Zone, The North American Datum of 1983 with the 2011 adjustment (NAD83(2011), with the centerline of Hummel Road being South 88° 21' 19" East.

All stations and offsets stated in this description are referenced to the existing centerline of right-of-way of Hummel Road, Station 0+00.00 being at the 1" Rebar Found in the Monument Box found at intersection of the centerline of right-of-way of Hummel Road and the centerline of right-of-way of Engle Road.

All Iron Pins Set are 5/8 inch rebar, 30-inched long, with a yellow cap stamped "DLZ OHIO, INC."

This description was prepared by DLZ Ohio, Inc. (6121 Huntley Road, Columbus, Ohio 43229) under the direct supervision of Alex Marks, Ohio Professional Surveyor Number 8616 in October 2026, and is based on an actual field survey conducted by DLZ Ohio, Inc.