

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015-65

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR CONVEYANCE BETWEEN THE CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION AND THE CITY OF BERA FOR TRANSFER OF A PROPERTY LOCATED AT 156 PROSPECT ROAD TO THE CITY OF BERA, AND DECLARING AN EMERGENCY.**

WHEREAS, the property located at 156 Prospect Road ("the Property") consists of a parcel of vacant land, the dilapidated and decayed house located there having been razed and removed; and

WHEREAS, prior to a State Forfeiture Sale, the Cuyahoga County Land Reutilization Corporation ("CCLRC") has the ability to acquire properties from the State Forfeiture Sale list at little to no cost; and

WHEREAS, the CCLRC has acquired the Property and has proposed an agreement to transfer it to the City of Berea for the cost of \$1.00 plus associated filing fees; and

WHEREAS, the CCLRC has also required that the City of Berea enter into an Agreement for Conveyance which dictates the terms upon which the CCLRC will transfer the Property to the City of Berea; and

WHEREAS, the City of Berea finds that that parcel of land can be useful to the City in the redevelopment of the area;

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

**SECTION 1.** That an Agreement for Conveyance substantially similar to that which is attached hereto as "Exhibit A" is hereby approved, and that the Mayor be, and he hereby is, authorized and directed to execute the same on behalf of the City of Berea.

**SECTION 2.** That the Director of Finance be, and hereby is, authorized and directed to pay out such sum(s), and that the funds therefor are hereby appropriated from the Capital Improvement Fund, designated for accounting purposes as Fund No. 400.

**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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to acquire this parcel of land through this process in order to meet the requirements of the Cuyahoga County Land Reutilization Corporation. 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: October 19, 2015

ATTEST: Alycia Eason  
Clerk of Council

[Signature]  
President of Council  
APPROVED: October 21, 2015  
[Signature]  
Mayor

Approved as to Form:

[Signature]  
Director of Law

## Agreement for Conveyance

[CCLRC as Grantor]

This Agreement, dated as of this \_\_\_ day of \_\_\_\_\_, 2015 by and between the **Cuyahoga County Land Reutilization Corporation** (Grantor) and the **City of Berea** (Grantee):

Whereas Grantor, a county land reutilization corporation organized and existing under Chapter 1724 of the Ohio Revised Code (R.C.), is the owner of the parcel(s) of land described in Exhibit A, Permanent Parcel No. 363-17-007, 56 Prospect Road, Berea, Ohio attached hereto and made a part hereof (the Land) which Grantor desires to gift or transfer to Grantee as set forth herein; and

Whereas Grantee, an Ohio municipality, is authorized, and desires, to receive the properties described in Exhibit A attached hereto;

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor and the Grantee agree as follows:

1. **Title and Prorations:** For \$1.00 and other good and valuable consideration, Grantor, shall deliver free and clear marketable title in and to the Land to Grantee except for easements, restrictions and covenants of record.
2. **Conveyance and Closing.** This transaction shall close on or about the 14th day of March, 2014 whereupon Grantor shall deliver quit claim deed(s) to the Land, and Grantee shall pay the consideration required herein.
3. **No Warranties or Representation.** Grantor makes no warranties or representations whatsoever as to the condition or quality of the Land, all of which Grantee agrees shall be conveyed in its current "AS IS, WHERE IS" condition.
4. **Law.** This Agreement shall be governed under Ohio law.

*[SIGNATURE PAGE TO FOLLOW]*

IN WITNESS WHEREOF, the parties hereto have set their hands on the date shown below, but as of the date heretofore set forth through their duly authorized officer.

**Cuyahoga County Land Reutilization Corporation (Grantor)**

By: \_\_\_\_\_  
*Print Name:* \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**City of Berea (Grantee)**

By: \_\_\_\_\_  
*Print Name:* \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

PPN: 363-17-007

**EXHIBIT A  
TO AGREEMENT FOR CONVEYANCE**

**PROPERTY TO BE CONVEYED**

Situated in the City of Berea, County of Cuyahoga and State of Ohio:

And known as being part of Sublot No. 53, in the Baldwin Institute Addition of part of Original Middleburg Township Section No. 17, as shown by the recorded plat in Volume 1, Page 21 of Cuyahoga County Records and bounded and described as follows: Beginning in the Northwesterly line of Prospect Street (66 feet wide) at its Intersection with the Northerly line of said Sublot No. 53; thence North 64 deg. 19' 13" West along the Northerly line of said Sublot No. 53, 139.31 feet to an angle in said line; thence South 51 deg. 44' 47" West along said Northerly line 67.30 feet to an angle in said line; thence South 61 deg. 59' 54" East, 156.20 feet to a point in the Northwesterly line of Prospect Street; thence North 36 deg. 32' 17" East along the Northwesterly line of Prospect Street, 68 feet to the place of beginning, be the same more or less but subject to all legal highways.

**PPN: 363-17-007  
56 Prospect Road  
Berea, OH 44017**