

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2019-61

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO VARIOUS AGREEMENT(S) WITH THE BEREA CITY SCHOOL DISTRICT, FOR THE PURPOSE OF TRANSFERRING CERTAIN PROPERTIES, THAT ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE SCHOOL DISTRICT IN EXCHANGE FOR THE CITY OBTAINING TITLE TO REAL PROPERTY OWNED BY THE BEREA CITY SCHOOL DISTRICT AND FOR OTHER VALUABLE CONSIDERATION AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS NECESSARY TO EFFECTUATE THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Berea owns numerous parcels of land in the North End, adjacent to Dora Lee Park; and

WHEREAS, the Berea City School District owns parcels located on and adjacent to the Riveredge Elementary School and adjacent to Dora Lee Park; and

WHEREAS, the Berea City School District also owns the parcel at the site of the former Parknoll Elementary School, which is currently leased to the City of Berea for recreational use; and

WHEREAS, the Berea City School District is constructing a new high school and is subject to various ordinances, which establish permit fees associated with the construction; and

WHEREAS, the City of Berea wishes to accept, and the Berea City School District wishes to transfer title to, various properties, for the mutual purpose of establishing clear boundaries, and to provide for future development and for additional recreational purposes; and

WHEREAS, upon transfer of the parcels to the City of Berea, the City intends to consolidate and/or split parcels for the purpose of establishing clear boundaries; and

WHEREAS, the City of Berea provides School Resource Officers for Grindstone Elementary School and Berea Midpark High School; and

WHEREAS, the cost of providing School Resource Officers has increased without a corresponding increase in compensation paid to the City.

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

SECTION 1. That the Mayor is authorized to enter into an Agreement(s) substantially consistent with the terms set forth in Exhibit A, which is incorporated herein by reference, with the Berea City School District, and for valuable consideration, to receive title to certain properties owned by the Berea City School District, as listed in Exhibit B, which is incorporated herein by reference, including the parcels known as the former Parknoll Elementary and Riveredge Elementary Schools, and as further illustrated in the map, attached hereto as Exhibit C, which is incorporated herein by reference, in exchange for the City's forgiveness of permit fees owed to the City associated with the construction of Berea Midpark High School and to provide for an increase beginning in 2021 in the School District's contribution toward the School Resource Officers provided by the City of Berea and to prepare and/or execute any and all documents necessary to effectuate the purposes of this ordinance.

SECTION 2. 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.

COUNCIL CHAMBER

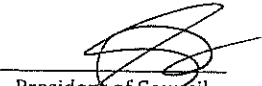
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SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is in the interests of the City to transfer vacant municipal properties to the Berea School District and to receive those properties transferred to the City of Berea in order that development of the properties, establishment of clear boundary lines and development of increased recreational space may begin in a timely manner. 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 17, 2019

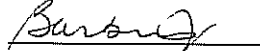

President of Council

ATTEST: 
Clerk of Council

APPROVED: June 18, 2019


Mayor

Approved as to Form:


Director of Law

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this "Agreement"), dated as of _____, 2019 is made between the **Berea City School District** (hereinafter collectively called "District"), and the **City of Berea** (hereinafter called "City" and together, with the District "the Parties").

Recitals:

The City is the owner of Riveredge Parkway located approximately at 224 Emerson, that is no longer needed for municipal purposes.

The District is the owner of the properties known as the old Riveredge Elementary School (Riveredge Parcel #361-21-002) and the old Parknoll Elementary School, 499 Nobottom Road, (Parknoll Parcel #361-03-182), and other parcels, which comprise approximately 15.81 acres of usable land and as described on **Exhibit A** attached hereto, and incorporated by reference and consisting of the land and all improvements, rights, privileges and easements belonging to, or in any way appertaining thereto (collectively "the District's Premises").

The District's bus facility off of Riveredge Parkway which serves the District's students.

The City and District have agreed to exchange the old Riveredge Elementary School, other adjacent parcels, the portion of Riveredge Parkway and the old Parknoll Elementary School, as shown on Exhibit A, with the waiver of building permit fees and certain allocation of expenses associated with the School Resource Officers (SROs), pursuant to Ohio Revised Code Sections 3313.40 and 3313.41, subject to the terms and conditions hereinafter set forth and to be developed in a subsequent real estate purchase agreement.

There are approximately \$20,000 in outstanding utility bills attributed to the City's use of Smith School.

There are outstanding building permit fees owed to the City of Berea in relation to the building of the new Berea Midpark High School.

Now, therefore, the City and District agree as follows:

Portion of Riveredge Parkway: The City agrees to transfer to the District the portion of Riveredge Parkway, in accordance with Ordinance 2019-28.

Riveredge Elementary School and Parknoll Elementary School: The District will transfer to the City via quitclaim deed the old Riveredge Elementary School property and adjacent parcels and the old Parknoll Elementary School property, as described in **Exhibit A**.

Permit Fees: The City agrees to waive all past permit or building fees and anticipated permit or building fees for the New High School.

Utilities: The District will pay the outstanding \$20,000 in utilities at Smith School.

Conveyance: All conveyances will be by quitclaim deed (the "Deed"), free and clear from all liens and encumbrances, except the following (collectively, the "Permitted Exceptions") (i) all real estate

taxes and assessments, both general and special ("Taxes"), not yet due and payable; (ii) any title and survey exceptions which are not objected to by the City or which are objected to by the City, but which the District does not agree to cure or is not required to cure pursuant to the purchase agreement; (iii) zoning and building ordinances; (iv) those matters mutually agreed upon by District and City as set forth in the purchase agreement; when and if closing occurs, good, marketable, indefeasible, fee simple title to the Premises.

Condition of the Premises: The District Premises shall be delivered free of all trash debris, and parties in possession, to the City at Closing.

School Resource Officer: The District shall contribute \$20,000 annually for the costs of School Resource Officers until the end of calendar 2021. Beginning in 2022, the Parties shall share the costs equally of the SROs.

Survey: The District will pay for survey work in connection with the transfers described above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date above first written.

For Berea City School District ("District")

By: _____
Its: Superintendent of Schools, Michael Sheppard

By: _____
Its: Berea Board of Education President, Ana Chapman

By: _____
Its: Treasurer/CFO, Jill A. Rowe

For City of Berea ("City")

By: _____
Its: Mayor

By: _____
Its: Clerk

**PARCELS TO BE RECEIVED BY THE CITY OF BEREA
FROM THE BEREA CITY SCHOOL DISTRICT**

EXHIBIT B

Parcel Number	Action by City Upon Obtaining the Property
361-03-182	Parknoll - No action required
361-20-014	Consolidate
361-20-015	Consolidate
361-20-016	Consolidate
361-20-017	Consolidate
361-20-018	Consolidate
361-20-019	Consolidate
361-20-020	Consolidate
361-20-021	Consolidate
361-20-022	Consolidate
361-20-045	Split and consolidate
361-20-046	Split and consolidate
361-20-047	Consolidate
361-20-048	Consolidate
361-21-002	Split and consolidate
361-21-010	Consolidate
361-21-008	Split and consolidate
361-21-009	Consolidate
361-21-011	Split and consolidate
361-21-012	Split and consolidate
361-21-013	Split and consolidate
361-21-014	Split and consolidate
361-21-015	Consolidate
361-21-016	Consolidate
361-21-017	Consolidate
361-21-040	Consolidate
361-21-041	Consolidate
361-21-042	Consolidate
361-21-043	Consolidate
361-21-044	Consolidate
361-21-045	Consolidate
361-21-046	Split and consolidate
361-21-047	Split and consolidate
361-21-048	Split and consolidate

Upon transfer, the parcels listed above will be consolidated into four (4) parcels.

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361-20-021	Consolidate
361-20-022	Consolidate
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361-20-046	Split and consolidate
361-20-047	Consolidate
361-20-048	Consolidate
361-21-002	Split and consolidate
361-21-010	Consolidate
361-21-008	Split and consolidate
361-21-009	Consolidate
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361-21-012	Split and consolidate
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361-21-014	Split and consolidate
361-21-015	Consolidate
361-21-016	Consolidate
361-21-017	Consolidate
361-21-040	Consolidate
361-21-041	Consolidate
361-21-042	Consolidate
361-21-043	Consolidate
361-21-044	Consolidate
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361-21-047	Split and consolidate
361-21-048	Split and consolidate

Upon transfer, the parcels listed above will be consolidated into four (4) parcels.

Exhibit "C"

MADE AT THE INSTANCE OF BEREA BOARD OF EDUCATION
ORIGINAL MIDDLEBURG TOWNSHIP SEC. N. 18, LOT NO. 6
NOW IN THE CITY OF BEREA, CUYAHOGA COUNTY, OHIO

LOT SPLIT

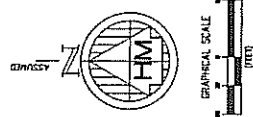
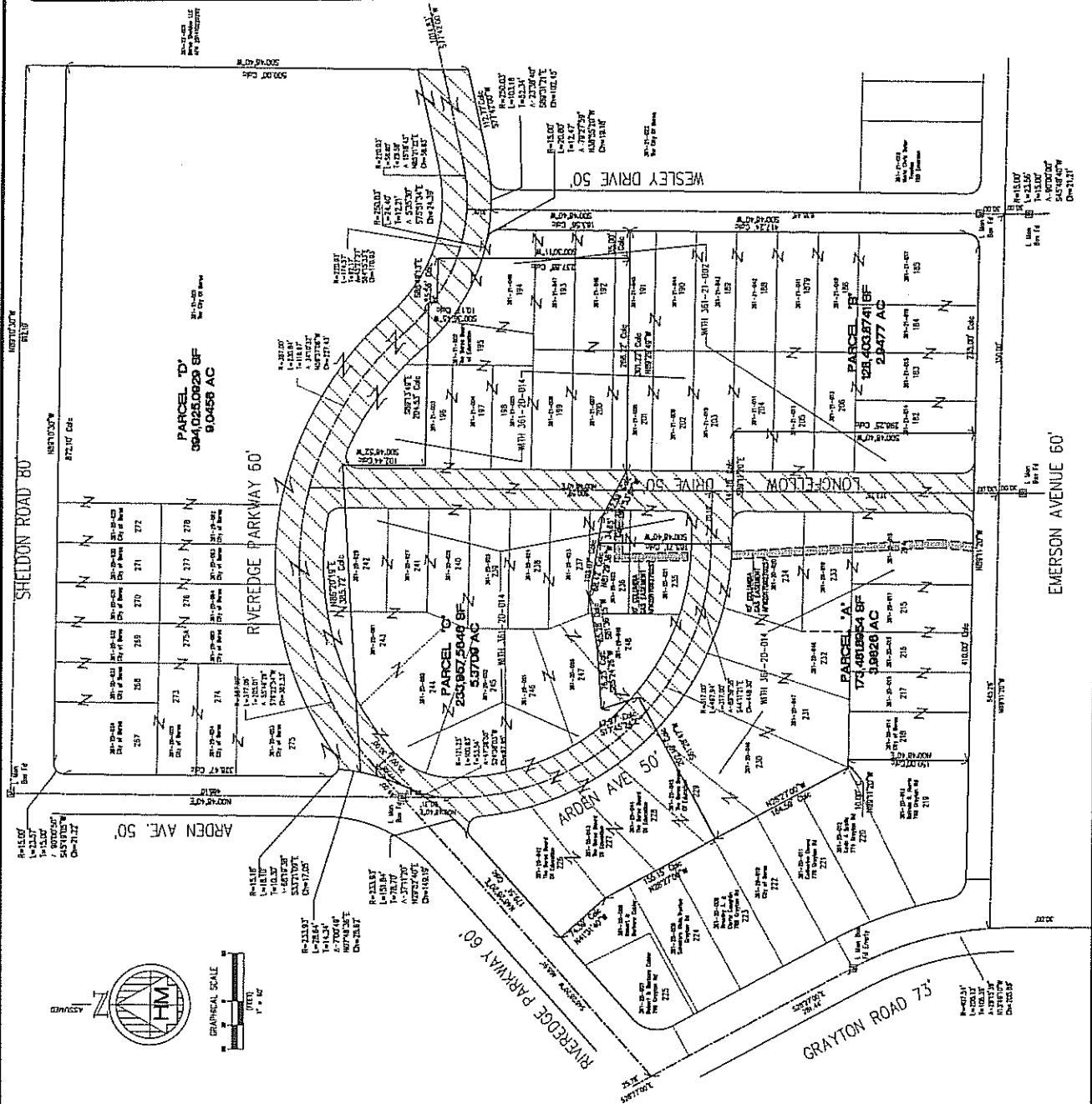
REGISTERED PROFESSIONAL SURVEYOR
IN OHIO BY 072 807 443
OFFICE: 1410 N. WILSON
MANSFIELD, OHIO 44820
PHONE: 330-2474
FAX: 330-2475
www.surveyors.net

STATE OF OHIO
DIVISION OF SURVEYING

DATE: _____
GEORGE A. TOPPING

NO.	REV.	BY	DATE
1	REV. BY	SA	3-07-2018

Drawing (as per drawing list of sheets)
DATE: 02-15-2018
BY: GEORGE A. TOPPING
JOB NO.: 173-481884-BF
SHEET NO.: 1/1



ACCEPTANCE
I, _____, Clerk of the Board of Education, do hereby accept this plat and lot division, as shown herein.

Clerk of the Board of Education

NOTARY
I, _____, Notary Public, do hereby certify that the Board of Education is a duly organized and lawful corporation under the laws of the State of Ohio, and that the above named officers are its duly authorized officers, and that the foregoing plat and lot division was lawfully made and recorded in my presence on this _____ day of _____, 2018.

Notary Public

ACCEPTANCE
I, _____, Notary Public, do hereby certify that the Board of Education is a duly organized and lawful corporation under the laws of the State of Ohio, and that the above named officers are its duly authorized officers, and that the foregoing plat and lot division was lawfully made and recorded in my presence on this _____ day of _____, 2018.

Notary Public

NOTARY
I, _____, Notary Public, do hereby certify that the Board of Education is a duly organized and lawful corporation under the laws of the State of Ohio, and that the above named officers are its duly authorized officers, and that the foregoing plat and lot division was lawfully made and recorded in my presence on this _____ day of _____, 2018.

Notary Public

VACATED AREAS
THE LAND SHOWN HEREON (BY HATCH) WAS VACATED FROM USE FOR STREET PURPOSES BY ORDINANCE NUMBER _____ PASSED _____ DAY OF _____, 2018. PART OF THIS PLAT WAS REQUIRED BY SAID _____ ORDINANCE OF CUYAHOGA COUNTY, OHIO, AS AN EXEMPT FOR UTILITY PURPOSES TO REMAIN UNDER ALL VACATED AREAS.

APPROVAL CLAUSE
PLAT APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BEREA THIS _____ DAY OF _____, 2018.
MAYOR _____ SECRETARY _____
PLAT APPROVED BY THE ENGINEER OF THE CITY OF BEREA THIS _____ DAY OF _____, 2018.
ENGINEER _____

NOTE:
THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND SAME TO BE IN ACCORDANCE WITH THE COUPED ORDINANCES OF THE CITY OF BEREA.
BEREA DIRECTOR OF LAND _____