

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015-31

By Dale A. Lange Sponsored By Mayor Cyril M. Kleem  
AN ORDINANCE Councilwoman Margarette S. Key

**AMENDING THE ZONING MAP OF THE CITY OF BERA BY REZONING A CERTAIN AREA OF LAND AT 285 FRONT STREET FROM COMMERCIAL CENTER (CC) DISTRICT TO COLLEGE (CD) DISTRICT.**

**WHEREAS**, the City of Berea has been petitioned by Baldwin Wallace University of 275 Eastland Road, owner of the property addressed at 285 Front Street, to rezone the parcels of land addressed at 285 Front Street and identified as permanent parcel numbers 362-11-025 and 362-11-023, currently zoned as Commercial Center (CC) District and requesting that the parcels be zoned as College District (CD) in the City of Berea, as more fully shown on the map attached hereto and identified as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, pursuant to Chapter 105 of the Zoning Code of the Codified Ordinances of the City of Berea, this Council has referred said request to the Municipal Planning Commission for review and consideration, and the Planning Commission has recommended approval and acceptance of the rezoning petition; and

**WHEREAS**, the Clerk of Council has notified the Zoning Administrator of the application for rezoning and the Zoning Administrator has inspected the property and made a written report to the Planning Commission; and

**WHEREAS**, the report of the Zoning Administrator and this Ordinance have been referred to a Planning Advisor who has reviewed the application and has evaluated the same and reported that the rezoning is consistent with the general purposes and overall objectives of the Zoning Code and has provided such report to the Planning Commission; and

**WHEREAS**, the Planning Commission has provided prior written notice by mail at least ten (10) days prior to the meeting of the Planning Commission to consider the rezoning application to all owners of property within two hundred feet of the affected property; and

**WHEREAS**, the Clerk of Council has published notice of a public hearing on the application for rezoning in a newspaper of general circulation at least thirty (30) days prior to the holding of said public hearing, and notice of the rezoning petition has been provided to owners of property within the affected area, contiguous to the affected area, and across the street from the affected area, and that the public hearing has been held and consideration of the public hearing has been made by this Council.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That this Council has considered and accepts the recommendation of the Municipal Planning Commission, the Zoning Administrator, and the Planning Advisor, and has further duly considered all matters arising at the public hearing on the petition for rezoning, and hereby rezones those certain lands identified on Exhibit "A" attached hereto and incorporated herein from Commercial Center (CC) District zoning to College District (CD) zoning.

**SECTION 2.** That the Zoning Administrator is hereby directed to revise the official zoning map of the City to reflect the rezoning of the affected area as indicated herein and approved hereby.

**SECTION 3.** That 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 20, 2015

  
\_\_\_\_\_  
President of Council

ATTEST: Alyce Casne  
Clerk of Council

APPROVED: April 21, 2015

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

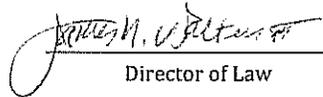
  
\_\_\_\_\_  
Director of Law

Exhibit 'A'

Permanent 362-11-025  
Parcel #: 362-11-023

CUYAHOGA COUNTY  
OFFICE OF FISCAL OFFICER - 4  
DEED 11/10/2014 2:58:38 PM

Type Instrument: Warranty Deed Date: 11/10/2014 2:43:00 PM  
Tax District #: 3050 Tax List Year: 2014  
Land Use Code: 8950  
Grantee: BALDWIN WALLACE UNIVERS Land Value: 174,400  
Balance Assumed: \$ 0.00 Building Value: 250,400  
Total Consideration: \$ 500,000.00 Total Value: 424,800  
Conv. Fee Paid: \$ 2,000.00 Arms Length Sale: UNKNW  
Transfer Fee Paid: \$ 1.00 Rcpt: A-11102014-7  
Fee Paid by: Guardian Title & GUARAN Inst #: 872302  
Exempt Code: Check #: 8188

**201411100278**

*Mark A. Park*

Cuyahoga County Fiscal Officer

WARRANTY DEED No. 104

KNOW ALL MEN BY THESE PRESENTS

That, **FIRST CHURCH OF CHRIST, SCIENTIST, BEREA, OHIO** (an Ohio not-for-profit Corporation; Ohio Charter No. 206399), the Grantor who claims title by or through instrument(s), recorded in Volume 6463, pages 84 and 85 (Parcel 1) and Volume 9742, pages 468 and 469 (Parcel 2), Cuyahoga County Recorder's Office, for the consideration of Ten Dollars (\$10.00) and other good, valuable and sufficient consideration received to its full satisfaction of **BALDWIN WALLACE UNIVERSITY**, the Grantee, whose TAX MAILING ADDRESS will be:

275 Eastland Road GT Commercial  
Berea, Ohio 44017 Order No. 813141227

does GIVE, GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, its successors and assigns, the following described premises:

PARCEL 1:

Situated in the City of Berea, County of Cuyahoga, and State of Ohio: And known as being part of Sub-lots Nos. 2 and 3 in Rothweiler and Wallace's Allotment of part of Original Middleburgh Township Sections Nos. 17 and 18, as shown by the recorded plat in Volume 3 of Maps, Page 50 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of Front Street, 66 feet wide (now 82.5 feet wide), at the Northeasterly corner of land deeded to Baldwin-Wallace College by deed recorded in Volume 4660, Page 435 of Cuyahoga County Records: Thence Westerly along the Northerly line of said land about 184.40 feet to the Northwesterly corner of same, said corner being in the Easterly line of land deeded to Ora Usher by deed recorded in Volume 485, Page 571 of Cuyahoga County Records;

Thence Northerly along the Easterly line of land deeded to said Ora Usher to the Northeasterly corner of same;

Thence Westerly along the Northerly line of land deeded to Ora Usher about 79.60 feet to the Southwesterly corner of Sub-lot No. 3 in the aforementioned Subdivision;

Thence Northerly along the Westerly line of said Sub-lot No. 3 to the Northwesterly corner of same;

Thence Easterly along the Northerly line of said Sub-lot No. 3 about 104 feet to the Northwesterly corner of land deeded to Minnie M. and Laura A. McCarthy by deed recorded in Volume 1240, Page 45 of Cuyahoga County Records;

Thence Southerly along the Westerly line of said McCarthy's land about 60 feet to the Southwesterly corner of same;

Thence Easterly along the Southerly line of said McCarthy's land about 160 feet to the Westerly line of Front Street;

Thence Southerly along the Westerly line of Front Street about 86.46 feet to the place of beginning, **excepting therefrom** so much of the above premises included within the bounds of Front Street as now established, be the same more or less but subject to all legal highways.

Excepting therefrom that portion deeded to The State of Ohio as described as follows: Situated in the City of Berea, County of Cuyahoga, and State of Ohio and known as being part of Sublots Nos. 2 and 3 in Rothweiler and Wallace's Allotment of part of Original Middleburgh Township Sections Nos. 17 and 18, as shown by the recorded plat in Volume 3 of Maps, Page 50 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of Front Street, at the Northeasterly corner of land deeded to Baldwin Wallace College by deed recorded in Volume 4660, Page 435 of Cuyahoga County Records, said point being 41.25 feet right of Station 13 + 67.78 in the centerline of Front Street and the principal place of beginning;

Thence North 87° 36' 41" West along the Grantor's southerly property line 3.75 feet to a point;

Thence North 0° 35' 49" East, a distance of 86.46 feet to a point in the Grantor's northerly property line;

Thence South 89° 49' 41" East along the Grantor's northerly property line, 3.55 feet to a point in the westerly line of Front Street, said point being 41.25 feet right of Station 12 + 81.32 in the centerline of Front Street;

Thence South 00° 10' 19" West along the westerly line of Front Street, 86.46 feet to the principal place of beginning, containing 316 square feet, more or less. The above description (exception) is based on a survey approved by Henry Papilli, Registered Surveyor No. 468.

#### **Permanent Parcel No. 362-11-025**

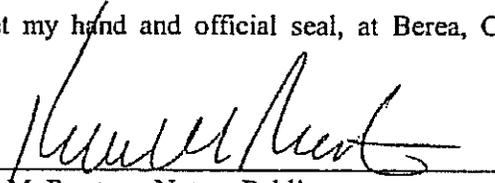
#### **PARCEL 2:**

Situated in the City of Berea, County of Cuyahoga, and State of Ohio: And known as being the Westerly 105.75 feet of Sublot No. 4 in Rothweiler and Wallace's Allotment of part of Original Middleburgh Township Sections Nos. 17 and 18, as shown by the recorded plat in Volume 3 of Maps, Page 50 of Cuyahoga County Records and bounded and described as follows:



for-profit Corporation; Ohio Charter No. 206399), who acknowledged that they did sign the foregoing instrument and the same is each, their own voluntary act and deed, and that of the Ohio not-for-profit Corporation.

**In Testimony Whereof**, I have hereunto set my hand and official seal, at Berea, Ohio this 30th day of November, 2014.

  
\_\_\_\_\_  
Kevin M. Preston - Notary Public  
My commission has no expiration date.

Execution in accordance with Chapter 5301. of the Revised Code.

This instrument prepared by:  
KEVIN M. PRESTON, Esq.  
1 Berea Commons, Suite 216  
Berea, Ohio 44017  
(440) 816-0600