

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 192

By: Mr. Daymut

AN ORDINANCE VACATING AND EXTINGUISHING A PUBLIC ACCESS EASEMENT ON PERMANENT PARCEL NO. 394-03-001, ON PROPERTY OWNED BY DUKE CONSTRUCTION LIMITED PARTNERSHIP, ON COMMERCE PARKWAY IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, a request has been made to this Council by the owner of a parcel, requesting that Council vacate and extinguish a Public Access Easement for Future Roadway Extension, located on Permanent Parcel No. 394-03-001, as shown on the Subdivision Plat for Duke Construction Limited Partnership, and recorded in Volume 347, Pages 6 and 7 of Cuyahoga County Records; and

WHEREAS, such Public Access Easement for Future Roadway Extension is no longer needed for municipal purposes; and

WHEREAS, the Planning Commission, at its meeting of November 16, 2017, has recommended the vacation of this easement.

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

Section 1. That, pursuant to O.R.C. Section 723.121, this Council finds and determines that there is good cause to vacate and extinguish the Public Access Easement for Future Roadway Extension, located on Permanent Parcel No. 394-03-001, described in Exhibit A attached hereto and incorporated herein; that such easement is not needed for municipal purposes, and that such vacation and extinguishment will not be detrimental to the general interest, and that it should be made.

Section 2. That accordingly, the Public Access Easement for Future Roadway Extension, as described in Exhibit A, be and is hereby vacated and extinguished, and the owner of the parcel is hereinafter solely responsible and/or liable in regard to the maintenance and use of the previous easement area.

Section 3. That the Clerk of Council is hereby directed to cause a copy of this Ordinance, along with Exhibit A, to be recorded in the office of the Cuyahoga County Fiscal Officer evidencing the vacation of the Easement.

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.

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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 for the further reason that it is necessary to promptly vacate and extinguish an easement no longer needed for municipal public purposes in order to assure proper 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.

Kenneth M. Dooner
 President of Council

Approved: Thomas J. Surier
 Mayor

Date Passed: November 20, 2017

Date Approved: November 21, 2017

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

Attest: Christina Meneal
 Assistant Clerk of Council

ORD. No. 2017-192 Amended: _____
 1st Rdg. 11/20/17 Ref: _____
 2nd Rdg. suspended Ref: _____
 3rd Rdg. suspended Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: 11/20/17 Defeated: _____

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: November 17, 2017

Please be advised that at its meeting of November 16, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

COMMERCE PARKWAY 200/ Jeff Certo, Agent

Parcel split of PPN 394-03-001 located on Commerce Parkway, zoned General Industrial.