



City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
Council Office Fax: 440-572-1648
www.strongsville.org

February 13, 2014

City Council

Michael J. Daymut
President of Council
Ward 1

Matthew A. Schonhut
Ward 2

James E. Carbone
Ward 3

J. Scott Maloney
Ward 4

Joseph C. DeMio
At-Large

Kenneth M. Dooner
President Pro Tem
At-Large

Duke Southworth
At-Large

Leslie J. Seefried, MMC
Clerk of Council
leslie.seefried@strongsville.org

MEETING NOTICE

City Council has scheduled the following meetings for **Tuesday, February 18, 2014**, to be held in the Caucus Room and the Council Chamber at the **Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road:**

Caucus will begin at 7:30 p.m. All committees listed will meet immediately following the previous committee:

7:30 P.M. Planning, Zoning and Engineering Committee will meet to discuss Ordinance Nos. 2013-261, 2013-075 and 2014-026.

Public Service and Conservation Committee will meet to discuss Ordinance No. 2014-021.

Economic Development Committee will meet to discuss items pertinent to the Committee.

Committee of the Whole will consider a motion to adjourn into **Executive Session** for the purpose of discussing the possible acquisition of property for a public purpose.

8:00 P.M. Regular Council Meeting

Any other matters that may properly come before this Council may also be discussed.

BY ORDER OF THE COUNCIL:

Leslie J. Seefried, MMC
Clerk of Council

STRONGSVILLE CITY COUNCIL REGULAR MEETING

TUESDAY, FEBRUARY 18, 2014 AT 8:00 P.M.

Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - Regular Council Meeting – February 3, 2014
6. APPOINTMENTS AND CONFIRMATIONS:
7. PUBLIC HEARING:

Ordinance No. 2013-261, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Strongsville Falling Water II, LTD., Owner. Proposed use: Hotel – Hampton Inn & Suites.) *First reading 11-18-13. Unfavorable recommendation by Planning Commission 12-19-13. Second reading 01-06-14.*

8. REPORTS OF COUNCIL COMMITTEES:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:

 - SCHOOL BOARD – Mr. Carbone:

 - BUILDING AND UTILITIES – Mr. Schonhut:

 - COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:

 - ECONOMIC DEVELOPMENT – Mr. Daymut:

 - FINANCE – Mr. Dooner:

 - PLANNING, ZONING AND ENGINEERING – Mr. Maloney:

PUBLIC SAFETY AND HEALTH – Mr. DeMio:

PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:

- Motion to note and approve the owner's designation of wishes for interments in Strongsville Municipal Cemetery, Section E, Lot #41, Graves F & H.

RECREATION AND COMMUNITY SERVICES – Mr. Southworth:

COMMITTEE-OF-THE-WHOLE – Mr. Daymut:

9. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:

MAYOR PERCIAK:

FINANCE DEPARTMENT - Mr. Dubovec:

LAW DEPARTMENT- Mr. Kraus:

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

Ordinance No. 2013-075 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTIONS 1262.04 AND 1262.05 OF CHAPTER 1262 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO REVISE CERTAIN ACCESSORY USES INCLUDING REMOVAL OF RECREATION AND PHYSICAL FITNESS FACILITIES FROM GENERAL INDUSTRIAL (GI) AND GENERAL INDUSTRIAL-A (GI-A) DISTRICTS, AND DECLARING AN EMERGENCY, AS AMENDED. *First reading 03-18-13. Second reading 04-01-13; amended by substitution. Third reading 11-18-13. Favorable recommendation by Planning Commission 12-05-13. Fourth reading 12-16-13. Public Hearing 01-21-14. Fifth reading 02-03-14.*

Ordinance No. 2014-021 by Mr. Carbone. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND DELIVERY OF READY MIX CONCRETE FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY. *First reading 02-03-14.*

Ordinance No. 2014-026 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR SIDEWALK IMPROVEMENTS FROM JOSEPH C. CULLEN AND MARY CONSTANCE KNOTTS, IN CONNECTION WITH SIEDEL FARMS SUBDIVISION NO. 1, AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Motion on City's Right of First Refusal for property under contract located at 21219 Lunn Road.
- Application for Permit: TRFO-D1-D2-D3-D3A-D6: To: **TM Clark LLC, 13600 Pearl Road 1st Floor & Basement**, Strongsville, Ohio 44136. From: Four Strong Bars, Inc. DBA Strongsville Café, 13600 Pearl Road 1st Floor and Basement, Strongsville, Ohio 44136. (Responses must be postmarked no later than 02/24/2014)
- Application for Permit: STCK-D1-D3-D3X-D6: To: **Sri Suwannaki Inc., DBA Sweet Mango Thai Cuisine, 14610 Pearl Road**, Strongsville, Ohio 44136. (Responses must be postmarked no later than 02/24/2014)

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 – 261

By: Mr. Maloney

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located on Fallingwater Road (PPN 396-14-015), in the City of Strongsville, from SC (Shopping Center) classification to MS (Motorist Service) classification, which property is more fully described in Exhibit A, and depicted in Exhibit B, all attached hereto and incorporated herein by reference.

Section 2. That the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: November 18, 2013 Referred to Planning Commission

Second reading: January 6, 2014 Unfavorable Recommendation by

Third reading: _____ Approved: 12/19/13

Public Hearing: February 18, 2014

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2013 - 261
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2013 261 Removed: _____
1st Rdg. 11-18-13 Ref: PC/PZE
2nd Rdg. 01-06-14 Ref: PZE
3rd Rdg. _____ Ref: _____
Pub Hrg. 02-18-14 Ref: _____
Adopted: _____ Defeated: _____

Quit-Claim Deed

KNOW ALL MEN BY THESE PRESENTS THAT Strongsville Falling Waters LTD, an Ohio Limited Liability Company, the Grantor, claiming title by or through instrument recorded in Volume 201, Page 69, Cuyahoga County Recorder's Office, for valuable consideration thereunto given, and for the sum of Ten Dollars (\$10.00) received to its full satisfaction of Strongsville Falling Waters II LTD, an Ohio Limited Liability Company, the Grantee, whose tax mailing address will be 10139 Royalton Rd., Suite K, N. Royalton, OH 44133 does:

GIVE, GRANT, BARGAIN, REMISE, RELEASE AND FOREVER QUIT-CLAIM unto the said Grantee, its heirs and assigns, all right, title and interest as said Grantor has in and to the following described premises, situated in the City of Strongsville, County of Cuyahoga, and State of Ohio:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being part of Block "A" in the Woodlawn Estate, Inc., Ledgewood Subdivision No. 1 and a part of Original Strongsville Township, Lot No. 35 as shown by the recorded plat in Volume 201, Page 69 of the Cuyahoga County Map Records and is further bounded and described as follows;

Beginning at a PK Nail set at the intersection of the easterly right of way line of Falling Water Road - 100 feet wide and the southerly line of the Valley Creek Village Condominiums as shown by the recorded plat in Volume 31, Page 54 of the Cuyahoga County Map Records;

Thence North 87o 36' 49" East along the southerly line of said Valley Creek Village Condominiums and along the southerly line of the Valley Creek Village Cluster Development as shown by the recorded plat in Volume 224, Page 95 of the Cuyahoga County Map Records, a distance of 277.69 feet to a 5/8" diameter capped iron pin set, said point being the Principal Place of Beginning of the premises herein described;

- Course I Thence continuing North 87o 36' 49" East along the southerly line of said Valley Creek Village Cluster Development, a distance of 491.23 feet to a 5/8" diameter capped iron pin set on the westerly line of lands conveyed to VAM, LTD, LLC as recorded in AFN 199909070771;
- Course II Thence South 00o 18' 41" East along the westerly line of said lands conveyed to VAM, LTD, LLC, a distance of 460.23 feet to a 5/8" diameter capped iron pin set at the northeasterly corner of lands conveyed to FHL Investments LTD II as recorded in Volume 84-0334, Page 50 of the Cuyahoga County Records;
- Course III Thence South 87o 36' 49" West along the northerly line of said lands conveyed to FHL Investments LTD II, a distance of 446.84 feet to a PK Nail set on the easterly limits of lands conveyed to Ledgewood Estates as recorded in AFN 200207010657 of the Cuyahoga County Records;
- Course IV Thence North 03o 34' 54" West along the easterly limits of said lands conveyed to Ledgewood Estates, passing through a 1" iron pipe found at a distance of 85.24 feet, a total distance of 193.00 to a 5/8" diameter capped iron pin set;
- Course V Thence North 82o 59' 21" West a distance of 184.79 feet to a 5/8" diameter capped iron pin set;
- Course VI Thence North 86o 37' 03" West a distance of 209.28 feet to a 5/8" diameter capped iron pin set on the easterly right of way line of said Falling Water Road;
- Course VII Thence along the arc of a curve, along the easterly right of way line of said Falling Water Road, deflecting to the right, whose radius is 1485.49 feet which has a chord length of 31.09 feet which bears North 18o 36' 33" East, a distance of 31.09 feet to a 5/8" diameter capped iron pin set;
- Course VIII Thence South 86o 37' 03" East a distance of 202.07 feet to a 5/8" diameter capped iron pin set;
- Course IX Thence South 82o 59' 21" East a distance of 116.90 feet to a 5/8" diameter capped iron pin set;
- Course X Thence North 33o 08' 15" East a distance of 65.28 feet to a 5/8" diameter capped iron pin set;
- Course XI Thence North 01o 55' 41" West a distance of 173.01 feet to the Principal Place of Beginning of the premises herein described containing 5.265 Acres (229,353 s.f.) of

COUNTY ENGINEER TAX MAP DIVISION
LEGAL DESCRIPTION APPROVED FOR SPLIT
BY: DEED MAP PLAT



land, be the same more or less but subject to all legal highways and easements as surveyed, calculated and described by John Alban, Registered Surveyor No. 7651 in February, 2005. Bearings used herein refer to an assumed meridian and are intended to indicate angles only. Deed of reference is Volume 88-3477, Page 68 and Volume 88-3478, Page 25 of the Cuyahoga County Records.

Permanent Parcel No(s):

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, and its separate heirs and assigns forever.

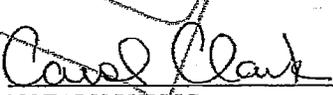
IN WITNESS WHEREOF, the Grantor has hereunto set its hand the 7th day of April, 2005.

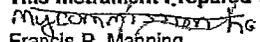
GRANTOR:


Dean Asimes, President
Strongsville Fallings Waters, LTD

STATE OF OHIO)
CUYAHOGA COUNTY) ss.

EXECUTED BEFORE ME, on the 7th day of April, 2005, by Dean Asimes, President, Strongsville Falling Waters LTD, an Ohio Limited Liability Company, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.

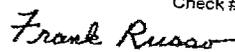

NOTARY PUBLIC
My Commission has no expiration date

This Instrument Prepared By:

Francis P. Manning
Attorney at Law
Western Reserve Law Building
7556 Mentor Avenue
Mentor, Ohio 44060

Permanent Parcel #: 396-14-015
396-14-017

Type Instrument: Quit Claim Deed Ex Date: 5/23/2005 12:13:00 PM
Tax District #: 3340 Tax List Year: 2005
Grantor: STRONGSVILLE FALLING WAT Land Use Code: 4490
Grantee: STRONGSVILLE FALLING WAT Land Value: 206,600
Balance Assumed: \$ 0.00 Building Value: 0
Total Consideration: \$ 0.00 Total Value: 206,600
Conv. Fee Paid: \$ 0.00 Arms Length Sale: NO
Transfer Fee Paid: \$ 1.00 Rcpt: D-05232005-16
Fee Paid by: CASH Inst #: 157701
Exempt Code: Check #:

CUYAHOGA COUNTY RECORDER
200605230953 PAGE 2 of 2


FRANK RUSSO
CUYAHOGA COUNTY AUDITOR

PROJECT DATA

CERTIFIED BUILDING ADDRESS:
FALLING RIVER ROAD, STRONGSVILLE, OHIO 44136

PARCEL NUMBER: 396-14-015

PARCEL OWNER: STRONGSVILLE FALLING WATERS II, LTD

PARCEL AREA: 5.26 ACRES TOTAL

ZONING: SC - SHOPPING CENTER

CURVE DATA:
R=1485.49'
Δ=22° 33' 35"
C=51.09'
B=N18° 36' 33"E

FALLING WATER RD

VALLEY CREEK VILLAGE ASSOC
PARCEL NO. 396-14-008

STRONGSVILLE FALLING WATERS II, LTD
PARCEL NO. 396-14-015

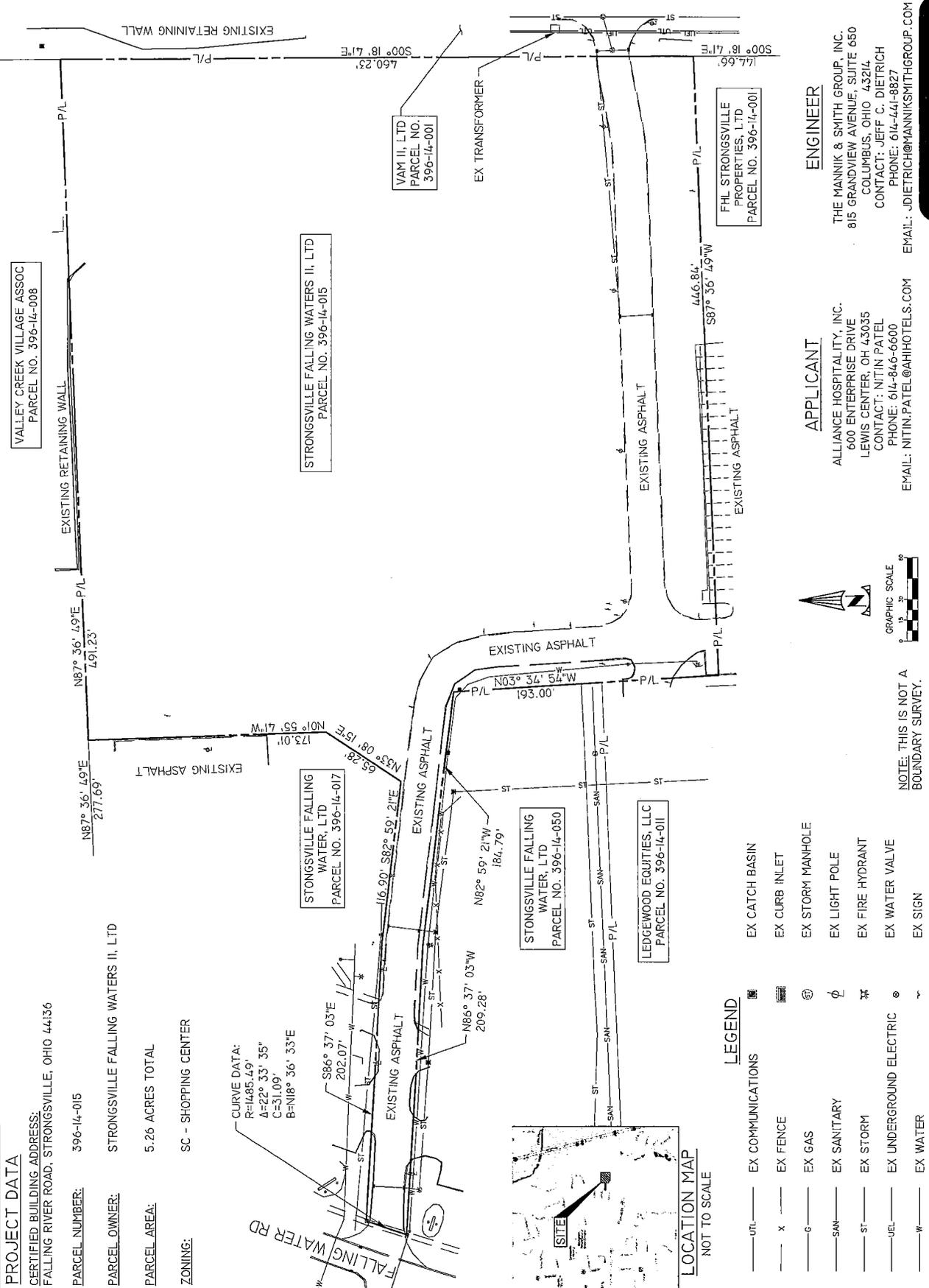
VAM II, LTD
PARCEL NO. 396-14-001

FHL STRONGSVILLE
PROPERTIES, LTD
PARCEL NO. 396-14-001

STRONGSVILLE FALLING WATERS II, LTD
PARCEL NO. 396-14-017

STRONGSVILLE FALLING
WATER, LTD
PARCEL NO. 396-14-050

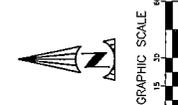
LEDGEWOOD EQUITIES, LLC
PARCEL NO. 396-14-011



LEGEND

- UTILITY — EX COMMUNICATIONS
- X — EX FENCE
- G — EX GAS
- SAN — EX SANITARY
- ST — EX STORM
- UEL — EX UNDERGROUND ELECTRIC
- W — EX WATER
- [Symbol] — EX CATCH BASIN
- [Symbol] — EX CURB INLET
- [Symbol] — EX STORM MANHOLE
- [Symbol] — EX LIGHT POLE
- [Symbol] — EX FIRE HYDRANT
- [Symbol] — EX WATER VALVE
- [Symbol] — EX SIGN

LOCATION MAP
NOT TO SCALE



NOTE: THIS IS NOT A
BOUNDARY SURVEY.

APPLICANT

ALLIANCE HOSPITALITY, INC.
600 ENTERPRISE DRIVE
LEWIS CENTER, OH 43035
CONTACT: NITIN PATEL
PHONE: 614-849-6600
EMAIL: NITIN.PATEL@AHIHOTELS.COM

ENGINEER

THE MANNIK & SMITH GROUP, INC.
815 GRANDVIEW AVENUE, SUITE 650
COLUMBUS, OHIO 43214
CONTACT: JEFF C. DIETRICH
PHONE: 614-441-8827
EMAIL: JDIETRICH@MANNIKSMITHGROUP.COM

1 / 1

SITE PLAT

HAMPTON INN & SUITES
FALLING WATER ROAD
STRONGSVILLE, OHIO 44136



PROJECT DATE: 10/11/2013
PROJECT NO.: A2820003
DRAWN BY: RDZ
CHECKED BY: JCD
SUTE 650
COLUMBUS, OH 43215
TEL: 614.441.4222
FAX: 888.488.7340

EXHIBIT B

PROPERTY DESCRIPTION FORM

Ordinance Number: 2013-261

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: Falling Water Rd, Strongsville, OH 44136

Permanent Parcel No.: 396-14-015

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Falling Water Rd to the west.

Number and type of buildings which now occupy property (if any): No buildings currently occupy property.

Acreage: 5.26 AC

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): N/A

Said deed restrictions (will) (have) expire(d) on: N/A

Said property is presently under lease or otherwise encumbered as follows: N/A

Owner(s)	Percent of Ownership:
1. <u>Strongsville Falling Water II, LTD</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

[Signature]
Signature of Owner(s) DEAN ASHES

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 30th day of October, 2013.



SANDRA L DULAY
Notary Public
In and for the State of Ohio
My Commission Expires
December 18, 2016

[Signature]
Notary Public

My commission expires DEC 18, 2016

* Please pay particular attention to the details in item number 5 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

PETITION FOR ZONING CHANGE

Ordinance Number: 2013-261

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class SC use to a class MS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: The applicant, whose business is hospitality, wishes to construct a hotel on this site which will allow travelers from I-71 to stop for a rest in a location which grants them access to nearby shopping and dining facilities, bringing business to the City of Strongsville. The applicant also hopes to provide a place for out of town guests to stay while visiting family from the City of Strongsville and a place where local businesses can lodge their travelling employees.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: _____

The proposed use will be for a low noise level facility that will be properly screened and shall comply with all building requirements of the City of Strongsville

Please list other supporting documents (if any) which accompany this petition:

1. Zoning Site Plan (14 copies)
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Hotel - Hampton Inn & Suites

Name, address and **telephone number** of applicant or applicant's agent:

Name: The Mannik & Smith Group (Applicant's Agent)

Address: 815 Grandview Ave, Suite 650, Columbus, OH 43215

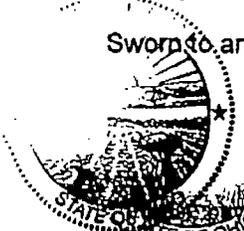
Telephone Number: (614) 441-8827

Signature of Owner(s) *[Signature]*
DEAN BRUNES

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 30th day of OCTOBER, 2013.

SANDRA L DULAY
Notary Public: Sandra L Dulay
In and for the State of Ohio
My Commission Expires December 18, 2016 in Ohio
December 18, 2016 My commission expires: DEC 18, 2016



Particular attention to the details in item number 5 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Leslie Seefried, Clerk of Council
DATE: November 19, 2013
SUBJECT: Referrals from Council: Ordinance No. 2013-260, 2013-261, 2013-075

At its regular meeting of November 18, 2013, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2013-260 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8000 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM MS (MOTORIST SERVICE) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016) AND FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016), AND DECLARING AN EMERGENCY. (PDS Properties, Ltd., Owner. Proposed use: Existing auto collision repair facility with proposed building addition.) *First reading 11-18-13.*

Ordinance No. 2013-261 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Strongsville Falling Water II, LTD., Owner. Proposed use: Hotel-Hampton Inn & Suites.) *First reading 11-18-13.*

Ordinance No. 2013-075 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTIONS 1262.04 AND 1262.05 OF CHAPTER 1262 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO REVISE CERTAIN ACCESSORY USES INCLUDING REMOVAL OF RECREATION AND PHYSICAL FITNESS FACILITIES FROM GENERAL INDUSTRIAL (GI) AND GENERAL INDUSTRIAL-A (GI-A) DISTRICTS, AND DECLARING AN EMERGENCY, AS AMENDED. *First reading 03-18-13. Second reading 04-01-13; amended by substitution. Third reading 11-18-13.*

A copy of each ordinance is attached for Planning Commission review.

LJS
Attachments

MEMORANDUM

RECEIVED

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

DEC - 6 2013

CITY OF STRONGSVILLE
CITY COUNCIL

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 6, 2013

Please be advised that at its meeting of December 5, 2013 the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2013-260

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 8000 Pearl Road in the City of Strongsville from MS (Motorist Service) Classification to CS (Commercial Service) Classification (Part of PPN 395-05-016 and from PF (Public Facilities) Classification to CS (Commercial Service) Classification (Part of PPN 395-06-016).

ORDINANCE NO. 2013-075

An Ordinance Amending Sections 1262.04 and 1262.05 of Chapter 1262 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville to Revise Certain Accessory Uses Including Removal of Recreation and Physical Fitness Facilities from General Industrial (GI) and General Industrial-A (GI-A) Districts.

Also at that meeting the Planning Commission Tabled the following to allow more time to study the Ordinance.

ORDINANCE NO. 2013-261

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Fallingwater Road (PPN 396-14-015) in the City of Strongsville, from SC (Shopping Center) Classification to MS (Motorist Service) Classification.

MEMORANDUM

RECEIVED

DEC 23 2013

CITY OF STRONGSVILLE
CITY COUNCIL

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 20, 2013

Please be advised that at its meeting of December 19, 2013 the Strongsville Planning Commission gave Unfavorable Recommendation to the following;

ORDINANCE NO. 2013-261

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Fallingwater Road (PPN 396-14-015) in the City of Strongsville, from SC (Shopping Center) Classification to MS (Motorist Service) Classification.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2013 – 075

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTIONS 1262.04 and 1262.05 OF CHAPTER 1262 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO REVISE CERTAIN ACCESSORY USES INCLUDING REMOVAL OF RECREATION AND PHYSICAL FITNESS FACILITIES FROM GENERAL INDUSTRIAL (GI) AND GENERAL INDUSTRIAL-A (GI-A) DISTRICTS, AND DECLARING AN EMERGENCY, AS **AMENDED**.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Sections **1262.04(a)(4)** and 1262.04(c) and ~~1262.05(e)~~ of Chapter 1262 of Title Six of Part Twelve of the Codified Ordinances of the City of Strongsville be and are hereby amended to read in their entirety as follows:

1262.04 USE REGULATIONS; GENERAL INDUSTRIAL (GI) DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved and maintained, in whole or in part, in a General Industrial District, only for the uses set forth in the following schedules and regulations:

(a) Main Uses Permitted.

* * *

(4) *The following uses may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.*

A. *Bulk distribution station for gasoline and oil.*

B. *Day care facilities.*

C. *Wireless telecommunication facilities in accordance with the provisions of C.O. Chapter 1273.*

~~D. *Active and passive recreation and physical fitness facilities.*~~

E.D. The filling, sale and/or exchange of propane canisters.

~~(Ord. 2010-097. Passed 9-20-10.)~~

* * *

(c) Accessory Uses Permitted.

- (1) Storage of materials and products and processes clearly accessory to the main use;
- (2) Signs shall be designed, erected, altered, moved or maintained in whole or in part in accordance with the regulations set forth in Chapter 1272 of this Zoning Code;
- (3) Off-street parking and loading facilities as required and set forth in Chapter 1270 of this Zoning Code.; **and**
- (4) Oil and gas well drilling, operation and maintenance, ~~provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code;~~ **and as permitted by State law.**
- (5) ~~Active and passive recreation and physical fitness facilities, provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code.~~

(Ord. 2009-155. Passed 11-16-09.)

Section 2. That Sections 1262.05(a)(5) and 1262.05(c) of Chapter 1262 of Title Six of Part Twelve of the Codified Ordinances of the City of Strongsville be and are hereby amended to read in their entirety as follows:

1262.05 USE REGULATIONS; GENERAL INDUSTRIAL-A (GI-A) DISTRICT.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved and maintained, in whole or in part, in a General Industrial-A District, only for the uses set forth in the following schedules and regulations:

(a) Main Uses Permitted.

* * *

- (5) ***The following uses may be permitted provided a conditional use permit is granted in accordance with the standards set forth in Section 1242.07 of this Zoning Code.***
 - A. Bulk distribution station for gasoline and oil.***
 - B. Wireless telecommunication facilities in accordance with the provisions of C.O. Chapter 1273.***
 - ~~***C. Active and passive recreation and physical fitness facilities.***~~
 - D.C. The filling, sale and/or exchange of propane canisters.***

* * *

- (c) Accessory Uses Permitted.
- (1) Storage of materials and products and processes clearly accessory to the main use;
 - (2) Signs shall be designed, erected, altered, moved or maintained in whole or in part in accordance with the regulations set forth in Chapter 1272 of this Zoning Code;
 - (3) Off-street parking and loading facilities as required and set forth in Chapter 1270 of this Zoning Code; **and**
 - (4) Oil and gas well drilling, operation and maintenance, ~~provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code;~~ **and as permitted by State law.**
 - (5) ~~Active and passive recreation and physical fitness facilities, provided that a conditional use permit is granted in accordance with standards and procedures set forth in Section 1242.07 of this Zoning Code.~~
- (Ord. 2011-093. Passed 9-19-11.)

Section 2.3. 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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3.4. 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 reasons that it is necessary to provide for proper development and zoning of lots and lands within the City, and to facilitate economic development. 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.

First reading: LO 1137 March 18, 2013 Referred to Planning Commission 11/18/13

Second reading: April 1, 2013 (amended by sub) Favorable recommendation by PC

Third reading: November 18, 2013 Approved: 12/05/13

Fourth reading: December 16, 2013

Public Hearing: January 21, 2014

Fifth Reading: February 3, 2014

CITY OF STRONGSVILLE, OHIO
 ORDINANCE NO. 2013 - 075
 Page 4

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2013-075 (SUB) Removed: _____
 1st Rdg. (ORIG) 03-18-13 Ref: PC/PZE
 2nd Rdg. 04-01-13 ^{amended} _{by sub} Ref: PZE
 3rd Rdg. 11-18-13 Ref: PC/PZE
 4th Rdg. 12-10-13 Ref: PZE
 Pub Hrg. 01/21/14 ~~Ref: 5th 02/03/14~~
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Leslie Seefried, Clerk of Council

DATE: November 19, 2013

SUBJECT: Referrals from Council: Ordinance No. 2013-260, 2013-261, 2013-075

At its regular meeting of November 18, 2013, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2013-260 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 8000 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM MS (MOTORIST SERVICE) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016) AND FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION (PART OF PPN 395-05-016), AND DECLARING AN EMERGENCY. (PDS Properties, Ltd., Owner. Proposed use: Existing auto collision repair facility with proposed building addition.) *First reading 11-18-13.*

Ordinance No. 2013-261 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED ON FALLINGWATER ROAD (PPN 396-14-015) IN THE CITY OF STRONGSVILLE, FROM SC (SHOPPING CENTER) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION. (Strongsville Falling Water II, LTD., Owner. Proposed use: Hotel-Hampton Inn & Suites.) *First reading 11-18-13.*

Ordinance No. 2013-075 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTIONS 1262.04 AND 1262.05 OF CHAPTER 1262 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO REVISE CERTAIN ACCESSORY USES INCLUDING REMOVAL OF RECREATION AND PHYSICAL FITNESS FACILITIES FROM GENERAL INDUSTRIAL (GI) AND GENERAL INDUSTRIAL-A (GI-A) DISTRICTS, AND DECLARING AN EMERGENCY, AS AMENDED. *First reading 03-18-13. Second reading 04-01-13; amended by substitution. Third reading 11-18-13.*

A copy of each ordinance is attached for Planning Commission review.

LJS
Attachments

RECEIVED

DEC - 6 2013

CITY OF STRONGSVILLE
CITY COUNCIL

MEMORANDUM

TO: Leslie Seefried, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 6, 2013

Please be advised that at its meeting of December 5, 2013 the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2013-260

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located at 8000 Pearl Road in the City of Strongsville from MS (Motorist Service) Classification to CS (Commercial Service) Classification (Part of PPN 395-05-016 and from PF (Public Facilities) Classification to CS (Commercial Service) Classification (Part of PPN 395-06-016).

ORDINANCE NO. 2013-075

An Ordinance Amending Sections 1262.04 and 1262.05 of Chapter 1262 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville to Revise Certain Accessory Uses Including Removal of Recreation and Physical Fitness Facilities from General Industrial (GI) and General Industrial-A (GI-A) Districts.

Also at that meeting the Planning Commission Tabled the following to allow more time to study the Ordinance.

ORDINANCE NO. 2013-261

An Ordinance Amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Fallingwater Road (PPN 396-14-015) in the City of Strongsville, from SC (Shopping Center) Classification to MS (Motorist Service) Classification.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 021

By: Mr. Carbone

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND DELIVERY OF READY MIX CONCRETE FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the City has advertised and received bids for the purchase and delivery of ready mix concrete for use by the Service Department of the City of Strongsville for the two-year period of 2014 and 2015; and

WHEREAS, Council is desirous of proceeding to award and enter into a contract for such purchases.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That this Council hereby finds and determines that the bid submitted by **SHELLY MATERIALS, INC. dba MEDINA SUPPLY COMPANY** for the purchase and delivery of ready mix concrete for use by the Service Department of the City of Strongsville for the two-year period of 2014 and 2015, meets the specifications on file in the office of the Director of Public Service; is in compliance with the applicable requirements for bidding and contracts established by the laws of the City and the State; and is the lowest and best bid for the proposed contract. All other bids for this contract are hereby rejected. Any informalities or minor defects in the bidding process are hereby waived.

Section 2. That the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder for the purchase and delivery of ready mix concrete for use by the Service Department of the City during the two-year period of 2014 and 2015, in accordance with the specifications on file in the office of the Director of Public Service and for the unit prices and sums submitted in such bid, but in any event in a total amount not to exceed \$299,650.00 annually, and except for certain other related costs which will be imposed at bid unit prices and in addition thereto, if applicable (fuel surcharge; extra stop charge; less than load charge; and winter operation charge).

Section 3. That the funds necessary for the purpose of such contract have been appropriated for the year 2014, and shall be paid from the Street Construction, Maintenance and Repair Fund and the Sanitary Sewer Fund; and the Director of

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 – 021
Page 2

Finance be and is hereby authorized and directed to issue the City's warrants in accordance with the terms and conditions of such bid and contract.

Section 4. 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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared 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 immediately necessary to purchase said materials in order to provide for the continuity of services and operation of the Service Department. 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.

 President of Council
 Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2014-021 Amended: _____
 1st Rdg. 02-03-14 Ref: Public Service + Comm.
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 026

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR SIDEWALK IMPROVEMENTS FROM JOSEPH C. CULLEN AND MARY CONSTANCE KNOTTS, IN CONNECTION WITH SIEDEL FARMS SUBDIVISION NO. 1, AND DECLARING AN EMERGENCY.

WHEREAS, through passage of Ordinance No. 2011-045, Council had authorized the Mayor to accept various Grants of Easement for Sidewalk Improvements in the Siedel Farms Subdivision No. 1, on properties previously known as Block SF-1 and Sublot Nos. 13 and 14; and

WHEREAS, it is now necessary to further authorize the Mayor's acceptance of a similar Grant of Easement for Sidewalk Improvements in such subdivision, on property known as Sublot No. 12 (PPN 392-15-026), and which is directly adjacent to the aforementioned properties; and

WHEREAS, the Grantors wish to grant and the Grantee wishes to accept an easement for the purposes of constructing, reconstructing, maintaining and repairing sidewalk improvements over this parcel of property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Council hereby authorizes the Mayor to accept a Grant of Easement for Sidewalk Improvements from Joseph C. Cullen and Mary Constance Knotts, in connection with Siedel Farms Subdivision No. 1, on property known as Sublot No. 12, and further identified as PPN 392-15-026, as more fully set forth in Exhibit 1, attached hereto and made a part hereof by reference.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid easement to be recorded with the Fiscal Office of Cuyahoga County after its execution and upon receipt of evidence of title satisfactory to the Law Director.

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 any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 026

Page 2

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to obtain the aforesaid easement in order to provide for proper installation of sidewalk improvements in connection with the Siedel Farms Subdivision No. 1, to ensure proper development of all lots and lands within the City, and to conserve public funds. 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.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2014-026 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Deleted: _____

2014-026

**GRANT OF EASEMENT
FOR SIDEWALK IMPROVEMENTS**

This Easement Grant is made by and between **JOSEPH C. CULLEN** and **MARY CONSTANCE KNOTTS**, (hereinafter collectively referred to as the "Grantors") and the **CITY OF STRONGSVILLE**, a municipal corporation (hereinafter referred to as the "Grantee").

WHEREAS, the Grantors are the owners in fee simple of real estate known as Sublot No. 12 in the Siedel Farms Subdivision No. 1 of part of Original Strongsville Township Lot No. 86 as shown by the recorded plat in Volume 345 of Maps, Page 9 of Cuyahoga County Records, as appears by said plat, in the City of Strongsville, Ohio and with Permanent Parcel No. 392-15-026; and

WHEREAS, the Grantors wish to grant and the Grantee wishes to accept an easement for the purposes of constructing, reconstructing, maintaining and repairing sidewalk improvements over this parcel of property;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration identified herein, the receipt of which is hereby acknowledged, the following grants agreements, and covenants are made;

The Grantors hereby give, grant, bargain and convey to the Grantee, its agents, contractors, employees, successors and assigns a perpetual easement and right to enter upon the property described in Exhibit "A" and reflected on Exhibit "B", both attached hereto and incorporated herein as if fully rewritten (the "Premises"), and to remove and/or replace trees where necessary for the purposes of constructing, reconstructing, installing, maintaining, altering, and repairing sidewalks and appurtenances ("Sidewalk System") in, into, upon, over, across, and under the Premises, and to make all alterations and repairs to such Sidewalk System, that may be necessary or advisable in the judgment of the local authorities of the City of Strongsville, its successors or assigns, in order to maintain said sidewalks.

The Grantors and Grantee do hereby further agree that when Grantors, their agents, contractors, employees and/or assigns have constructed, reconstructed and/or repaired the Sidewalk System, the Sidewalk System shall be and remain the property of the City of Strongsville. The Grantors and Grantee further agree that the Grantors shall be solely responsible for the maintenance and repair of such Sidewalk System.

The Grantors hereby restrict said Premises against the construction thereon of any temporary or permanent structures.

The Grantors agree to keep the Premises free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantee's access to or maintenance of the Sidewalk System.

If the Grantors desire to alter the Premises in any way other than is expressly permitted herein, they must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantors shall, at their own expense, relocate or reconstruct all or any portion of the Sidewalk System which are affected by such alteration and, where necessary, grant a new easement of not less than the

width of the easement conveyed hereunder upon the same terms and conditions as herein provided. The relocated or reconstructed Sidewalk System shall, upon completion and approval by the Grantee, become the property of the City of Strongsville.

The Grantors further agree that the City of Strongsville shall be relieved of all liability on account of the construction, reconstruction, or relocation of said Sidewalk System.

Grantors hereby indemnify and guarantee to save harmless the City of Strongsville against any expense or damage to said Sidewalk System that said Grantors, their heirs or assigns may at any time cause by the installation, construction, reconstruction, maintenance, repair, or other use of the Premises within the limits of the above-described easement.

If the Grantors violate any of the provisions of this Easement, the Grantee, at the expense of the Grantors, may enter upon the Premises and make such alterations as are necessary to bring the Premises into compliance with the provisions of this Easement.

The Grantors hereby reserve the right to use the Premises for such use as is not expressly prohibited by or inconsistent with the terms of this Easement.

The Grantors covenant with the Grantee that they are well-seized of the Premises as a good and indefeasible estate in fee simple and have the right to grant and convey the Premises in the manner and form above written.

The Grantors further covenant that they will warrant and defend the Premises with the appurtenances thereunto belonging to the City of Strongsville against all lawful claims and demands whatsoever for the purposes described herein.

This Grant of Easement shall inure to the benefit of any person, firm or corporation who the City of Strongsville, its successors and assigns, shall authorize to undertake the performance of work within the purpose of this Grant of Easement.

The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, and that no changes in this Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

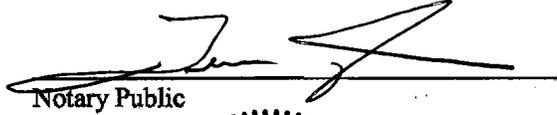
TO HAVE AND TO HOLD the above granted easement, right-of-way and Sidewalk System for the purposes above mentioned, unto the City of Strongsville, forever.

[Document Continues to Next Page]

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **MARY CONSTANCE KNOTTS**, who acknowledged that she did sign the foregoing instrument and the same is her free act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at WEST LAKE, Ohio, this 31 day of JANUARY, 2014.


Notary Public



TERRENCE L. CARIGLIO
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **CITY OF STRONGSVILLE**, by and through Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument and the same is his free act and deed, and the free act and deed of said municipal corporation.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 2014.

Notary Public

This instrument prepared by:
Robert P. Ellis, Jr., Esq.
Wickens, Herzer, Panza, Cook & Batista Co.
35765 Chester Road
Avon, Ohio 44011
Phone: (440) 695-8085
Email: REllis@WickensLaw.com

HOFMANN - METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
P. O. BOX 343 - 24 BEECH STREET
BEREA, OH 44017 (440) 234-7350
FAX: (440) 234-7351

George A. Hofmann, P.S., President
Richard D. Metzker, P.S., Vice President

Parkview Homes

DESCRIPTION
Sidewalk Easement Sublot 12
EXHIBIT "A"

1-6-2014

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Sublot No. 12 in the Siedel Farms Subdivision No. 1 as shown by the recorded plat in Volume 345, Pg. 9-11 of Cuyahoga County Map Records, of part of Original Strongsville Township Lot No. 86, and further bounded and described as follows:

Beginning at the Northwesterly corner of said subplot No. 12 in the Siedel Farms Subdivision No. 1, said point being in the Southerly right of way line of Olde Creek Trail (50 feet wide),

Thence Southeasterly along said Southerly line and along the arc of a circle deflecting to the right, a distance of 44.71 feet to a point of tangency, said arc having a radius of 275.00 feet and a chord which bears South 56 degrees 54 minutes 44 seconds East, a distance of 44.66 feet;

Thence South 52 degrees 15 minutes 16 seconds East along said Southerly line, a distance of 25.00 feet to the Northeasterly corner of said subplot No. 12:

Thence South 37 degrees 44 minutes 44 seconds West along the Easterly line of said subplot No. 12, a distance of 5.00 feet to a point;

Thence North 52 degrees 15 minutes 16 seconds West, a distance of 25.00 feet to a point of tangency;

Thence Northwesterly along the arc of a circle deflecting to the left, a distance of 43.90 feet to a point on the Westerly line of said subplot No. 12, said arc having a radius of 270.00 feet and a chord which bears North 56 degrees 54 minutes 44 seconds West, a distance of 43.86 feet;

Thence North 28 degrees 25 minutes 48 seconds East along the said Westerly line of subplot No. 12, a distance of 5.00 feet to the place of beginning.

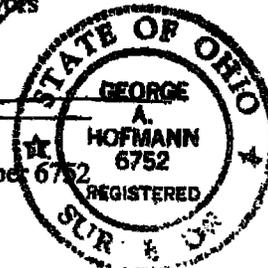
The basis of bearings is the westerly line of Sublot 12, bearing North 28 degrees 25 minutes 48 seconds East. The courses used in this description are used to indicate angles only.

Distances are given in feet and decimal parts thereof.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By:

George A. Hofmann
George A. Hofmann
Registered Surveyor Number 6752



Map Made To Accompany
 Legal Description of 5.00 foot wide Sidewalk Easement
 Made at The Instance of
 ParkView Homes
 Being Part of Sublot 12 in the Stedal Farms Subd. No. 1
 Rec. Vol. 345, Pg. 8-11
 Original Strongsville Township Lot No. 86
 Now in the City Of Strongsville
 Cuyahoga County, Ohio

HOFMANN-METZKER, INC.

REGISTERED PROFESSIONAL SURVEYORS
 24 BEECH ST. - P.O. BOX 343
 BEREA, OHIO 44017
 (440) 234-7350 FAX (440) 234-7381
 EMAIL: george_fm@ameritech.net

George A. Hofmann
 Registered Surveyor No. 6752
 George A. Hofmann



GRAPHICAL SCALE



(FEET)
 1" = 30'

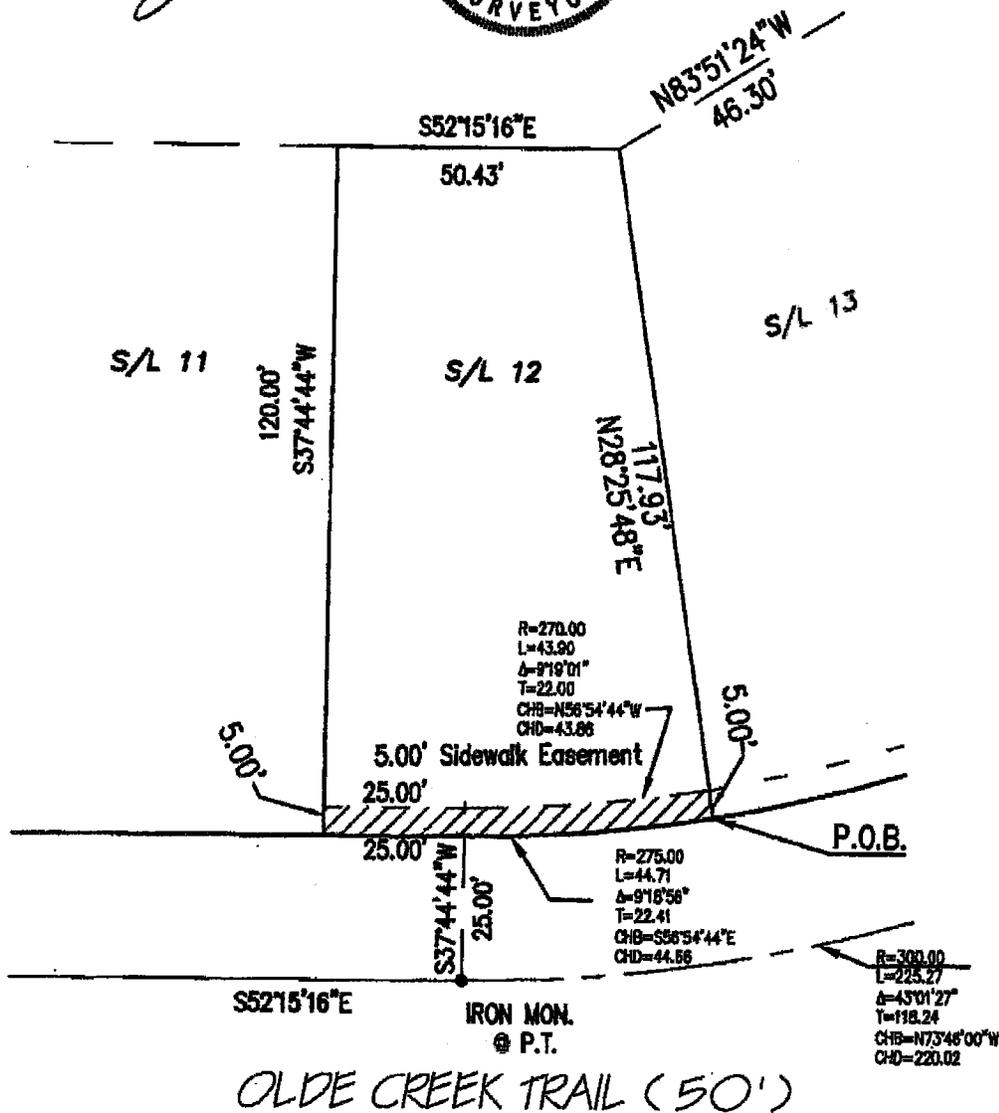


EXHIBIT "B"

ORDER #13-129
 s/l 13-14-block walk easement.dwg
 Jan. 6, 2014