

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015 - 57

By Margaret S. Key Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

APPROVING AND AUTHORIZING THE MAYOR TO ENTER INTO ANY AND ALL AGREEMENTS WITH RIVERSIDE GARDENS, LLC, AN OHIO LIMITED LIABILITY COMPANY, FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT 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; and

WHEREAS, although the City is in the process of acquiring property including the lands described in the exhibits attached hereto, it is necessary and appropriate to the process to obtain these easements from the current owner if the acquisition is not completed in a timely manner.

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 Riverside Gardens, LLC, an Ohio Limited Liability Company, for certain Temporary and Permanent Right-of-Way (including any and all utilities) Easements over the real estate currently owned by Riverside Gardens, LLC, more fully described on Exhibits "A" and "B" respectively, 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, and to do so even following acquisition of the lands including the areas subject to the easements by the City.

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

ATTEST: [Signature]
Clerk of Council

APPROVED: June 22, 2015
[Signature]
Mayor

[Signature]
President of Council

Approved as to Form: [Signature]
Director of Law

EXHIBIT A

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LPA RX 871 SH

Ver. Date 12/08/2014

PID 93827

**PARCEL 4-SH
CUY-WEST CENTER STREET
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEREA, CUYAHOGA COUNTY, OHIO**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by the City Of Berea, Cuyahoga County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being a part of Parcel H in the Berea Town Center Plat of part of Original Middleburg Township Section 17, as shown by the recorded plat in Volume 213, Page 53 of Cuyahoga County Map Records and is bounded and described as follows:

Being a parcel of land lying on the RIGHT side of the centerline of survey made for the City of Berea 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 at an iron pin monument box found in the existing centerline of Front Street, said point of beginning being 8.16 feet LEFT of Station 20+26.27 in said centerline survey;

Thence South 00° 02' 41" West, along said existing centerline of Front Street, 8.16 feet to a point of intersection with the existing centerline of West Center Street, said point being located at Station 20+26.23;

Thence South 89° 47' 07" West, along said existing centerline of West Center Street, 408.12 feet to a point at Station 18+24.90;

Thence South 00° 12' 53" East, 30.00 feet to a point in the existing southerly right of way line of West Center Street at its intersection with the easterly line of land conveyed to RJP Properties by

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instrument recorded in Volume 92-5420, Page 39 of the Cuyahoga County Records, said point being 30.00 feet RIGHT of Station 18+24.90 and further being the principal place of beginning;

Thence North 89° 47' 07" East, along said existing southerly right of way line of West Center Street, 98.23 feet to an angle point therein, said point being 30.00 feet RIGHT of Station 19+23.13;

Thence North 00° 12' 53" West, continuing along said existing southerly right of way line of West Center Street, 2.00 feet to a point 28.00 feet RIGHT of Station 19+23.13;

Thence North 89° 47' 07" East, continuing along said existing southerly right of way line of West Center Street, 45.04 feet to a point of curvature 28.00 feet RIGHT of Station 19+68.18;

Thence Southeasterly on the arc of a curve deflecting to the RIGHT (said curve having a Radius of 25.00 feet, an included angle of 90° 03' 23", and a chord which bears South 45° 11' 12" East and is 35.37 feet in length) a distance of 39.29 feet to a point in the existing westerly right of way line of Front Street, said point being 53.02 feet RIGHT of Station 19+93.18;

Thence South 00° 09' 30" East, along said existing westerly right of way line of Front Street, 26.98 feet to an iron pin set 80.00 feet RIGHT of Station 19+93.15;

Thence South 89° 47' 07" West, 168.60 feet to an iron pin set in the above said easterly line of land of RJP Properties, said point being 80.00 feet RIGHT of Station 18+24.55;

Thence North 00° 11' 14" East, along said easterly line of land of RJP Properties, 50.00 feet to the principal place of beginning and containing 0.193 acres (8,428 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 98-14418, Page 11 of the Cuyahoga County Records.

The above described area is part of Cuyahoga County Auditor's Parcel No. 364-09-013.

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

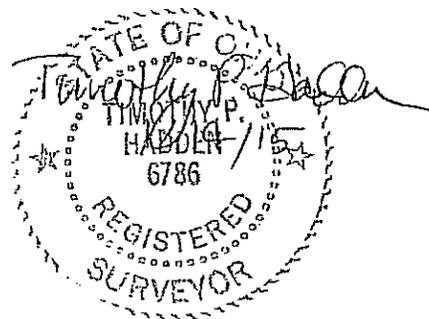


Exhibit "B"

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Ver. Date 12/08/2014

PID 93827

**PARCEL 4-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 BERA, CUYAHOGA COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the City of Berea, County of Cuyahoga and State of Ohio and known as being a part of Parcel H in the Berea Town Center Plat of part of Original Middleburg Township Section 17, as shown by the recorded plat in Volume 213, Page 53 of Cuyahoga County Map Records and is bounded and described as follows:

Being a parcel of land lying on the RIGHT side of the centerline of survey made for the City of Berea 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 southerly right of way line of West Center Street at its intersection with the easterly line of land conveyed to RJP Properties by instrument recorded in Volume 92-5420, Page 39 of the Cuyahoga County Records, said point of beginning being 30.00 feet RIGHT of Station 18+24.90 in said centerline survey:

Thence South $00^{\circ} 11' 14''$ West, along said easterly line of land of RJP Properties, 50.00 feet to an iron pin set 80.00 feet RIGHT of Station 18+24.55 and further being the principal place of beginning:

Thence North $89^{\circ} 47' 07''$ East, 168.60 feet to an iron pin set in the existing westerly right of way line of Front Street, said point being 80.00 feet RIGHT of Station 19+93.15;

Thence South $00^{\circ} 09' 30''$ East, along said existing westerly right of way line of Front Street, 11.34 feet to an angle point therein, said point being 91.34 feet RIGHT of Station 19+93.14;

Thence South $89^{\circ} 50' 30''$ West, along said existing westerly right of way line of Front Street, 7.00 feet to a point 91.34 feet RIGHT of Station 19+86.14;

Thence South $83^{\circ} 59' 54''$ West, 36.32 feet to a point 95.00 feet RIGHT of Station 19+50.00;

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Thence South 89° 47' 07" West, 125.55 feet to a point in the above said easterly line of land of RJP Properties, said point being 95.00 feet RIGHT of Station 18+24.45;

Thence North 00° 11' 14" East, along said easterly line of land of RJP Properties, 15.00 feet to the principal place of beginning and containing 0.056 acres (2,438 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 98-14418, Page 11 of the Cuyahoga County Records.

The above described area is part of Cuyahoga County Auditor's Parcel No. 364-09-013.

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

