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COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2019-27

By Nick Haschka Sponsored By Mayor Cyril M. Kleem
AN ORDINANCE

VACATING PORTIONS OF LONGFELLOW DRIVE, ARDEN AVENUE AND RIVEREDGE PARKWAY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BUT RETAINING PUBLIC UTILITIES EASEMENTS THEREIN.

WHEREAS, portions of Longfellow Drive, Arden Avenue and Riveredge Parkway divide properties owned by the Berea City School District; and

WHEREAS, portions of the Berea City School District's bus garage and parking areas were constructed in the public right of way; and

WHEREAS, portions of Longfellow Drive from Emerson Avenue to Riveredge Parkway, Arden Avenue from Longfellow Drive to Riveredge Parkway, and Riveredge Parkway from the easterly prolongation of Permanent Parcel Number 361-21-001 westerly to Arden Avenue, as shown on the Map in Exhibit "A", attached hereto and incorporated herein, are no longer needed for municipal purposes, except for the retention and utilization of the same for public utilities; and

WHEREAS, the City shall retain an easement in the said lands for public utilities repair, maintenance, installation, replacement and other public utility purposes; and

WHEREAS, upon vacating said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway, the adjoining property owner, the Berea City School District, would receive the land; and

WHEREAS, all abutting Property Owners have provided Council with their written consent to the Vacation of said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway as described herein, and that, therefore, no Publication Notice is required per O.R.C. 723.06.

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

SECTION 1. That this Council hereby vacates those portions of Longfellow Drive, Arden Avenue and Riveredge Parkway as shown on the map in Exhibit "A", attached hereto and incorporated herein, the same being no longer needed for municipal purposes, except for the retention of a public utilities easement.

SECTION 2. That this Council finds good and sufficient reason and cause to vacate the subject real property reflected in Exhibit "A" and, more particularly, that the said real property area is no longer needed for any municipal purpose, except a public utilities easement, and that the vacation of the same is not, nor will be, detrimental to the public interest, but in fact aids the public interest.

SECTION 3. That pursuant to Section X of the City of Berea Charter, this Council has referred this Ordinance to the Municipal Planning Commission for report and recommendation, and the Planning Commission has recommended approval.

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SECTION 4. That the parcels of real property consisting of the above-described portions of Longfellow Drive, Arden Avenue and Riveredge Parkway, as shown on the map attached hereto as Exhibit "A", are hereby vacated without reservation or restriction, except for the retention of the public utilities easement.

SECTION 5. That the Adjoining Property Owner has agreed to accept said portions of Longfellow Drive, Arden Avenue and Riveredge Parkway land in total and, upon vacation, said land shall therefore attach in total to the Adjoining Property Owner's land, such Owner having provided written consent to the vacation and agreement on vacation that said land shall attach to the Owner's land.

SECTION 6. That the Mayor of the City and appropriate City Administrators be and hereby are authorized and directed to execute the Vacation Plat and all other documents on behalf of the City of Berea consistent with this Ordinance and to cause the same to be filed for record in the Office of the Recorder of Cuyahoga County, Ohio.

SECTION 7. That the Clerk of Council is hereby directed to notify the Fiscal Officer of Cuyahoga County of the vacation by sending a copy of this Ordinance, immediately upon its passage and approval, to the Fiscal Officer of the County.

SECTION 9. That the City hereby retains rights in the property to the extent of certain Public Utilities Easements, in substantially the form as described in Exhibit "A", attached hereto and incorporated herein.

SECTION 10. 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 11. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 1, 2019

ATTEST: [Signature]
Clerk of Council

[Signature]
President of Council

APPROVED: April 4, 2019
[Signature]
Mayor

Approved as to Form:
[Signature]
Director of Law

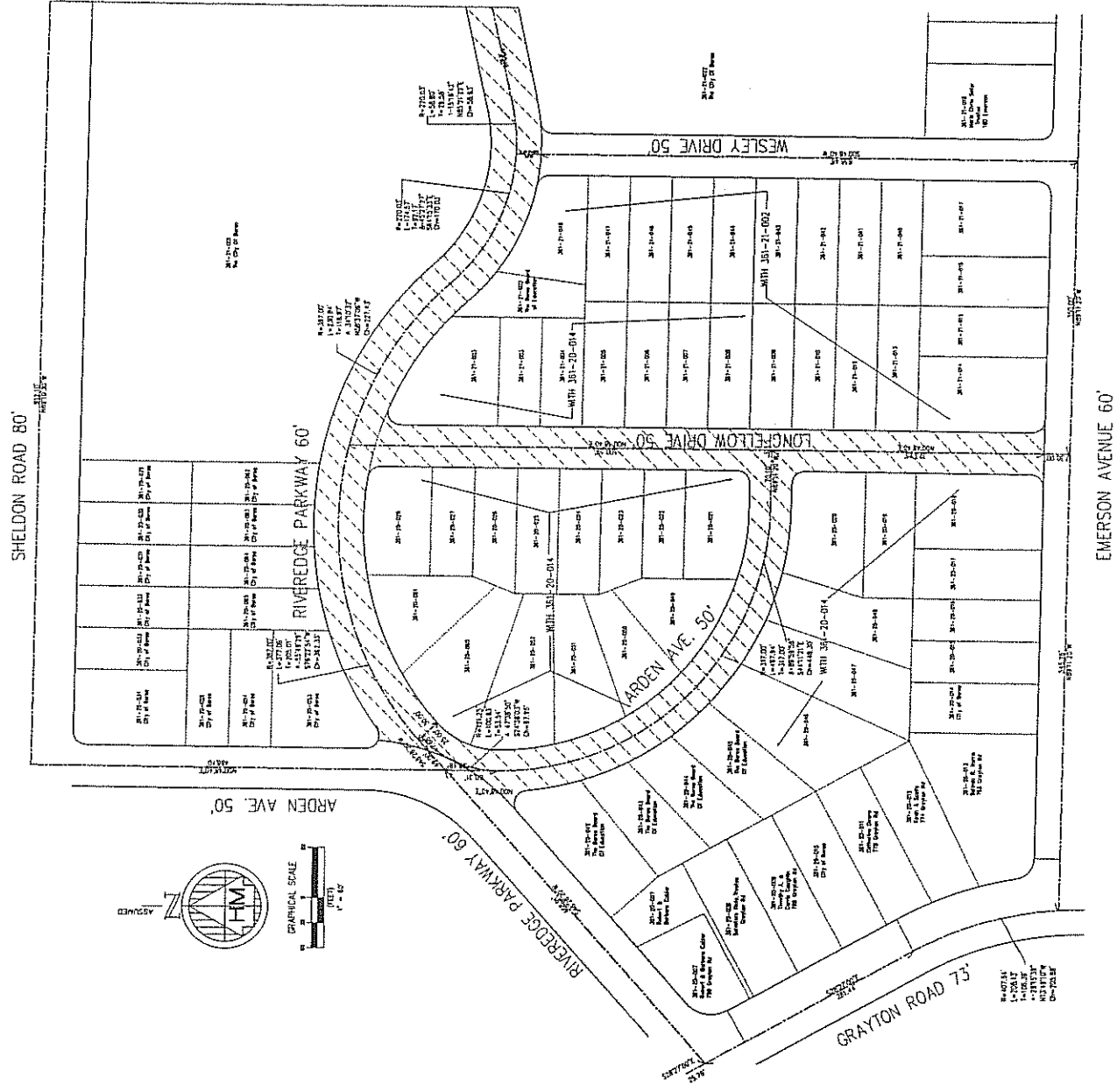
Exhibit A

MADE AT THE INSTANCE OF BEREA BOARD OF EDUCATION
 RIVEREDGE PARKWAY AND ARDEN AVE.
 VACATION PLAN OF PORTION OF LONGFELLOW DRIVE,
 NOW IN THE CITY OF BEREA, CUYAHOGA COUNTY, OHIO
 ORIGINAL MIDDLEBURG TOWNSHIP SEC. N. 18, LOT NO. 9

REGISTERED PROFESSIONAL SURVEYOR
 STATE OF OHIO
 No. 10022 Exp. 11-30-03
 F.L. BEE PC
 3-00-1011

DATE: 1/1/03
 REVISION: 1
 SHEET: 1

DATE: 1/1/03
 REVISION: 1
 SHEET: 1



VACATION CLAUSE
 THE LAND SHOWN HEREON BY WHICH IS HEREBY VACATED FROM USE FOR STREET PURPOSES BY ORDINANCE NUMBER _____ DATED _____ DAY OF _____ 2003, AN EASEMENT FOR UTILITY PURPOSES TO REMAIN UNDER VACATED AREAS

NOTARY PUBLIC
 COUNTY OF CUYAHOGA
 I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE DO SOLENNLY AFFIRM THAT I HAVE PERSONALLY KNOWN THE SIGNER OF THE FOREGOING INSTRUMENT TO BE WHOSE TRUE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HEREON SET MY HAND AND OFFICIAL SEAL AT _____ DAY OF _____ 2003.

APPROVAL CLAUSE
 PLAT APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BEREA THIS _____ DAY OF _____ 2003

WATON _____ **SECRETARY**
 PLAT APPROVED BY THE COUNCIL OF THE CITY OF BEREA THIS _____ DAY OF _____ 2003

PRESENT _____ **SECRETARY**
 NOTE: THIS IS A CONFIRMATION PLAT. I HAVE EXAMINED THIS PLAT AND FIND SAME TO BE IN ACCORDANCE WITH THE CORRECT ORDINANCES OF THE CITY OF BEREA.
 BEREA DIRECTOR OF LAW _____