

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2023-23

By: Councilman Leon R. Dozier, Sr. Sponsor: Mayor Cyril M. Kleem

### AN ORDINANCE

**AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A LISTING AGREEMENT WITH A PROFESSIONAL REALTOR FOR THE MARKETING AND SALE OF 180 BEECH STREET AND 190 BEECH STREET AND TO SUBSEQUENTLY, UPON THE APPROVAL OF BOARD OF CONTROL, ENTER INTO A STANDARD RESIDENTIAL PURCHASE AGREEMENT FOR THE SALE OF THESE PROPERTIES, WHICH ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON(S) OR ENTITY(IES) SUBMITTING THE HIGHEST AND BEST OFFER, AND TO EXECUTE ALL DOCUMENTS RELATED TO THE SALES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ordinance No. 2016-84, the City acquired five non-owner-occupied residential properties in exchange for land; and

**WHEREAS**, since 2017, the City demolished one of the five homes, located at 312 Eastland, and renovated and sold the homes located at 115 Seminary Street and 106 Jacob Street with public funds; and

**WHEREAS**, the remaining two homes, located at 180 Beech Street and 190 Beech Street, which were acquired by the City pursuant to Ordinance No. 2016-84, are now unoccupied and in need of maintenance, repair and/or renovation; and

**WHEREAS**, the Council and Administration have participated in numerous public discussions with various interested parties, including residents of the neighborhood, representatives of the Century Home Garden District Owners Association and the public at-large, and considered those proposals presented to Council and the Administration; and

**WHEREAS**, upon careful review and consideration, the Council of the City of Berea and the Administration find that it is neither economically feasible nor in the best interests of the community at-large to expend substantial amounts of public funds that would be required to continue to pay property taxes and to maintain, repair and/or renovate the two remaining homes; and

**WHEREAS**, this Council finds that these two homes should not be further maintained, repaired or renovated using public funds and should, instead, be sold "as-is" using the services of a licensed, professional realtor, to the persons or entities making the highest and best offer; and

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**WHEREAS**, the Council and Administration continue to support all reasonable efforts to encourage owner-occupied housing in the college neighborhood, including deed restrictions, as set forth in Resolution No. 2019-58, and, therefore, agree to transfer these properties subject to a deed restriction requiring owner-occupancy; and

**WHEREAS**, the Council and Administration additional find that in order to further the interests of the community in maintaining the properties in such a manner that is respectful of the residential and historic character of the neighborhood, that such properties should also be made a part of the Century Home Garden District Owners Association; and

**WHEREAS**, this Council finds that the properties located at 180 Beech Street and 190 Beech Street are no longer needed for any municipal purposes.

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

**SECTION 1.** That this Council finds that the home located at 180 Beech Street, Permanent Parcel No. 364-06-009, and as further described in Exhibit A, which is attached hereto and incorporated by reference, is not needed for any municipal purpose and hereby authorizes and directs the Mayor to enter into a standard form Realtor's listing agreement with a professional, licensed realtor to market and sell the property, and to execute all documents related thereto.

**SECTION 2.** That this Council finds that the home located at 190 Beech Street, Permanent Parcel No. 364-06-007, and as further described in Exhibit B, which is attached hereto and incorporated by reference, is not needed for any municipal purpose and hereby authorizes and directs the Mayor to enter into a standard form Realtor's listing agreement with a professional, licensed realtor to market and sell the property, and to execute all documents related thereto.

**SECTION 3.** That the Mayor be, and hereby is, authorized, upon approval by the Board of Control, to subsequently enter into a standard residential purchase agreement for the sale of the property located at 180 Beech Street, as further described in Exhibit A, to the person(s) or entity(ies) making the highest and best offer, with such sale being subject to a deed restriction requiring owner occupancy, and to execute all documents related thereto; and further, that at title transfer the property shall become part of the Century Home Garden District Owners Association.

**SECTION 4.** That the Mayor be, and hereby is, authorized, upon approval by the Board of Control, to subsequently enter into a standard residential purchase agreement for the sale of the property located at 190 Beech Street, as further described in Exhibit B, to the person(s) or entity(ies) making the highest and best offer, with such sale being subject to a deed restriction, requiring owner occupancy, and to execute all documents related thereto; and further, that at title transfer the property shall become part of the Century Home Garden District Owners Association.

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**SECTION 5.** 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 6.** 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 best interests of the City to sell these municipal properties at the earliest possible time to avoid paying additional property taxes and maintenance expenses. 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: May 1, 2023

ATTEST: [Signature]  
Clerk of Council

[Signature]  
President of Council

APPROVED: May 1, 2023  
[Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
Asst. Director of Law

**Exhibit A**

**Legal Description**

Situated in the City of Berea, County of Cuyahoga and State of Ohio: And known as being part of Lot No. 31 in the Berea Seminary Allotment of part of Original Middleburg Township, Section No. 17, as shown by the recorded plat in Volume 37 of Deeds, page 807 of Cuyahoga County Records and more particularly bounded and described as follows: Beginning at a point in the Easterly line of Beech Street, 85 feet 6 inches North of the intersection of the North line of Jacob Street with the Easterly line of Beech Street, and point being also the Northwestern corner of Sublot No. 1 in C.E. Seibert's Subdivision as recorded in Volume 36 of Maps, Page 25 of Cuyahoga County Records; Thence Easterly along the Northerly line of said Sublot no. 1, 148 feet; Thence Northerly and parallel with the Easterly line of Beech Street 66 feet to a point; Thence Westerly and parallel with the Northerly line of said Sublot No. 1, 148 feet to a point in the Easterly line of Beech Street; Thence Southerly along the Easterly line of Beech Street 66 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 364-06-009

This Legal Description Complies with  
The Cuyahoga Transfer and  
Conveyance Standards and is approved  
for transfer.

AUG 03/2017

  
Agent

Exhibit **B**

Legal Description

PARCEL NO. 1:

Situated in the City of Berea, County of Cuyahoga, and State of Ohio: And known as being part of Sublots Nos. 31 & 32 in the Allotment for the Trustees of the Berea Seminary, of part of Original Middleburg Township Section No. 17, as shown by the recorded plat in Volume 37 of Deeds, Page 807 of Cuyahoga County Records, bounded and described as follows: Beginning on the Easterly line of Beech Street, at a point distant Northerly measured along said Easterly line, 179 feet from its intersection with the Northerly line of Jacob Street; Thence South 88 degrees 31 min. 00 sec. East 95.50 feet to a point; Thence North 01 degrees 29 min. East, 8,20 feet to an iron pin; Thence North 89 degrees 55 min. 37 sec. East 151.85 feet to the Easterly line of a parcel of land conveyed to Theodora Maher by deed recorded in Volume 6237 Page 40 of Cuyahoga County Records; Thence North 0 degrees 11 min. 00 sec. West 28.86 feet to the Northeasterly corner of land conveyed to Theodora Maher as aforesaid; Thence North 89 degrees 08 min. 20 sec. West 247.46 feet to the Easterly line of Beech Street; Thence Southerly along said Easterly line, 38.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 2:

Situated in the City of Berea, County of Cuyahoga, and State of Ohio: And known as being part of Sublots Nos. 31 & 32 in the Allotment for the Trustees of the Berea Seminary, of part of Original Middleburg Township Section No. 17, as shown by the recorded plat in Volume 37 of Deeds, Page 807 of Cuyahoga County Records, bounded and described as follows; Beginning at the Northeasterly corner of land conveyed to Harbert L. & Mabel E. Cain by deed recorded in Volume 6282 Page 441 of Cuyahoga County Records; Thence Northerly along the Easterly line of conveyed in deed recorded in Volume 6836 Page 29 of Cuyahoga County Records, 50 feet to the Northeasterly corner thereof; Thence Westerly along the Northerly line of land so conveyed about 97 feet to the Northeasterly corner of land conveyed to Gladys B. Osmun by deed recorded in Volume 8438 Page 301 of Cuyahoga County Records; Thence Southerly along the Easterly line of land so conveyed to Osmun, 50 feet to a point; Thence Easterly about 97 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PPN: 364-06-007

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This Legal Description Complies with  
The Cuyahoga Transfer and  
Conveyance Standards and is approved  
for transfer.

AUG 03/2017

**DB**

Agent