



City of Strongsville

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

City Council

Michael J. Daymut
Ward 1

Annmarie P. Roff
Ward 2

Kelly A. Kosek
Ward 3

Gordon C. Short
Ward 4

Joseph C. DeMio
At-Large

James E. Carbone
At-Large

Matthew A. Schonhut
At-Large

Aimee Pientka, MMC
Clerk of Council

Tiffany Mekeel, CMC
Assistant Clerk of Council

October 11, 2018



MEETING NOTICE

City Council has scheduled the following meetings for **Monday, October 15, 2018**, 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: will meet to discuss Ordinance Nos. 2018-104, 2018-105, 2018-113, 2018-140, 2018-146 and 2018-147.

Public Safety and Health Committee: will meet to discuss Ordinance No. 2018-148.

Public Service and Conservation Committee: will meet to discuss Resolution No. 2018-149.

Committee of the Whole: will meet to discuss Ordinance Nos. 2018-144, 2018-145 and 2018-150.

The committee will then consider a motion to adjourn into **Executive Session** with the Law Director and other members of the Administration for the purpose of discussing legal matters regarding potential litigation.

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:

Aimee Pientka, MMC
Clerk of Council



**STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, OCTOBER 15, 2018 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:
 - *Council Meeting – October 1, 2018*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
7. PUBLIC HEARING:
 - Ordinance No. 2018-104 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 07-02-18. Tabled by the Planning Commission 07-12-18. Favorable recommendation by the Planning Commission 08-02-18. Second reading 09-04-15. Public hearing 10-15-18.*
 - Ordinance No. 2018-113 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 07-16-18. Unfavorable recommendation by the Planning Commission 08-02-18. Second reading 09-04-18. Public hearing 10-15-18.*
8. REPORTS OF COUNCIL COMMITTEE:
 - SCHOOL BOARD – Mr. Carbone:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Short:
 - BUILDING AND UTILITIES – Mr. Daymut:
 - COMMUNICATIONS AND TECHNOLOGY – Ms. Kosek:
 - ECONOMIC DEVELOPMENT – Mr. Daymut:
 - FINANCE – Mr. Carbone:
 - PLANNING, ZONING AND ENGINEERING – Mr. Schonhut:
 - PUBLIC SAFETY AND HEALTH – Mr. Short:

- PUBLIC SERVICE AND CONSERVATION – Ms. Roff:
- RECREATION AND COMMUNITY SERVICES – Ms. Roff:
- COMMITTEE-OF-THE-WHOLE – Mr. DeMio:

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

- MAYOR PERCIAK:
- FINANCE DEPARTMENT:
- LAW DEPARTMENT:

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2018-104 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 07-02-18. Tabled by the Planning Commission 07-12-18. Favorable recommendation by the Planning Commission 08-02-18. Second reading 09-04-15. Public hearing 10-15-18.*
- Ordinance No. 2018-105 by Mr. Schonhut. 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to the Planning Commission 07-02-18. Favorable recommendation by the Planning Commission 07-12-18. Favorable recommendation by the Planning Commission 07-12-18. Second reading 07-16-18. Public hearing 09-04-18. Third reading 09-04-18.*
- Ordinance No. 2018-113 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 07-16-18. Unfavorable recommendation by the Planning Commission 08-02-18. Second reading 09-04-18. Public hearing 10-15-18.*

- Ordinance No. 2018-140 by Mayor Perciak and All Members of Council. 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 12878 PEARL ROAD (PPN 392-30-001) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to the Planning Commission 09-17-18. Favorable recommendation by the Planning Commission 10-04-18.*
- Ordinance No. 2018-144 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A BRIGHTON BEST MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY. *First reading 10-01-18.*
- Ordinance No. 2018-145 by Mayor Perciak and All Members of Council. AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A CANE'S & CHASE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY. *First reading 10-01-18.*
- Ordinance No. 2018-146 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR SANITARY SEWER SYSTEM PURPOSES AND SIDEWALK IMPROVEMENTS FROM GERALD L. CONROY, JR. AND COLEEN A. CONROY, AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-147 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE CONSTRUCTION AGREEMENT WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS FOR RESURFACING OF BOSTON ROAD; AND DECLARING AN EMERGENCY.
- Ordinance No. 2018-148 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1601.02 OF CHAPTER 1601 OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ADOPT THE CURRENT EDITION OF THE OHIO FIRE CODE, AND DECLARING AN EMERGENCY.

- Resolution No. 2018-149 by Mayor Perciak and All Members of Council. A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY.
- Ordinance No. 2018-150 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING THE MAYOR TO EMPLOY SPECIAL LEGAL COUNSEL AND ENTER INTO A RETAINER AGREEMENT FOR PROFESSIONAL SERVICES TO THE CITY OF STRONGSVILLE IN CONNECTION WITH MATTERS RELATING TO THE RENOVATION OF THE LOCKER ROOMS AT THE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:
13. MISCELLANEOUS BUSINESS:
14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 104

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY.

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

Section 1. That existing Section 1253.11 Land Planning Criteria, of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

* * *

1253.11 LAND PLANNING CRITERIA.

The following planning criteria are established to guide and control the planning, development and use of land in a single-family detached and cluster development.

(a) Area and density regulations.

- (1) Development area. The minimum area to qualify for single-family detached and cluster development shall be not less than twenty-five contiguous acres. The Commission may, however, allow areas of less than twenty-five acres if it finds and determines that the single-family detached and cluster development as proposed can adequately meet the intent of this Chapter.
- (2) Development area density. The residential density of the entire development area shall not exceed 2.60 dwelling units per acre on land zoned R1-75 and 2.0 dwelling units per acre on land zoned R1-100.
- (3) Required open space. In any single family detached and cluster development, the total public or common open space area shall be not less than twenty percent (20%) of the gross acreage of the entire development area.

(b) Building arrangement and dwelling unit size. The design criteria set forth in this section are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The dwellings may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall be met:

- (1) Single family attached dwellings. Not more than four single-family dwellings may be attached in any group.
- (2) Distribution of cluster single-family dwellings. Not more than thirty-five percent (35%) of the total allowable dwelling units within any single family detached and cluster development may be allocated to cluster dwellings.
- (3) Cluster area building spacing. Dwelling units in an approved cluster area shall be set back not less than fifteen feet from any common open space

area controlled by the overall homeowner's association and thirty-five feet from a detached single family side and rear property line. The minimum side separation of adjacent dwelling units shall be 10 feet. The minimum rear yard spacing or separation of adjacent units shall be not less than 50 feet. The Commission may, however, allow lesser distances if it determines that the intent of these regulations will be met.

- (4) Dwelling unit size. The minimum area of any single-family dwelling shall be not less than that established in Section 1252.22.

(c) Yard and height regulations.

- (1) Lot area. The minimum lot area for each dwelling unit in the detached single-family portion of the development area shall be not less than 12,750 square feet on land zoned R1-75 and 17,000 square feet on land zoned R1-100.

- (2) Lot width. Dwelling units in the detached single-family portion of the development area shall have a minimum lot width of seventy-five feet measured at the building line on land zoned R1-75 and 100 feet on land zoned R1-100. In the detached single-family portion of the development area, corner lots shall have a minimum lot width of not less than 90 feet and 100 feet respectively on land zoned R1-75 and R1-100.

- (3) Front yard depth. The front yard depth for each dwelling unit in the detached single-family portion of the development area shall comply with Section 1252.05. The front yard depth for each dwelling unit within any cluster single-family portion of the development area shall be no less than twenty feet measured from the nearest edge of street or sidewalk pavement.

- (4) Side yard and building spacing. In the detached single family portion of the development area, side yard width and separation between adjacent dwellings shall be as follows:

Each dwelling shall have a minimum side yard depth of not less than ten feet and the minimum separation between adjacent dwellings shall not be less than 20 feet.

- (5) Rear yard. The rear yard depth for dwellings in the detached single-family portion of the development area shall not be less than ~~fifty~~ **thirty** feet.

- (6) Yards for accessory buildings and uses. Yards for accessory buildings and uses shall be in accordance with the provisions of Section 1252.15.

- (7) Height. The height of any single-family dwelling at the front facade shall not exceed two stories.

(d) Access and vehicular circulation. Each cluster area of single-family dwelling units shall be served by a dedicated street. However, individual dwelling units within such cluster need not so abut provided that:

- (1) Each dwelling unit is accessible by means of a private drive, to service and emergency vehicles in a manner acceptable to the City Engineer and Fire Prevention Officer.

- (2) Construction methods, standards and materials for private drives meet accepted engineering practice and are approved by the City Engineer.

- (3) The location, design and construction of all utilities on private or common land is approved by the City Engineer.

- (4) The preservation and maintenance of all private drives and utilities on private land is assured by firm commitment of the abutting owners through

documents recorded in the office of the Cuyahoga County Recorder or in such other form as is approved by the Director of Law. Each dwelling unit in the detached single-family portion of the development area shall abut upon a dedicated street.

- (e) Parking. Parking in a single-family detached and cluster development shall be in accordance with the requirements set forth in Chapter 1270. Two enclosed parking spaces shall be provided for each dwelling unit in a single-family detached and cluster development outside the street right of way or private drive. Additional guest off-street parking areas may be required by the Commission if it determines that such additional parking is necessary to adequately serve the needs of the cluster area.

~~(Ord. 2014-172. Passed 12-1-14.)~~

* * *

Section 3. That unless otherwise specified, the provisions of this Ordinance shall be operative from and after the effective date of this Ordinance, in accordance with law.

Section 4. That any other ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

Section 6. 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 in order to provide for the proper development of lots and lands within the City and to enhance economic development within the City. 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: July 2, 2018

Second reading: September 4, 2018

Third reading: _____

Public Hearing: October 15, 2018.

Referred to Planning Commission

July 3, 2018
Favorable recommendation by PC
Approved: August 2, 2018

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 104
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	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-104 Amended: _____
1st Rdg. 07-02-18 Ref: PC/PZE
2nd Rdg. 09/04/18 Ref: PZE
3rd Rdg. _____ Ref: _____

Pub Hrg. 10/15/18. Ref: _____
Adopted: _____ Repealed: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Tiffany Mekeel, Assistant Clerk of Council

DATE: July 3, 2018

SUBJECT: Referral from Council: Ordinance Nos.: 2018-103, 2018-104 and 2018-105

Please be advised that at its regular meeting of July 2, 2018, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-103 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-104 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-105 by Mr. Schonhut. 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to Planning Commission 07-02-18.*

Copies of the Ordinances are attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 13, 2018

Please be advised that at its meeting of July 12, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-103

An Ordinance Amending Section 1252.16 of Title Six of Part Twelve- Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Projections into Yards and Declaring an Emergency.

ORDINANCE NO. 2018-105

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 Royalton Road and West 130th Street, in the City of Strongsville from LB (Local Business) Classification to MS (Motorist Service) Classification (Part of PPN 399-01-005).

At the same meeting the Planning Commission Tabled the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: August 3, 2018

Please be advised that at its meeting of August 2, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

At that same meeting the Planning Commission gave Unfavorable Recommendation to the following;

ORDINANCE NO. 2018-113

An Ordinance Amending Section 1252.20 of Title Six of Part Twelve-Planning and Zoning Code; Enacting New Section 1253.14 of Title Six of Part Twelve-Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 105

By: Mr. Schonhut

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 ROYALTON ROAD AND WEST 130th STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005).

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 at Royalton Road and West 130th Street, from LB (Local Business) classification to MS (Motorist Service) classification (PPN 399-01-005), which property is more fully described in Exhibit "A" and as depicted in Exhibit "B", attached hereto and incorporated herein as if fully rewritten.

Section 2. That the Clerk of Council is hereby authorized to cause the necessary change 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: July 2, 2018
Second reading: July 16, 2018
Third reading: September 4, 2018
Public Hearing: September 4, 2018

Referred to Planning Commission

July 3, 2018
Approved: Favorable Recommendation by Planning Commission
July 12, 2018

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 105
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President of Council

Approved: _____
Mayor

Date Passed: _____

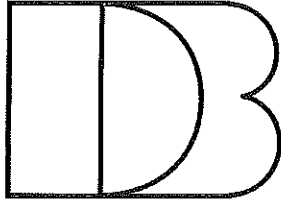
Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-105 Amended: _____
1st Rdg. 07-02-18 Ref: PC/PZE
2nd Rdg. 07-16-18 Ref: PZE
3rd Rdg. 09/04/18 Ref: PZE

Pub Hrg. 09/04/18 Ref: _____
Adopted: _____ Defeated: _____



**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

P.P.N. 399-01-005
Royalton Road – West 130th
Strongsville
DGB 4829

June, 2018

LEGAL DESCRIPTION

Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio, and known as being part of Original Strongsville Township Lot No. 5, and bounded and described as follows:

Beginning in the centerline of West 130th Street, 80 feet wide, at its intersection with the center line of Edgerton Road, 60 feet wide, and from which point an iron pin found bears North 39 degrees 44 minutes 15 seconds West, 1.04 feet;

Thence South 0 degrees 36 minutes 46 seconds East along the centerline of West 130th Street, 178.11 feet to a point;

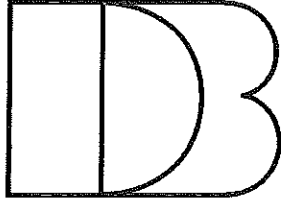
Thence South 88 degrees 43 minutes 50 seconds West, 40.00 feet to a point in the westerly line of West 130th Street at its intersection with the northerly line of a parcel of land conveyed to Margaret A. Nicholson, Trustee, by deed recorded as A.F.N. 201702080420 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears, North 88 degrees 43 minutes 50 seconds East, 0.18 feet; South 1 degree 16 minutes 10 seconds East, 0.15 feet, and the principal place of beginning of the parcel herein described;

Thence South 88 degrees 43 minutes 50 seconds West along the northerly line of said land conveyed to Margaret A. Nicholson, Trustee, 275.00 feet to its intersection with the easterly line of a parcel of land conveyed to Margaret A. Nicholson, by deed recorded as A.F.N. 200306170383 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears, South 88 degrees 43 minutes 50 seconds West, 0.40 feet;

Thence North 0 degrees 36 minutes 46 seconds West along the easterly line of said land conveyed to Margaret A. Nicholson, 270.27 feet to a point in the southerly line of Parcel 43 WD of land conveyed to The City of Strongsville by deed recorded as A.F.N. 200310071633 of Cuyahoga County Records, and from which point a 5/8" iron pin found bears North 88 degrees 43 minutes 50 seconds East, 0.08 feet; North 1 degree 16 minutes 10 seconds West, 0.33 feet;

Thence North 88 degrees 43 minutes 50 seconds East along the southerly line of said Parcel 43 WD, 58.06 feet to an iron pin set in the curved southerly line of Royalton Road, variable width;





**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

P.P.N. 399-01-005
Royalton Road – West 130th
Strongsville
DGB 4829

Thence southeasterly along the curved southerly line of Royalton Road, being an arc of a curve deflecting to the right, 231.94 feet to an iron pin set at an angle point, therein, said arc having a radius of 481.67 feet, a central angle of 27 degrees 35 minutes 25 seconds, and a chord which bears South 69 degrees 12 minutes 42 seconds East, 229.71 feet;

Thence South 39 degrees 44 minutes 15 seconds East along the southerly line of Royalton Road, 4.84 feet to an iron pin set at its intersection with the westerly line of West 130th Street;

Thence South 0 degrees 36 minutes 46 seconds East along the westerly line of West 130th Street, 180.21 feet to the principal place of beginning and containing 66,960 square feet or 1.5372 acres of land, according to the survey by Donald G. Bohning & Associates, Inc. dated June, 2018.

The courses used in this description are referenced to the centerline of Royalton Road (North 88 degrees 43 minutes 50 seconds East) as shown on Cuyahoga County Plan set S.R. 82/Cuy-48, approved Oct 23, 2008 and are used to indicate angles only.

Michael A. Ackerman
Registered Surveyor No. 8196

m:\adcadd\p\4829\documents\legals\ppn 399-01-005 june 2018.doc



PROPERTY DESCRIPTION FORM

Ordinance Number: 2018-105

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: VACANT LAND @ SW CORNER OF W 130TH & ROYALTON RD

Permanent Parcel No.: 399-01-005

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) NORTH BY ROYALTON ROAD.
EAST BY W. 130TH

Number and type of buildings which now occupy property (if any): N/A VACANT LAND

Acreage: 1.5372 AC.

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): SOUTHERN 40' HAS A RESTRICTION BY CLEVELAND METROPARKS, SEE ATTACHED LETTER. INTENDED SITE PLAN ADHERES TO THIS RESTRICTION.

Said deed restrictions (will) (have) expire(d) on: DOES NOT EXPIRE.

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

Owner(s)	Percent of Ownership:
1. <u>PETRUS FAMILY LIMITED PARTNERSHIP</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

[Signature] Secretary
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 14th day of June, 2018.

[Signature]
Notary Public

My commission expires _____
DARCY M. MacGREGOR
Notary Public - State of Ohio
Recorded in Cuyahoga County
My Commission Expires 6-27-2020

* Please pay particular attention to the details in item number 4 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: 2018-105

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 LB use to a class MS use.
LOCAL BUSINESS MOTOR SERVICE

Such change is necessary for the preservation and enjoyment of a substantial property right because: CURRENT ZONING IS OVERLY RESTRICTIVE BY PRECLUDING A USE THAT IN GREAT DEMAND IN THE NEIGHBORHOOD. REZONING TO MS WOULD ALLOW DEVELOPMENT PROVIDE AND ENHANCE CONVENIENCE FOR THE NEIGHBORHOOD.

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 FITS HARMONIOUSLY WITH OTHER ADJACENT COMMERCIAL/MOTOR SERVICE USES, PROVIDES NEEDED CONVENIENCE BY ENHANCING NEIGHBORHOOD SERVICES, ADHERES TO THE METROPARK EASEMENT, AND WILL INCLUDE ANY NECESSARY SCREENING TO ADJACENT PROPERTIES

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

- PRELIMINARY SITE PLAN W/ BUILDING RENDERING & SAMPLE PHOTO
- _____
- _____

THE PROPOSED USE OF THE PROPERTY IS: RETAIL CONVENIENT STORE W/ ASSOCIATED GAS PUMPS

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

Name: GREGORY S. MODIC, AGENT

Address: 10474 BROADVIEW RD BROADVIEW HEIGHTS, OH 44147

Telephone Number: 440-525-1725

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 14th day of June, 2018.

DARCY M. MacGREGOR
Notary Public - State of Ohio
Recorded in Cuyahoga County
My Commission Expires 6-27-2020

[Signature]
Notary Public

My commission expires: _____

* Please pay particular attention to the details in item number 4 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: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: June 18, 2018

SUBJECT: Rezoning Application
Petros Family Limited Partnership; Owners
Gregory S. Modic, Agent
PPN: 399-01-005
Address: vacant land at the southwest corner of W. 130th and Royalton Rd.
From Local Business (LB) to Motorist Service (MS)

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Opera, Planning Commission Secretary

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Oprea, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: June 19, 2018

Re: Rezoning Application
Petros Family Limited Partnership; Owners
Gregory S. Modic, Agent
PPN 399-01-005
From LB to MS

Neal,

The legal description included in the Clerk of Council's June 18, 2018 memo regarding the above referenced application accurately depicts the parcel to be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Tiffany Mekeel, Assistant Clerk of Council

DATE: July 3, 2018

SUBJECT: Referral from Council: Ordinance Nos.: 2018-103, 2018-104 and 2018-105

Please be advised that at its regular meeting of July 2, 2018, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-103 by Mayor Perciak and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1252.16 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING PROJECTIONS INTO YARDS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-104 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1253.11, OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-02-18.*
- Ordinance No. 2018-105 by Mr. Schonhut. 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 ROYALTON ROAD AND WEST 130TH STREET, IN THE CITY OF STRONGSVILLE FROM LB (LOCAL BUSINESS) CLASSIFICATION TO MS (MOTORIST SERVICE) CLASSIFICATION (PART OF PPN 399-01-005). *First reading and referred to Planning Commission 07-02-18.*

Copies of the Ordinances are attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 13, 2018

Please be advised that at its meeting of July 12, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-103

An Ordinance Amending Section 1252.16 of Title Six of Part Twelve- Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Projections into Yards and Declaring an Emergency.

ORDINANCE NO. 2018-105

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 Royalton Road and West 130th Street, in the City of Strongsville from LB (Local Business) Classification to MS (Motorist Service) Classification (Part of PPN 399-01-005).

At the same meeting the Planning Commission Tabled the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 113

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1252.20 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read in its entirety as follows:

**CHAPTER 1252
Residential Districts**

* * *

1252.20 LOTS OF RECORD OF INSUFFICIENT AREA.

A lot of record which does not comply with the area or width of lot regulations of the district in which it is located on the effective date of this Zoning Code or any amendment thereto which made it nonconforming, may be used as follows:

- (a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards and rear yard regulations are complied with.
- (b) If vacant, the lot may be used provided that:
 - (1) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Zoning Code or any amendment thereto which makes it nonconforming;
 - (2) Not owning adjoining land, other vacant land cannot be equitably acquired adjoining the lot; and
 - (3) All other regulations of this Zoning Code, except the lot area and lot width regulations, shall be complied with. Lots of less width will be allowed only if such lots do not exceed ten percent less than the lot width required in the district in which such lot is located.

~~(4) It was platted as part of a previously approved Single Family Detached and Cluster Development and all of the lot area, widths, and setbacks associated with said prior plat approval are complied with.~~

~~(Ord. 2014-172. Passed 12-1-14.)~~

* * *

Section 2. That new Section 1253.14 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and is hereby enacted to read in its entirety as follows:

CHAPTER 1253
Single-Family Detached and Cluster Development
(R1-75 and R1-100 Districts)

* * *

1253.14 CONFORMING STATUS.

- (a) Single-Family lots platted as part of a Single-Family Detached and Cluster Development shall be considered legal conforming lots even though they do not conform to the standard provisions of the R1-75 or R1-100 Districts provided that said lots conform to the lot areas, widths, and setbacks as set forth on the approved and recorded plat for the Development;
- (b) Single-Family lots platted as part of a previously approved Single-Family Detached and Cluster Development on a plat recorded prior to the effective date of this provision shall be considered legal conforming lots provided that the lot areas, widths, and setbacks of said lots conform to the approved and recorded plat for that Single-Family Detached and Cluster Development and that a rear yard setback of at least thirty (30) feet is maintained, except as modified by Codified Ordinance Sections 1252.15, 1252.16 and 1252.17.

Section 3. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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 to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and further to assure proper and orderly development of all lots and land within the City of Strongsville. 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: July 16, 2018

Second reading: September 4, 2018

Third reading: _____

Public Hearing: October 15, 2018

Referred to Planning Commission

July 17, 2018
unfavorable recommendation by PC
Approved: August 2, 2018

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 113
Page 3

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-113 Amended: _____
1st Rdg. 07-16-18 Ref: PC/PZE
2nd Rdg. 09/04/18 Ref: PZE
3rd Rdg. _____ Ref: _____

Pub Hrg. 10/15/18 Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: July 17, 2018
SUBJECT: Referral from Council: Ordinance No.: 2018-113

Please be advised that at its regular meeting of July 16, 2018, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-113 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTION 1252.20 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE; ENACTING NEW SECTION 1253.14 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING REQUIREMENTS ASSOCIATED WITH SINGLE-FAMILY DETACHED AND CLUSTER DEVELOPMENTS, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-16-18.*

Copies of the Ordinances are attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Brill, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: August 3, 2018

Please be advised that at its meeting of August 2, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-104

An Ordinance Amending Section 1253.11 of Title Six of part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

At that same meeting the Planning Commission gave Unfavorable Recommendation to the following;

ORDINANCE NO. 2018-113

An Ordinance Amending Section 1252.20 of Title Six of Part Twelve-Planning and Zoning Code; Enacting New Section 1253.14 of Title Six of Part Twelve-Planning and Zoning Code, of the Codified Ordinances of the City of Strongsville Concerning Requirements Associated with Single-Family Detached and Cluster Developments, and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 140

By: Mayor Perciak and All Members of Council

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 12878 PEARL ROAD (PPN 392-30-001) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION, AND DECLARING AN EMERGENCY.

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 at 12878 Pearl Road (PPN 392-30-001), in the City of Strongsville, from GB (General Business) classification to CS (Commercial Service) classification, which property is more fully described in Exhibits "A-1" and "A-2" 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 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 reason that it is immediately necessary to rezone such property in order to provide for the orderly development of lots and lands within the City, to enhance economic development 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.

First Reading: September 17, 2018 Referred to Planning Commission

Second Reading: _____

Third Reading: _____

Public Hearing: _____

September 18, 2018
Favorable recommendation by
Approved: Planning Commission
October 4, 2018

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 140
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-140 Amended: _____
1st Rdg. 09-17-18 Ref: PL/PZE
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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

374810

VOL. 92-10187 PAGE 42

QUITCLAIM DEED- No. 89C

DEQC
APCL
10.00
②

Know all Men by these Presents, That PATSY G. CATANZARITE and BEATRICE M. CATANZARITE, husband and wife

the Grantors,

who claim title by or through instrument, recorded in Volume 11874, Page 93, County

Recorder's Office, for the consideration of Ten and 00/100 Dollars

(\$ 10.00) received to their full satisfaction of CATANZARITE INVESTMENT COMPANY, an

Ohio general partnership, the Grantee

whose TAX MAILING ADDRESS will be 21160 Drake Road, Strongsville, Ohio 44136

have given, granted, remised, released and forever quit-claimed, and do by these presents absolutely give, grant, remise, release and forever quit-claim unto the said Grantee its successors and assigns forever, all such right and title as they, the said Grantors, have or ought to have in and to

the following described piece or parcel of land, situated in the City of Strongsville County of Cuyahoga and State of Ohio

and known as being part of Original Strongsville Township Lot No. 55, bounded and described as follows: Beginning in the center line of Pearl Road, formerly Wooster Pike, 80 feet wide, at its intersection with the Northerly line of said Original Lot No. 55; thence Due South along said center line 100.35 feet; thence North 85 degrees 49' 30" West, 40.11 feet to an iron pin in the Westerly line of Wooster Road and the principal place of beginning; thence due South along the said Westerly line, 125.00 feet to an iron pin; thence North 85 degrees 53' 30" West, 661.47 feet to an iron pin; thence North 5 degrees 17' 30" East, 125.50 feet to an iron pin; thence South 85 degrees 49' 30" East, 649.92 feet to the principal place of beginning, as appears by survey of A. Hutchison Surveyor dated October 3, 1931, be the same more or less, but subject to all legal highways.

CTC
12496

PARCEL NO. 392-30002
CONVEYANCE IS IN COMPLIANCE WITH SEC. 587.02 O.R.C.
PAID

NOV 12 1992

Partnerships Filled
NO. 2124 Volume Page 477
Frank Russo, County Recorder
Cuyahoga County

Conveyance For TYPE 4
J. TIMOTHY MCCORMACK, Cuyahoga County Auditor By Deputy

THOMAS J. NEFF, P.E., P.S.
COUNTY ENGINEER TAX MAP DIVISION
LEGAL DESCRIPTION APPROVED FOR TRANSFER

Timothy McCormack
CUYAHOGA COUNTY AUDITOR

EXHIBIT A-1

To have and to hold the premises aforesaid, with the appurtenances thereto belonging, to the said grantee, its successors and assigns, so that neither the said grantor, nor their heirs, nor any other persons claiming title through or under them, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

In Witness Whereof, we have hereunto set our hands, the 14th day of January, in the year of our Lord, one thousand nine hundred and ninety-two

Signed in the presence of: Toni M. Trafas, Sheri D. Clark, and Patsy G. Catanzarite, Beatrice M. Catanzarite

The State of Ohio, Before me, a Notary Public, Cuyahoga County, in and for said County and State, personally appeared the above named PATSY G. CATANZARITE and BEATRICE M. CATANZARITE, husband and wife who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Cleveland, Ohio, this 14th day of January, A. D. 1992

ROBERT C. MILAM, Notary Public, State of Ohio, My Commission Expires Feb. 13, 1993

This instrument prepared by: Toni M. Trafas, Attorney at Law, Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A., 2600 Tower at Erieview, Cleveland, Ohio 44114, (216)696-3311

QUIT-CLAIM DEED FROM PATSY G. CATANZARITE and BEATRICE M. CATANZARITE TO CATANZARITE INVESTMENT COMPANY RECEIVED FOR RECORD at ... of ... M. Recorded in ... County Records Volume ... Page ... ENTERED FOR TRANSFER This instrument prepared by:

374809

QUIT CLAIM DEED, Short Form, No. 99-2 (Ohio Statutory Form)

The Ohio Legal Book Co., Cleveland
Publishers and Dealers Since 1813

11615

Know all Men by these Presents

That **LAMARITE WEST, INC.**, an Ohio corporation

VOL. 91-4598 PAGE 27

VOL. 92-10187 PAGE 40

Partnerships Filled _____

NO. _____ Volume _____

Frank Russo, County Recorder

Cuyahoga County

Deputy

of Cuyahoga

County, Ohio,

for valuable consideration paid, Grant(s) to **Catanzarite Investment Company**, an Ohio ~~corporation~~ general partnership

whose tax mailing address is 21160 Drake Road, Strongsville, Ohio 44136

the following described Real Property:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio; And known as being part of Original Strongsville Township Lot No. 55, bounded and described as follows:

Beginning on the Northerly line of said Original Lot No. 55 at its intersection with the center line of Pearl Road (66 feet wide) formerly Wooster Road; thence southerly along said center line of Pearl Road 100.35 feet to the Northeastly corner of a parcel of land conveyed to Michael J. Maruna by deed dated March 12, 1937 and recorded in Volume 4709, Page 143 of Cuyahoga County Records; thence Westerly along the Northerly line of said parcel so conveyed to Michael J. Maruna 690.03 feet to an iron pipe at the Northwestly corner of said parcel; thence Southerly along Westerly line of said parcel so conveyed to Michael J. Maruna and along its Southerly prolongation 251 feet to the Northeastly corner of land conveyed to the Board of Education of the Strongsville Local District by deed dated October 22, 1953 and recorded in Volume 7894, Page 737 of Cuyahoga County Records; thence Westerly along the Northerly line of said land so conveyed to the Board of Education 458.80 feet to the Westerly line of said Original Township Lot No. 55; thence Northerly along said Westerly line of Original Township Lot No. 55, 370.34 feet to the Northwestly corner thereof; thence Easterly along the Northerly line of said Original Lot No. 55, about 1091 feet to the place of beginning, be the same more or less, but subject to all legal highways.

TC
204
2498

CONFORMANCE IS IN CONFORMANCE WITH SEC. 349.222 O.R.C.

JUL 23 1981

CUYAHOGA COUNTY AUDITOR

Comptroller fee _____ Receipt No. 112663
TYPE _____ WORDS LENGTH YES () NO ()
A. THORNTON Deputy

THE OHIO LEGAL BOOK CO., INC. P.O. BOX 100
CLEVELAND, OHIO 44101
LOCAL LAWYERS AND RECORDERS HAVE TRANSACTIONS

Prior Instrument Reference: Vol. 86-5459 Page 12 of the Deed

Records of **CUYAHOGA COUNTY AUDITOR**

This deed is being recorded to correct the Grantee's name

J. Anthony Coe
CUYAHOGA COUNTY AUDITOR

This is a Quit Claim Deed—Ohio Statutory Form*

*See Section 192.11 as to the legal effect of the Statutory Form of Quit Claim Deed.

EXHIBIT A-2

VOL. 92-101ST PAGE 41
VUL. 92-101ST PAGE 41

Witness his hand(s) this day of July 1991

Signed and acknowledged in presence of: LAMRITE WEST, INC.
Jamnie Gowinski
Andrew Gulas
By: *Ratsy Catanzarite*
Ratsy Catanzarite, President

State of Ohio County of Cuyahoga ss.

Be It Remembered, That on the 17th day of July 1991,

before me, the subscriber, a Notary Public in and for said county, personally came LAMRITE WEST, INC., by Ratsy Catanzarite, its President

the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be the free act and deed of said corporation and his voluntary act and deed, individually and such officer.

In Testimony Whereof, I have hereunto subscribed

PARCEL NO. 392-30-001
CONVEYANCE IS IN COMPLIANCE WITH SEC. 319.302 O.R.C. my name and affixed my notarial seal
PAID on the day and year last aforesaid.

JUL 24 1991

Notary Public
ROBERT C. MILES
Notary Public, State of Ohio
My Commission Expires Feb. 12, 1996

This instrument was prepared by Tom M. Trafas, Esq.
Kahn, Kleinman, Yanowitz & Aronson
Co., L.P.A.
2600 Tower at Erieview
Cleveland, Ohio 44114
(216) 696-3311



91 JUL 24 PM 3:17

(Statutory Form)

FROM
LAMRITE WEST, INC., an Ohio corporation
TO
CHRYSLER INVESTMENT COMPANY, an Ohio corporation

392-30-001
PARCEL NO. 392-30-001
CONVEYANCE IS IN COMPLIANCE WITH SEC. 319.302 O.R.C.
PAID

NOV 12 1992 County Auditor
Transferred 19
19

of sheet, M.
Recorded 19
in Deed Book No. Page
County Recorder

PETITION FOR ZONING CHANGE

Ordinance Number: 2018-140

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 GB use to a class CS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: There is a demand for more storage establishments in this area. The CS zoning classification is
consistent with other storage operators in the area. The owner should have the ability to change the use to
meet market demand.

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: The use is not inconsistent with other local businesses. Changing
to CS will result in a new business opening in the city, job creation and increased income.

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

1. None
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Storage establishment

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

Name: Nick Catanzarite

Address: 1301 East Ninth Street, Suite 3500, Cleveland, Ohio 44114

Telephone Number: (216)928-2981

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed in my presence this 10 day of September, 2018.

[Signature]
Notary Public

My commission expires: never

* Please pay particular attention to the details in item number 4 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.



NICHOLAS R. CATANZARITE,
Attorney At Law
Notary Public, State of Ohio
My commission has
no expiration date.
Section 147.03 O.R.C.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2018-140

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: 12878 Pearl Road

Permanent Parcel No.: 392-30-001

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Pearl Road to East, North of Westwood Drive

Number and type of buildings which now occupy property (if any): One Building
totaling 48,556 square feet

Acreage: 5.46

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): None

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>Catanzarite Investment Co., LLC</u>	<u>100%</u> %
2. _____	_____ %
3. _____	_____ %

[Signature]
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 10 day of September, 2018.



NICHOLAS R. CATANZARITE,
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

[Signature]
Notary Public

My commission expires never

* Please pay particular attention to the details in item number 4 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: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: September 11, 2018

SUBJECT: Rezoning Application
Catanzarite Investment Co., LLC; Owner
Nick Catanzarite, Agent
PPN: 392-30-001
Address: 12878 Pearl Road
From General Business (GB) to Commercial Service (CS)

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Opera, Planning Commission Secretary

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Oprea, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: September 11, 2018

Re: Rezoning Application
Catanzarite Investment Co., LLC; Owner
Nick Catanzarite, Agent
PPN 392-30-001
From GB to CS

Neal,

The legal descriptions included in the Clerk of Council's September 11, 2018 memo regarding the above referenced application accurately depict the parcel to be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: September 18, 2018
SUBJECT: Referral from Council: Ordinance No.: 2018-140

Please be advised that at its regular meeting of September 17, 2018, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2018-140 by Mayor Perciak and All Members of Council. 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 12878 PEARL ROAD (PPN 392-30-001) IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO CS (COMMERCIAL SERVICE) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 09/17/18.*

A copy of the Ordinance is attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: October 5, 2018

Please be advised that at its meeting of October 4, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-140:

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 12878 Pearl Road (PPN 392-30-001) in the City of Strongsville from GB (General business) Classification to CS (Commercial Service) Classification and Declaring an Emergency.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 - 144

By: Mayor Perciak and All Members of Council

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A **BRIGHTON BEST** MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Strongsville (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (collectively, the "Property"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Property and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Strongsville City School District and Polaris Joint Vocational School District have been notified of this Ordinance consistent with Revised Code Section 5709.83.

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

Section 1. The Public Improvements described in **Exhibit B** hereto, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and are determined to be necessary for the public health, safety and welfare.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the year in which this Ordinance is passed and ending on

the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Strongsville City School District and Polaris Joint Vocational School District in the amount of the taxes that would have been payable to the Strongsville City School District and Polaris Joint Vocational School District, as applicable, if the Improvements had not been exempted from taxation. The project to be constructed on the Property is also subject to a 15-year, 100% pre-1994 Community Reinvestment Area tax abatement which is intended to take priority over the exemption granted pursuant to this Ordinance and the Property will capture the full value of the Service Payments in the latter 15 years.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the **BRIGHTON BEST** Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Strongsville City School District and Polaris Joint Vocational School District in an amount equal to the property tax payments the Strongsville City School District and Polaris Joint Vocational School District, as applicable, would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the Mayor, Director of Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **BRIGHTON BEST** Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

CITY OF STRONGSVILLE, OHIO

Ordinance No. 2018 - 144

Page 3

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force 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	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-144 Amended: _____
 1st Rdg. 10-1-18 Ref: COW
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

EXHIBIT A
THE PROPERTY

Brighton Best TIF Parcel Number

394-03-012

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being all of Lot 3A on the Plat of Lot Split of Lot 2A-R2 P.P.N. 394-03-001 Creating Lot 3A and Lot 4A, as shown by the recorded plat in Auditor's File No. 201712150699 of Cuyahoga County Records.

TOGETHER WITH an appurtenant non-exclusive easement for grading, preservation, beautification and maintenance as created in the Landscape & Grading Easement between Clark Reliance Corporation, Duke Realty Corporation, and Duke Realty Limited Partnership, dated November 20, 2001, filed for record December 12, 2001, and recorded beginning at page 8 of Cuyahoga County Recorder's Document No. 200112120105.

TOGETHER WITH an appurtenant non-exclusive easement for vehicular ingress and egress as created in the Declaration of Easement by Industrial Land Partners Holdings, LLC, dated as of December 18, 2017, filed for record December 20, 2017, and recorded as Cuyahoga County Recorder's Document No. 201712200368.

394-03-012 – coming out of 394-03-001

Brighton Best PPN 394-03-012

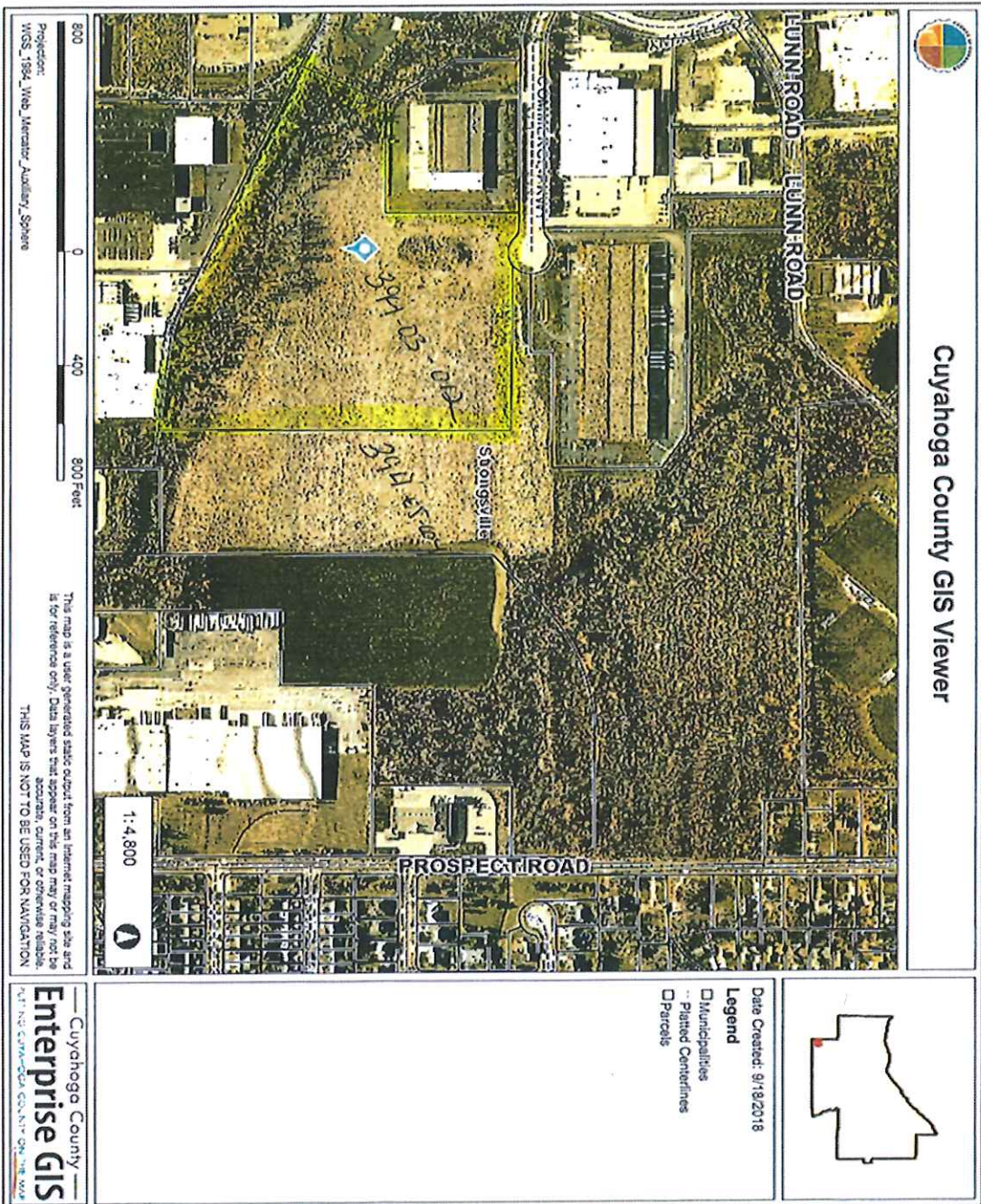


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The widening of and other improvements to Commerce Parkway from the western terminus to the eastern terminus of Commerce Parkway and including all intersections along such route, including improvements to, or construction or installation of, intersections, tangent roads, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The widening of and other improvements to Foltz Parkway, including all intersections from the northern terminus of Royalton Road to the southern terminus of Foltz Parkway and including all intersections along such route, including improvements to, or construction or installation of, intersections, tangent roads, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The widening of and other improvements to Prospect Road, including all intersections from the northern terminus of Westwood Drive to the southern terminus of Boston Road and including all intersections along such route, including improvements to, or construction or installation of, intersections, tangent roads, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The Public Improvements further include the construction of or improvements to any other public streets, utilities and public facilities in and around the Property and directly benefiting or serving the Property.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 - 145

By: Mayor Perciak and All Members of Council

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A **CANE'S & CHASE** MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Strongsville (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, to improve the flow of traffic in and around the parcels described in **Exhibit A** hereto, as such parcels may be consolidated or split (collectively, the "Property"), this Council may cause construction of the public improvements described in **Exhibit B** hereto (collectively, the "Public Improvements"), that once made will directly benefit the Property and the City and its residents; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, the Strongsville City School District and Polaris Joint Vocational School District have been notified of this Ordinance consistent with Revised Code Section 5709.83.

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

Section 1. The Public Improvements described in **Exhibit B** hereto, if made or caused to be made by the City, are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and are determined to be necessary for the public health, safety and welfare.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the year in which this Ordinance is passed and ending on

CITY OF STRONGSVILLE, OHIO

Ordinance No. 2018 – 145

Page 2

the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay the costs provided in Section 4 hereof; provided, however, that Service Payments shall be paid to the Strongsville City School District and Polaris Joint Vocational School District in the amount of the taxes that would have been payable to the Strongsville City School District and Polaris Joint Vocational School District, as applicable, if the Improvements had not been exempted from taxation.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the **CANE'S & CHASE** Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the Strongsville City School District and Polaris Joint Vocational School District in an amount equal to the property tax payments the Strongsville City School District and Polaris Joint Vocational School District, as applicable, would have received from the portion of the Improvements exempted from taxation, had such Improvements not been exempted from taxation. This Council hereby authorizes the Mayor, Director of Finance and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the **CANE'S & CHASE** Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer, as provided in Section 5709.42 of the Ohio Revised Code, and hereby agrees that moneys in that fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay any trustee, administrative and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City, or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to eliminate existing hazards to vehicular traffic; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least two-thirds of the members of the Council, otherwise it shall take effect and be in force 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	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2018-145 Amended: _____
 1st Rdg. 10-1-18 Ref: CDL
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

EXHIBIT A
THE PROPERTY

CITY OF STRONGSVILLE

Cane's & Chase Permanent Parcel Number

393-19-033

393-31-029

EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The widening of and other improvements to Pearl Road from the northern terminus to the southern terminus of Pearl Road and including all intersections along such route, including improvements to, or construction or installation of, intersections, tangent roads, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The widening of and other improvements to Royalton Road from the western terminus to the eastern terminus of Royalton Road and including all intersections along such route, including improvements to, or construction or installation of, intersections, signalization, public utilities, curbs, sidewalks, lighting, and storm water management facilities, acquisition of real estate in connection therewith, and all related improvements.

The Public Improvements further include the construction of or improvements to any other public streets, utilities and public facilities in and around the Property and directly benefiting or serving the Property.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 146

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR SANITARY SEWER SYSTEM PURPOSES AND SIDEWALK IMPROVEMENTS FROM GERALD L. CONROY, JR. AND COLEEN A. CONROY, AND DECLARING AN EMERGENCY.

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 Sanitary Sewer System Purposes from Gerald L. Conroy, Jr. and Coleen A. Conroy, located at 13676 Albion Road, for the purposes of constructing, reconstructing, maintaining, operating, and/or repairing the sanitary sewer system and appurtenances on property known as Permanent Parcel No. 398-12-013, as more fully set forth in Exhibit 1, attached hereto and made a part hereof by reference.

Section 2. Further, that the Council hereby authorizes the Mayor to accept a Grant of Easement for Sidewalk Improvements from said Gerald L. Conroy, Jr. and Coleen A. Conroy, for the purposes of constructing, reconstructing, maintaining and/or repairing sidewalk improvements over said property located at 13676 Albion Road, and known as Permanent Parcel No. 398-12-013, as more fully set forth in Exhibit 2, attached hereto and made a part hereof by reference.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid Grants of Easement to be recorded with the Cuyahoga County Fiscal Office after their execution and 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.

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 immediately necessary to assure proper development of all lots and land within the City of Strongsville, to provide sanitary sewer service to certain lands within the City, to provide for proper installation of sidewalk improvements, and 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.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 146
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-146 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

**GRANT OF EASEMENT
FOR
SANITARY SEWER SYSTEM PURPOSES**

This Easement Grant is made between **GERALD L. CONROY, JR. and COLEEN A. CONROY** (hereinafter referred to collectively as the "Grantor"), 13676 Albion Road, Strongsville, Ohio 44136 (PPN 398-12-013), and the **CITY OF STRONGSVILLE**, a municipal corporation, located at 16099 Foltz Parkway, Strongsville, Ohio 44136 (hereinafter referred to as the "Grantee").

WHEREAS, the Grantor is the owner in fee simple of certain real estate located in the City of Strongsville, Ohio and known as Permanent Parcel No. 398-12-013; and

WHEREAS, the Grantor is proposing to construct a sanitary sewer system and appurtenances consisting of approximately 200 feet of sanitary sewer pipe and appurtenances, on land to be dedicated to public use as an easement; and

WHEREAS, the Grantor wishes to grant and the Grantee wishes to accept an easement for the purposes of constructing, reconstructing, maintaining, operating and repairing a sanitary sewer system and appurtenances;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) the receipt of which is hereby acknowledged, the following grants, agreements, and covenants are made:

The Grantor hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual easement and right to enter upon the premises described in Exhibits A and B, attached hereto and incorporated herein by reference, and to remove and/or replace trees where necessary for the purposes of constructing, reconstructing, maintaining, operating and repairing a sanitary sewer system, and to make all repairs to such sanitary sewer system connected therewith, that in the opinion of the proper local authorities of the City of Strongsville, its successors or assigns, may be necessary or advisable, in order to maintain or operate said sanitary sewer system in accordance with the ordinances, rules and regulations for the management and protection of such systems of said City of Strongsville, now in force or that may hereafter be adopted.

The Grantor and Grantee further, in consideration of the acceptance of the easement by the City of Strongsville above-mentioned, do hereby agree that Grantor shall initially construct and install said sanitary sewer system in accordance with the plans and specifications to be approved by the City Engineer and in accordance with the provisions, rules, regulations and requirements of the City of Strongsville; and further agree that Grantor shall pay the entire cost of said construction and installation of said sanitary sewer system. Said sanitary sewer system shall become the property of the City of Strongsville, its successors or assigns upon completion and approval by the City of Strongsville, its successors or assigns.

Grantor acknowledges and agrees that Grantee shall not be obligated to maintain landscaping and/or lawn areas within the easement area.

The Grantor hereby restricts said premises within the limits of the above-described easement against the construction thereon of any temporary or permanent structures.

The Grantor agrees 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 sanitary sewer system. Grantor further agrees to make no alterations to the premises which would increase or reduce the depth of the sanitary sewer system.

If the Grantor, its successors or assigns desires to alter the premises in any way other than as expressly permitted herein, it must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantor shall, at its own expense, relocate or reconstruct all or any portion of the sanitary sewer system which is affected by such alteration and, where necessary, grant a new easement of not less than the width of this easement under the same terms and conditions as herein provided. The relocated or reconstructed sanitary sewer system, upon completion and approval by the Grantee, shall become the property of the City of Strongsville.

The Grantor further agrees that the Grantee shall be relieved of all liability on account of the construction, reconstruction, or relocation of said sanitary sewer system. Grantor hereby indemnifies and guarantees to save harmless the City of Strongsville against any expense or damage to said sanitary sewer system that said Grantor and its successors or assigns may at any time cause by the installation, construction, reconstruction, maintenance, repair, or other use of Premises within the limits of the above-described easement.

If the Grantor violates any of the provisions of this easement, the Grantee, at the expense of the Grantor, 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 Grantor hereby reserves the right to use the premises for such use as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor covenants with the Grantee that it is well-seized of the premises as a good and indefeasible estate in fee simple, and has the right to grant and convey the premises in the manner and form above written. The Grantor further covenants that it 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 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 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.

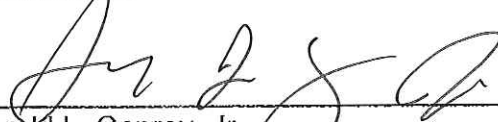
This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors and assigns.

TO HAVE AND TO HOLD the above granted Easement for the purposes above mentioned unto the City of Strongsville, forever.

IN WITNESS WHEREOF, this instrument is executed this 10 day of March, 2016.

Signed and acknowledged in the presence:

"GRANTOR"



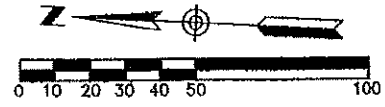
Gerald L. Conroy, Jr.



Coleen A. Conroy

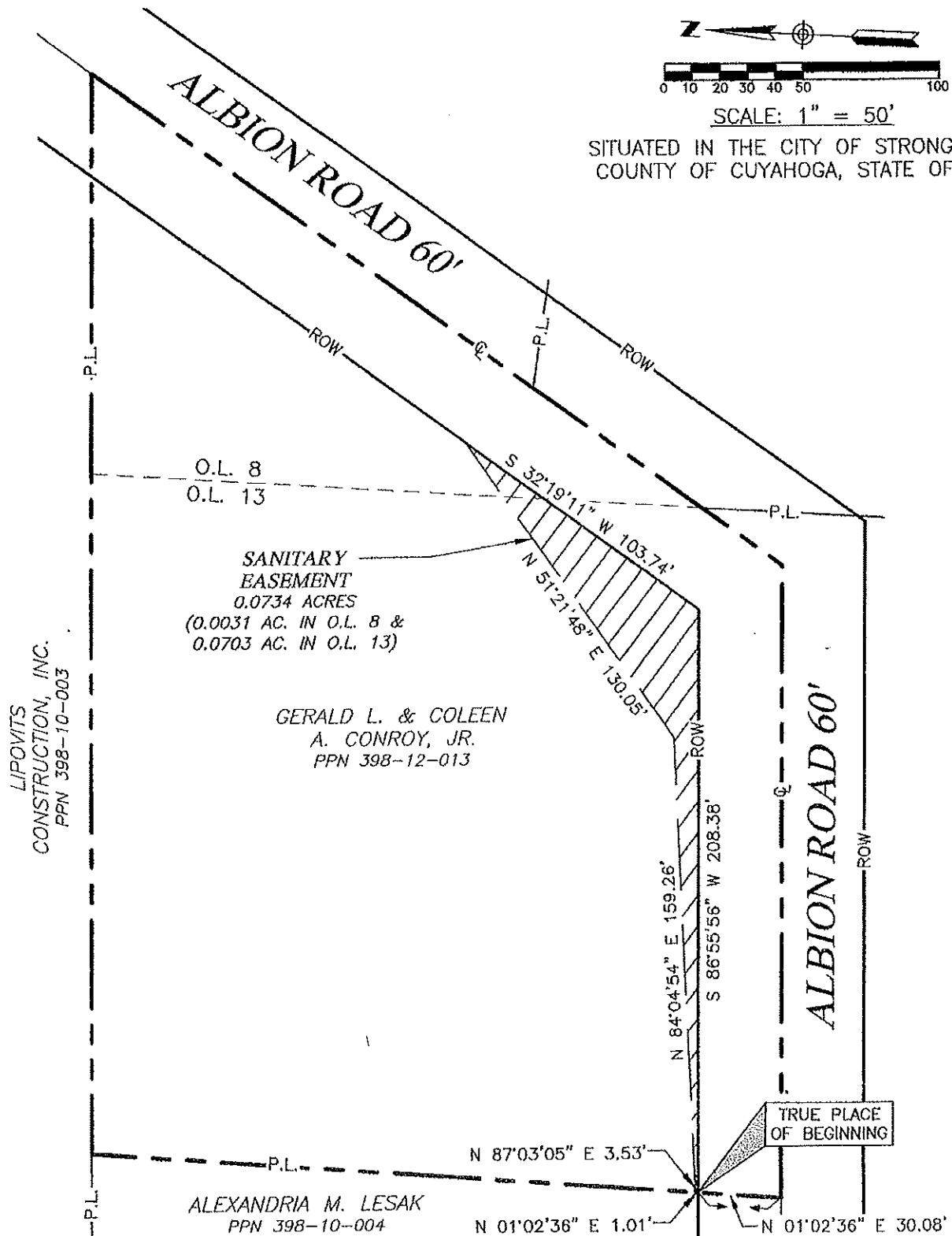
**"GRANTEE"
CITY OF STRONGSVILLE**

By: _____
Thomas P. Perciak, Mayor



SCALE: 1" = 50'

SITUATED IN THE CITY OF STRONGSVILLE,
COUNTY OF CUYAHOGA, STATE OF OHIO



LIPOVITS
CONSTRUCTION, INC.
PPN 398-10-003

**SANITARY
EASEMENT**
0.0734 ACRES
(0.0031 AC. IN O.L. 8 &
0.0703 AC. IN O.L. 13)

GERALD L. & COLEEN
A. CONROY, JR.
PPN 398-12-013

ALEXANDRIA M. LESAK
PPN 398-10-004

TRUE PLACE
OF BEGINNING

SANITARY AND SIDEWALK EASEMENT
CITY OF STRONGSVILLE

EXHIBIT 'A'

PREPARED BY:
GBC DESIGN, INC.

566 White Pond Dr. Akron, OH 44320-1129
Phone 330-836-0228 Fax 330-836-5782

DATE: 9/9/2016
PROJECT No. 49044

**GRANT OF EASEMENT
FOR
SIDEWALK IMPROVEMENTS**

This Easement Grant is made by and between **GERALD L. CONROY, JR. and COLEEN A. CONROY**, husband and wife, (hereinafter collectively referred to as the "Grantor") and the **CITY OF STRONGSVILLE**, a municipal corporation (hereinafter referred to as the "Grantee").

WHEREAS, the Grantor is the owner in fee simple of real estate located at 13676 Albion Road, in the City of Strongsville, Ohio and known as Permanent Parcel No. 398-12-013; and

WHEREAS, the Grantor wishes 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 Grantor hereby gives, grants, bargains and conveys to the Grantee, its agents, contractors, employees, successors and assigns a perpetual easement and right to enter upon the property reflected on Exhibit A and described in 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 Grantor and Grantee do hereby further agree that when Grantor, 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 Grantor and Grantee further agree that the Grantor shall be solely responsible for the maintenance and repair of such Sidewalk System.

The Grantor hereby restricts said Premises against the construction thereon of any temporary or permanent structures.

The Grantor agrees 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 Grantor desires to alter the Premises in any way other than is expressly permitted herein, it must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantor shall, at its 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 Grantor further agrees that the City of Strongsville shall be relieved of all liability on account of the construction, reconstruction, or relocation of said Sidewalk System.

Grantor hereby indemnifies and guarantees to save harmless the City of Strongsville against any expense or damage to said Sidewalk System that said Grantor, its successors 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 Grantor violates any of the provisions of this Easement, the Grantee, at the expense of the Grantor, 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 Grantor hereby reserves the right to use the Premises for such use as is not expressly prohibited by or inconsistent with the terms of this Easement.

The Grantor covenants 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 Grantor further covenants 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.

IN WITNESS WHEREOF, this instrument is executed this 10 day of November, 2017.

Signed and acknowledged in the presence of:

"GRANTOR"

Gerald L. Conroy, Jr.
Gerald L. Conroy, Jr.

Coleen A. Conroy
Coleen A. Conroy

"GRANTEE"
CITY OF STRONGSVILLE

By: _____
Thomas P. Perciak
Its: _____
Mayor

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **GERALD L. CONROY, JR. and COLEEN A. CONROY**, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free and voluntary act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Perma Hk, Ohio, this 10 day of November, 2017.

Suzanne Colucci
Notary Public

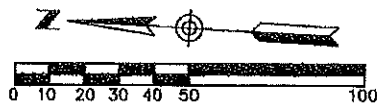
SUZANNE COLUCCI
Notary Public, State of Ohio
My Commission Expires
September 2, 2018

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 Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed, and the free and voluntary act and deed of said municipal corporation.

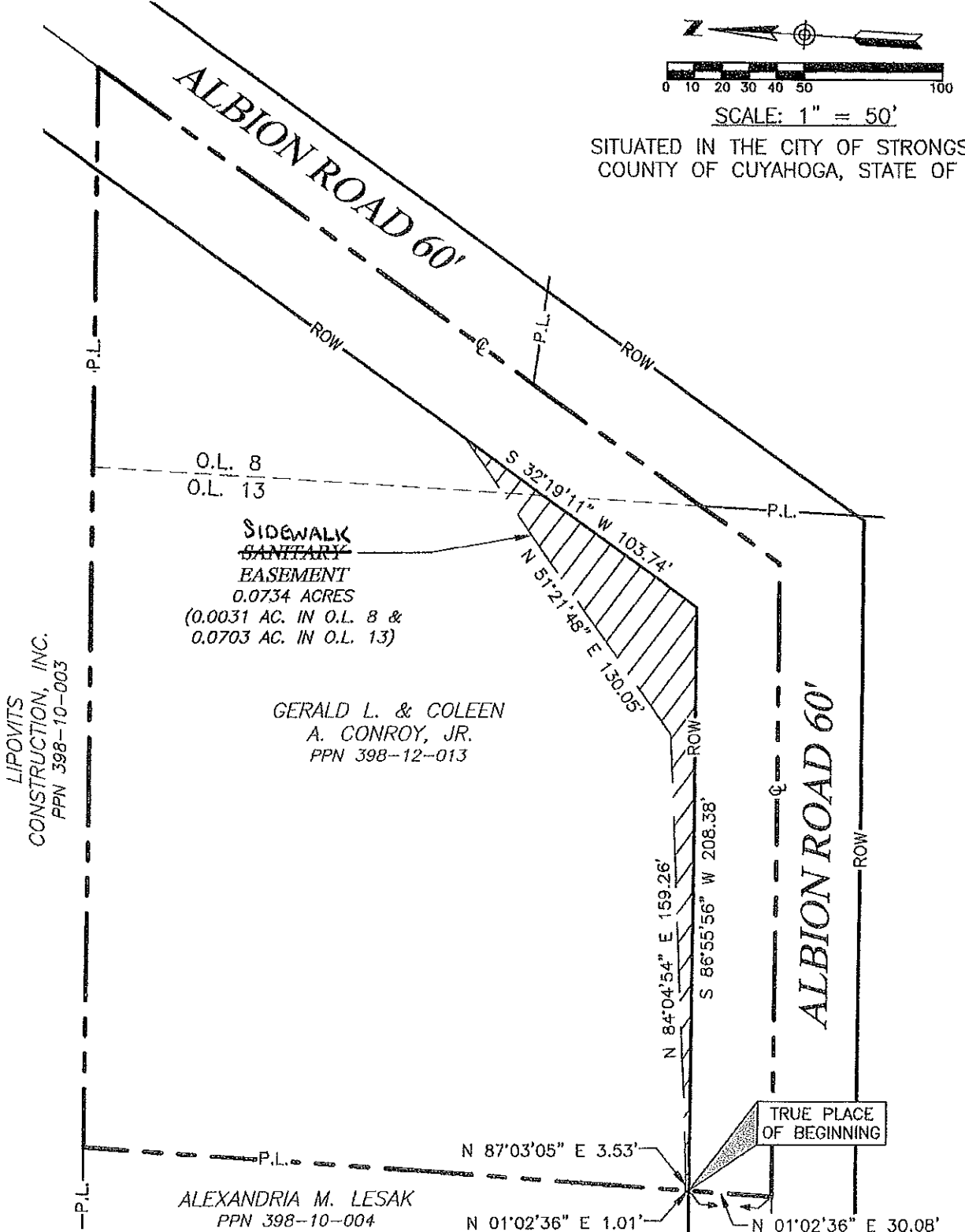
IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Strongsville, Ohio, this ____ day of _____, 2016.

Notary Public



SCALE: 1" = 50'

SITUATED IN THE CITY OF STRONGSVILLE,
COUNTY OF CUYAHOGA, STATE OF OHIO



SANITARY AND SIDEWALK EASEMENT
CITY OF STRONGSVILLE

EXHIBIT 'A'

PREPARED BY:

GBC DESIGN, INC.

565 White Pond Dr.
Phone 330-886-0228

Akron, OH 44320-1128
Fax 330-886-5782

DATE: 9/9/2015

PROJECT No. 49044

Revised September 9, 2016
June 21, 2016

LEGAL DESCRIPTION
City of Strongsville
~~Sanitary and Sidewalk Easement~~
Area = 0.0734 Acres

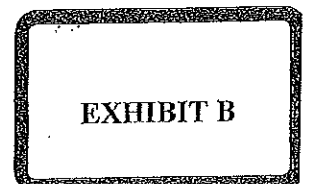
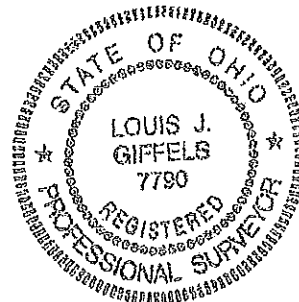
Situated in the City of Strongsville, County of Cuyahoga, and State of Ohio and known as being part of Parcel No. 2 in Lot Split Map as recorded in Volume 224 of Maps, Page 78 of Cuyahoga County Records, and also known as being part of Original Strongsville Township Lot No. 8 and part of Original Strongsville Township Lot No. 13, and more further described as follows:

Beginning in the centerline of Albion Road (60' wide) at the southwesterly corner of said Parcel No. 2;

Thence N 01°02'36" E, along the easterly property line of lands now or formerly owned by Alexandria M. Lesak as recorded in Volume 9024, Page 197 of the Cuyahoga County Records, a distance of 30.08 feet to the True Place of Beginning for the easement of land further described as following six (6) courses;

1. Thence continuing N 01°02'36" E, along the easterly line of said Alexandria M. Lesak lands, a distance of 1.01 feet to a point;
2. Thence N 87°03'05" E, along a new easement line, a distance of 3.53 feet to a point;
3. Thence N 84°04'54" E, along a new easement line, a distance of 159.26 feet to a point;
4. Thence N 51°21'48" E, along a new easement line, a distance of 130.05 feet to a point on the right-of-way line of said Albion Road;
5. Thence S 32°19'11" W, along the westerly right-of-way line of said Albion Road, a distance of 103.74 feet to point;
6. Thence S 86°55'56" W, along northerly the right-of-way line of said Albion Road, a distance of 208.38 feet to the True Place of Beginning and containing 0.0734 Acres of land (0.0031 Acres in Lot No. 8) (0.0703 Acres in Lot No. 13), more or less, as determined in June, 2016 by Louis J. Giffels, Registered Surveyor No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.


Louis J. Giffels, P.S. Reg. No. 7790



CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 147

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE CONSTRUCTION AGREEMENT WITH THE MEDINA COUNTY BOARD OF COMMISSIONERS FOR RESURFACING OF BOSTON ROAD; AND DECLARING AN EMERGENCY.

WHEREAS, Boston Road is located within the City of Strongsville ("Strongsville") and the County of Medina ("Medina County"); and

WHEREAS, by and through Ordinance No. 2004-287, this Council authorized the Mayor to enter into a Maintenance Agreement with the Board of Commissioners of Medina County providing for an allocation of various routine maintenance operations on Boston Road; and further providing that if more extensive or unusual repairs, reconstruction or improvements become necessary beyond the scope of mere general maintenance, then Strongsville and Medina County would enter into a separate written agreement establishing the necessity thereof, designating the lead agency, and the costs to each such subdivision; and

WHEREAS, Strongsville and Medina County have now determined that the pavement surface on a section of Boston Road between Marks Road in Medina County and Prospect Road in Strongsville needs to be rehabilitated for the welfare of the traveling public; and

WHEREAS, therefore, Strongsville and Medina County are desirous of entering into a Cooperative Construction Agreement pursuant to the provisions of Ohio Revised Code Sections 307.15 and 5557.09, and the laws applicable to Strongsville and Medina County, in order to provide for Medina County undertaking the lead responsibility with respect to the project, and for the equal sharing of project costs, including but not limited to the construction of improvements, contract administration, and related items on an equal shared basis.

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

Section 1. That the Mayor be and is hereby authorized and directed to enter into a Cooperative Construction Agreement with the Medina County Board of Commissioners for the resurfacing of Boston Road between Marks Road in Medina County and Prospect Road in Strongsville, in the form attached hereto as Exhibit "A" and incorporated herein as if fully rewritten, which in all respects is hereby approved.

Section 2. That the funds necessary for Strongsville's portion of the costs of this project have been appropriated and shall be paid from the General Capital Improvement Fund.

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 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 immediately necessary to authorize execution of said agreement in order to continue to comply with contractual requirements with Medina County, provide for safe roads, and 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	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2018-147 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

**COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN
THE CITY OF STRONGSVILLE AND MEDINA COUNTY**

This Agreement is made and entered into the _____ day of _____, 2018, by and between the City of Strongsville, State of Ohio, operating by and through City Council and the Mayor of the City of Strongsville (hereinafter "Strongsville"), with principal offices located at 16099 Foltz Parkway, Strongsville, Ohio 44149, and the Medina County Board of Commissioners (hereinafter "Board"), with principal offices located at 144 North Broadway Street, Medina, Ohio 44256.

Whereas, the Parties have determined that the pavement surface on the border of the City of Strongsville and Medina County needs to be rehabilitated for the welfare of the traveling public; and

Whereas, by prior Resolution in 2004, Strongsville and the Board executed a formal maintenance agreement for boundary roads, which includes Boston Road, which stipulates that all unusual maintenance beyond the scope of general maintenance will be performed by mutual agreement of the Parties; and

Whereas, therefore, Strongsville and Board are desirous of entering into a Cooperative Construction Agreement pursuant to the provisions of Ohio Revised Code Sections 307.15 and 5557.09, and the laws applicable to Strongsville and Medina County, in order to provide for the Board undertaking the lead responsibility with respect to the project, and for the equal sharing of project costs, including but not limited to the construction of improvements, contract administration, and related items on an equal shared basis; and

Whereas, this Agreement has been authorized by the Medina County Commissioners under Resolution No. _____ and by Strongsville by Ordinance No. _____.

Now, therefore, in consideration of payments due under and benefits flowing from this Agreement, the Parties agree as follows:

I. SPECIAL PROVISIONS

A. Scope of Work

A section of road on the border of Medina County and Strongsville is to be resurfaced. The section of road is Boston Road, between Marks Road (C.H. 22) in Medina County and the City of Strongsville and Prospect Road in the City of Strongsville.

The Medina County Engineer will perform all engineering and related services on an in-house basis without reimbursement from Strongsville in relation to the resurfacing of Boston Road between Marks Road (C.H. 22) in Medina County and the City of Strongsville and Prospect Road in the City of Strongsville. Said work is to include preparation of site plans, preparation of bid specifications and contract documents, and inspection of construction.

B. Bidding of Work

With regard to the construction work required for the project, Board shall contract out for such work in accordance with the competitive bidding requirements of the State of Ohio, and shall furnish an itemization of such costs on a monthly basis to Strongsville.

C. Fees and Payments

Payments for the resurfacing of Boston Road from Marks Road (C.H. 22) in Medina County and the City of Strongsville and Prospect Road in the City of Strongsville, shall be made as follows:

Strongsville shall pay 50% of the construction costs including any change orders that may be entered into by Medina County.

Board shall pay 50% of the construction costs including any change orders that may be entered into by Medina County.

The initial estimate for work on the above named section of road, as determined by the Medina County Engineer is \$302,680.00.

D. Method of Payment

Each payment by Strongsville to Board, as detailed above under Fees and Payments, shall be equal to fifty percent (50%) for the road improvement on Boston Road less the total of all previous payments. Payments shall require submission by the Medina County Engineer of a detailed fee invoice to Strongsville, and approval of said billing by Strongsville. Payments shall be due and payable within thirty (30) days after Medina's submission of an invoice. After receipt of the invoice by Strongsville, should part of the bill be contested, the balance of approved items will be approved for payment, and contested items resolved prior to the next billing.

II. GENERAL PROVISIONS

A. Performance of Medina County

It is understood that Medina County Engineer, without expense to Strongsville shall:

Allow Strongsville access to all available existing information, including reports, plans of the existing roadways and utility and signal systems, and other data in the engineering files which may be pertinent to the work.

Allow Strongsville to examine any studies, reports, sketches, estimates, drawings, specifications, proposals and other documents relative to the project and render decisions pertaining thereto within a reasonable time in order not to delay the work.

B. Performance by Strongsville

It is understood that Strongsville, without expense to Medina County Engineer shall:

Allow Medina County Engineer access to all available existing information, including reports, plans of the existing roadways and utility and signal systems, and other data in the engineering files which may be pertinent to the work.

Allow Medina County Engineer to examine any studies, reports, sketches, estimates, drawings, specifications, proposals and other documents relative to the project and render decisions pertaining thereto within a reasonable time in order not to delay the work.

C. Documents and Records

Board shall retain title and ownership to any plans, drawings, charts, reports, illustrations and field notes or other similar data developed during the work and covered by this Agreement in relation to the resurfacing of Boston Road.

D. Trade and Technical Words

All trade and technical words and terms used in this Agreement shall be deemed to have the meaning established by trade usage in the highway/bridge/traffic construction and consultant engineer business.

E. Successors and Assignment

Each party hereby binds itself and its officers, successors, executors, administrators and assignees to the other Party of this Agreement. Neither Party shall assign, sublet, or transfer its interest in this Agreement without the prior consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body that may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than Strongsville and Medina County and its Board of County Commissioners.

F. Governing Law

This Agreement shall be governed by the law of the State of Ohio.

G. Extent of Agreement

This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Parties.

H. The waiver of any party hereto of a breach or violation of any provision of this agreement shall not operate as or be construed to be a waiver of any subsequent breach of the same or any other provision. No waiver shall be binding unless it is in writing, and no course of dealing, delay or omission in the exercise of any rights shall operate as a waiver.

I. The undersigned representatives of each of the parties hereby represent and warrant that he/she is the duly authorized officer or agent of such party, that each party has approved this agreement by appropriate legal and/or legislative action, and that this agreement constitutes a valid and binding contract and agreement properly undertaken and binding upon each of the parties.

IN WITNESS WHEREOF, the parties hereto have affixed their hands, Strongsville by its signature of the Mayor of Strongsville as authorized by City Council and Medina County by the signature of the Medina County Engineer and Medina County Board of Commissioners.

CITY OF STRONGSVILLE

MEDINA COUNTY ENGINEER

Thomas P. Perciak
Mayor

Andrew J. Conrad, P.E., P.S.
Medina County Engineer

Approved as to Form:

MEDINA COUNTY BOARD OF
COMMISSIONERS

Neal M. Jamison
Law Director

Patricia G. Geissman
Medina County Commissioner

Adam Friedrich
Medina County Commissioner

William F. Hutson
Medina County Commissioner

S. FORREST THOMPSON
Approved as to Form:

Brian M. Richter
Assistant Prosecuting Attorney
Medina County Prosecutor's Office

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 148

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTION 1601.02 OF CHAPTER 1601 OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ADOPT THE CURRENT EDITION OF THE OHIO FIRE CODE, AND DECLARING AN EMERGENCY.

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

Section 1. That Section 1601.02 of Chapter 1601 of Part Sixteen of the Codified Ordinances of the City of Strongsville be and is hereby amended in order that it shall read in its entirety as follows:

**CHAPTER 1601
Fire Code**

* * *

1601.02 ADOPTION BY REFERENCE.

Pursuant to Ohio R.C. Section 731.231, there is hereby adopted by the Municipality, the "Ohio Fire Code", ~~2011–2017~~ edition, as published by the International Code Council, as adopted by the State of Ohio in Chapter 1301:7 of the Ohio Administrative Code except such portions as may be hereinafter deleted, modified or amended.

~~(Ord. 2017-184. Passed 11-6-17.)~~

* * *

Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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 is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the most current 2017 version of the Ohio Fire Code and related provisions as issued or promulgated by the State of Ohio in order to provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations. Therefore, provided this

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 - 148
Page 2

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	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2018-148 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2018 - 149

By: Mayor Perciak and All Members of Council

A RESOLUTION GRANTING PERMISSION TO REPURCHASE CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY.

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

Section 1. That pursuant to Codified Ordinance Section 1060.09, this Council hereby authorizes the repurchase by the City of Strongsville of a certificate for burial rights in the Strongsville Municipal Cemetery for Graves E and G, in Lot 30 of Section E from James A. Stieg and Geraldine Stieg, at the same price that was originally paid therefor.

Section 2. That the funds for the repurchase of said certificate have been appropriated and shall be paid from the General Fund.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of the 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 Resolution shall take effect and be in force 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	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2018-149 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 - 150

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING THE MAYOR TO EMPLOY SPECIAL LEGAL COUNSEL AND ENTER INTO A RETAINER AGREEMENT FOR PROFESSIONAL SERVICES TO THE CITY OF STRONGSVILLE IN CONNECTION WITH MATTERS RELATING TO THE RENOVATION OF THE LOCKER ROOMS AT THE WALTER F. EHRSFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.

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

Section 1. That the Mayor be and is hereby authorized and directed to employ special legal counsel and enter into a retainer agreement with **ATTORNEY DAVID M. CUPPAGE**, and the law firm of **McCARTHY, LEBIT, CRYSTAL & LIFFMAN CO., LPA**, to provide professional legal services to the City in connection with matters involving construction issues relating to the renovation of the locker rooms at the Walter F. Ehrnfelt Recreation & Senior Center, in accordance with their proposal attached hereto as Exhibit "A", and as approved by the Law Director.

Section 2. That the funds for the purpose of such services and said agreement have been appropriated and shall be paid from the General Fund and/or the Recreation Capital Improvement Fund; and the Director of Finance be and is hereby authorized and directed to issue payment in accordance with the terms and conditions of such proposal and retainer agreement.

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 is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the retention of such legal services is immediately necessary in order to protect the legal interests of the City and provide representation to the City in connection with the completion of the renovation of the locker room facilities at the Ehrnfelt Recreation & Senior Center, and 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: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2018 – 150
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Kosek	_____	_____
Roff	_____	_____
Schonhut	_____	_____
Short	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2018-150 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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



McCarthy, Lebit, Crystal & Liffman

David M. Cuppage
Attorney-at-Law
Writer's Ext. 232
DMC@mccarthylebit.com

October 11, 2018

VIA EMAIL ONLY

Mayor Thomas P. Perciak
c/o Neal M. Jamison, Law Director
City of Strongsville
16009 Foltz Parkway
Strongsville, Ohio 44149

Strongsville.law@strongsville.org

Re: Retainer Agreement

Dear Mayor Perciak:

You have asked this Firm to provide legal counsel and representation to the City of Strongsville (the "City") in the matter involving the City's renovation of the locker rooms at the Walter F. Ehrnfelt Recreation & Senior Center through the former general contractor, Alabasi Construction, Inc.

This letter sets forth our Agreement concerning our representation of the City.

- a. Unless otherwise agreed to in advance, hourly charges will be billed at the Firm's guideline rates for partners, associates, paralegals and legal assistants. My hourly rate for this representation will be \$300 per hour. In some instances, I may utilize other attorneys to do specific tasks under my direction because they will be able to perform them approximately in the same amount of time or less but at a lower cost to the City. We ask that you promptly review all billing statements and immediately bring to our attention any discrepancies or questions that you might have.
- b. We shall have the authority to make advances for expenses on the City's behalf on such amounts we shall determine best in representing the City in this matter, but not to exceed \$250 without advance approval from you. Those advances may include (but are not necessarily limited to) expenses such as long distance telephone calls, photocopies (Xerox), travel, parking, deposition expenses, court costs and other disbursements which we deem are necessary to assist the City in the proper handling of the matter for which we are being retained.

{01239599-1}

Ex. A

Mr. Neal M. Jamison
October 11, 2018
Page 2 of 2

- c. This Agreement may be executed in counterparts. The Agreement may be modified only in writing signed by the parties to be bound.
- d. This Agreement represents the entire agreement between us as further governed by Ohio's Code of Professional Responsibility.

It is our practice to communicate by email where it is practical and appropriate. If, at any time you provide us with an email address or contact us by email, we will assume that you are agreeable to this form of communication.

Please signify your acceptance of this Agreement by signing in the space provided below, completing the date and returning the originally-signed document to me.

Very truly yours,

McCARTHY, LEBIT, CRYSTAL &
LIFFMAN CO., L.P.A.



DAVID M. CUPPAGE

READ, APPROVED AND AGREED TO
THIS ___ DAY OF OCTOBER, 2018.

The City of Strongsville

By: Thomas P. Perciak
Its: Mayor

**Approved as to legal form only by the
Law Department of the City of Strongsville.**

By _____
Law Director

Date _____