

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015-54

By Nick Haschka Sponsored By Mayor Cyril M. Klein

AN ORDINANCE

APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT ("METROPARKS") FOR THE PURPOSE OF OBTAINING AN EASEMENT OR EASEMENTS NEEDED TO FACILITATE THE REPLACEMENT AND RECONSTRUCTION OF THE EASTERLY WEST CENTER BRIDGE STREET BRIDGE, AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS THEREFOR, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Berea is engaged in a project with the Ohio Department of Transportation (ODOT) for the replacement of the bridge over the Rocky River on Center Street west of Front Street; and

WHEREAS, it is necessary to acquire certain temporary and/or permanent easements in order to carry out the project.

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

SECTION 1. That the Mayor of the City of Berea is hereby authorized to enter into any and all agreements on behalf of the City with The Board of Park Commissioners of the Cleveland Metropolitan Park District ("Metroparks") for a certain Easement or Easements over the real estate currently owned by the Metroparks more fully described on Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. That the Mayor, Directors and City Engineer, as needed, are hereby authorized to execute any and all documents (including Easement Agreements and documents) and instruments necessary and appropriate to carry out the purposes of this Ordinance, and the same are hereby ratified and affirmed.

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.

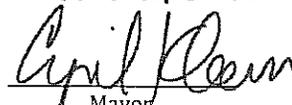
SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is essential to acquire the necessary property interests so that the referenced bridge replacement construction project may be completed at the earliest practicable time for the safety of the motoring public. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all 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: June 15, 2015


President of Council

ATTEST: Alyssa
Clerk of Council

APPROVED: June 22, 2015


Mayor

Approved as to Form:

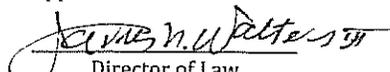

Director of Law

Exhibit
"A"

EXHIBIT A

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Rev. 07/09

Ver. Date 12/08/2014

PID 93827

**PARCEL 1-T
CUY-WEST CENTER STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
EXCAVATE & RESTORE
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEREА, CUYAHOGA COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Bereа, County of Cuyahoga and State of Ohio and known as being a part of Fractional Lot "C" in Sheldon's Addition to the Village of Bereа of part of Original Middleburg Township Section 17, as shown by the recorded plat in Volume 45, Page 83 of Cuyahoga County Map Records and is bounded and described as follows:

Being a parcel of land lying on the LEFT side of the centerline of survey made for the City of Bereа Engineer's Office as shown by plat recorded in Volume __, Page __, of the Cuyahoga County Records and being located within the following described points in the boundary thereof:

Beginning in the existing northerly right of way line of West Center Street at its intersection with the westerly line of land conveyed to Dimitrous I. Gountis by instrument recorded in Document No. 201112010604 of Cuyahoga County Records, said point of beginning being 33.00 feet LEFT of Station 18+42.50 in said centerline survey:

Thence South 66° 12' 25" West, along said existing northerly right of way line of West Center Street, 19.99 feet to an angle point therein, said point being 25.00 feet LEFT of Station 18+24.18;

Thence South 89° 47' 07" West, continuing along said existing northerly right of way line of West Center Street, 129.18 feet to a point 25.00 feet LEFT of Station 16+95.00;

Thence North 00° 12' 53" West, 30.00 feet to a point 55.00 feet LEFT of Station 16+95.00;

Thence North 89° 47' 07" East, 105.00 feet to a point 55.00 feet LEFT of Station 18+00.00;

Thence South 00° 12' 53" East, 25.00 feet to a point 30.00 feet LEFT of Station 18+00.00;

Thence North 89° 47' 07" East, 25.00 feet to a point 30.00 feet LEFT of Station 18+25.00;

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Thence North 70° 09' 16" East, 16.58 feet to a point in the above said westerly line of land of Gountis, said point being 35.57 feet LEFT of Station 18+40.62;

Thence South 36° 25' 30" East, along said westerly line of land of Gountis, 3.19 feet to the place of beginning and containing 0.077 acres (3,341 square feet) of land as surveyed and described in December 2014 by Timothy P. Hadden, Ohio Professional Survey No. 6786 of CT Consultants, Inc. Registered Engineers and Surveyors.

Prior instrument reference as of the date this survey was prepared: Volume 7033, Page 732 of the Cuyahoga County Records.

The above described area is part of Cuyahoga County Auditor's Parcel No. 364-09-001 and 364-09-002.

Bearings contained herein are for project use only and are based on Ohio State Plane (North Zone) Coordinates, Horizontal Datum NAD83(1986).

