

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2018 – 001

By: Mr. Daymut

**AN ORDINANCE VACATING AND EXTINGUISHING A PUBLIC
SEWER & SWALE EASEMENT ON PERMANENT PARCEL NO.
392-02-092, AT 12534 SADDLEBROOK LANE, IN THE ANDRUS
WOODS WESTWOOD FARMS SUBDIVISION NO. 16, IN THE
CITY OF STRONGSVILLE.**

WHEREAS, a request has been made by the owner of a parcel, requesting that Council vacate and extinguish a Public Sewer & Swale Easement located on Permanent Parcel No. 392-02-092 (Sublot No. 368), at 12534 Saddlebrook Lane, on the Subdivision Plat for Andrus Woods Westwood Farms Subdivision No. 16, and recorded in Volume 374, Page 8 of Cuyahoga County Records; and

WHEREAS, such easement is no longer needed for municipal purposes.

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 Sewer & Swale Easement located at 12534 Saddlebrook Lane (PPN 392-02-092) described in Exhibits A and B 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 Sewer & Swale Easement, as described in Exhibits A and B, 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 Exhibits A and B, to be recorded in the office of the Cuyahoga County Fiscal Office 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.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First reading: January 2, 2018

Referred to Planning Commission:

Second reading: January 16, 2018

January 3, 2018

Third reading: Suspended

Approved: Favorable recommendation by PC

January 11, 2018



President of Council

Date Passed: January 16, 2018

Yea

Nay

Carbone

☒

Daymut

☒

DeMio

☒

Schonhut

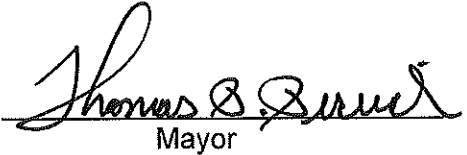
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Short

Vacancy

Vacancy

Approved: _____


Mayor

Date Approved: _____

Jan 16, 2018

Attest: _____


Clerk of Council

ORD. No. 2018-001

Amended: _____

1st Rdg. 01-02-18

Ref: PC/PZF

2nd Rdg. 01-16-18

Ref: _____

3rd Rdg. Suspended

Ref: _____

Pub Hrg. _____

Ref: _____

Adopted: 01-16-18

Defeated: _____

EASEMENT VACATION

FOR
SUBLOT NO. 368
#12534 SADDLEBROOK LANE

IN
ANDRUS WOODS WEST WOOD FARMS
SUBDIVISION NO. 16

RECORDED IN VOL. 374, PG. 8

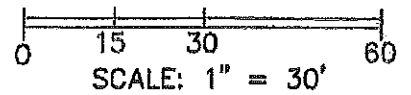
PART OF
ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 94

NOW IN
THE CITY OF STRONGSVILLE
COUNTY OF CUYAHOGA, OHIO

FOR
NICK CATANZARITE

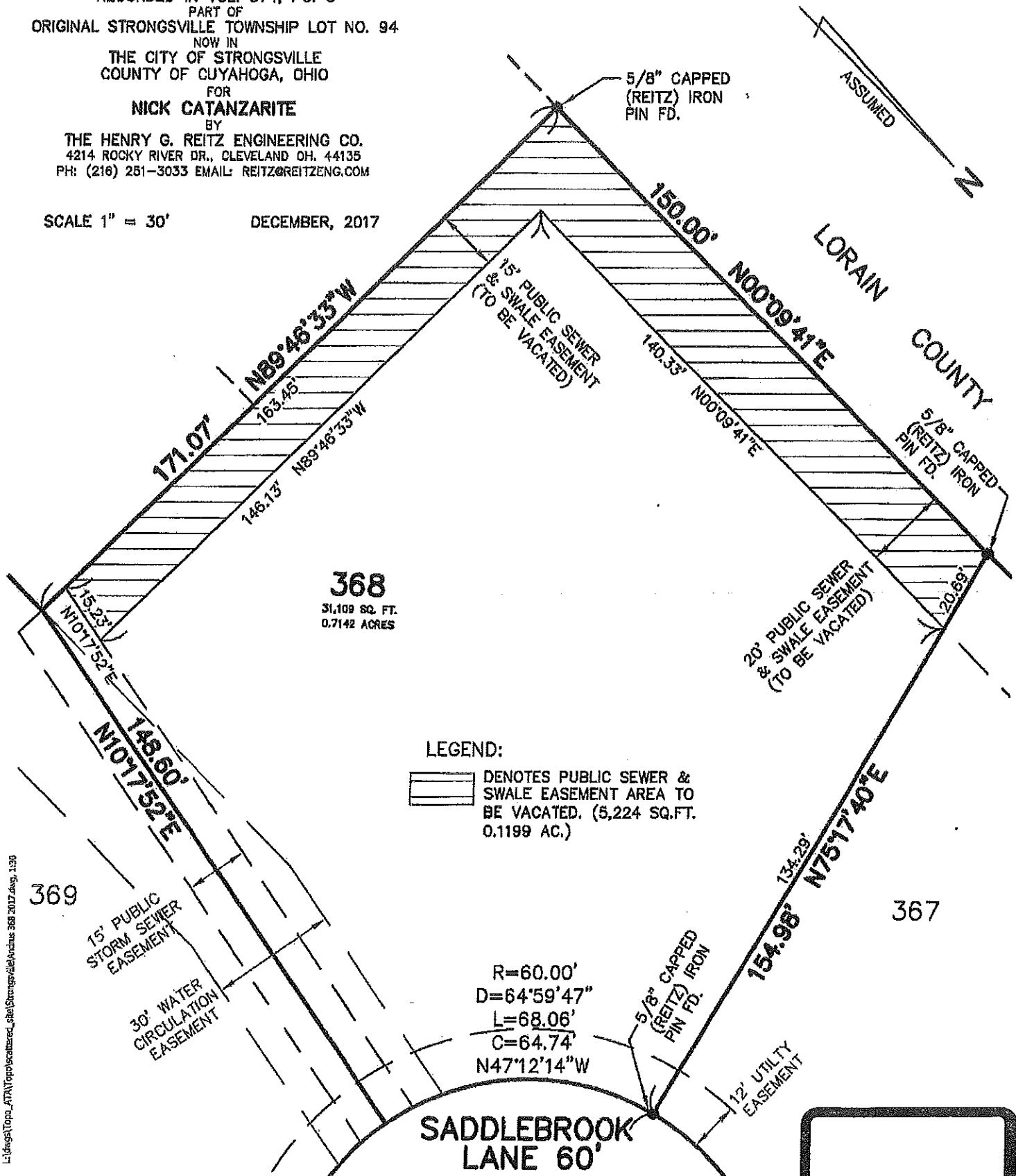
BY
THE HENRY G. REITZ ENGINEERING CO.
4214 ROCKY RIVER DR., CLEVELAND OH. 44135
PH: (216) 251-3033 EMAIL: REITZ@REITZENG.COM

GRAPHIC SCALE



SCALE 1" = 30'

DECEMBER, 2017



LEGEND:



DENOTES PUBLIC SEWER &
SWALE EASEMENT AREA TO
BE VACATED. (5,224 SQ. FT.
0.1199 AC.)

R=60.00'
D=64°59'47"
L=68.06'
C=64.74'
N47°12'14"W

EXHIBIT A

THE HENRY G. REITZ ENGINEERING COMPANY

Civil Engineers & Surveyors

Stuart W. Saylor, *P.E., P.S., Pres.*

James T. Saylor, *P.E., P.S., Vice Pres.*

Linda S. Rerko, *Sec. & Treas.*

4214 Rocky River Drive

Cleveland, Ohio 44135

TELEPHONE: 216-251-3033

EMAIL: reitz@reitzeng.com

December 18th, 2018

Description of Easement Area to be Vacated

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 368 in the Andrus Woods Westwood Farms Subdivision No. 16, of part of Original Strongsville Township Lot No. 94, as shown by the recorded plat in Volume 374 of Maps, Page 8 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of Cuyahoga County at the Northwestern corner of said Sublot No. 368;

Thence N 75d 17' 40" E., along the Northerly line of said Sublot No. 368 a distance of 20.69 feet;

Thence S. 00d 09' 41" W., a distance of 140.33 feet;

Thence S. 89d 46' 33" E., a distance of 146.13 feet;

Thence S. 10d 17' 52" W., a distance of 15.23 feet to the Southerly line of said Sublot No. 368;

Thence N. 89d 46' 33" W., along the Southerly line of said Sublot No. 368, a distance of 163.45 feet to the Southwesterly corner thereof;

Thence N. 00d 09' 41" E., along the Westerly line of Cuyahoga County, which line is also the Westerly line of said Sublot No. 368, a distance of 150.00 feet to the place of beginning and containing 5,224 square feet of land, be the same more or less, but subject to all legal highways and easements of record.

All bearings are based on an assumed bearing and are used to denote angles only.

EXHIBIT B

December 20, 2017

Aimee Pientka, MMC
Clerk of Council
The City of Strongsville
16099 Foltz Parkway
Strongsville, Ohio 44149

Re: 12534 Saddlebrook Lane, Strongsville, Ohio (the "Property")
Request to Vacate Public Sewer and Swale Easement


Dear Ms. Pientka:

Reference is made to that certain Public Sewer and Swale Easement (the "Easement") located along the rear property lines of the above mentioned Property, as depicted on the enclosed Exhibit. I am writing to formally request that City vacate the Easement to allow full use and enjoyment of my Property.

The purpose of the Easement is to allow for sewer lines to be installed and to ensure proper drainage of runoff water between the Property and adjacent properties. There are no sewer lines located within the Easement and there is no reason any public sewer line would be installed within the Easement area in the future. Additionally, I own the land located immediately west of the Property so there is no concern about the neighbor being negatively impacted by removing the swale protection afforded by the Easement.

I've discussed the details of the attached Exhibit with the Engineering Department and they have confirmed the accuracy of the legal description. Please advise if any additional information is needed with respect to the above request. Thank you.

Best regards,



Nick R. Catanzarite

NRC:sm
Enclosure

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka

From: Lori Daley, Assistant City Engineer

Date: December 21, 2017

Re: Vacation of Public Sewer & Swale Easement
PPN 392-02-092
12534 Saddlebrook Lane

Neal,

Nick Catanzarite owns and resides at the above reference parcel on Saddlebrook Lane in the Westwood Farms Subdivision. Currently, there are public sewer easements on his property that were created with the Westwood Farms Subdivision. Mr. Catanzarite is requesting that a portion of these easements be vacated.

Since the recording of the plat, the grading and drainage has been altered and these easements are no longer necessary. The Engineering Department has no objections to the vacation request.

Please prepare the necessary legislation for council to accept the vacation of the portion of the easement shown on the attached exhibit and described in the attached legal description. Also attached for your reference is Mr. Catanzarite's request.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: January 3, 2018

SUBJECT: Referral from Council: Ordinance No. 2018-001

At its regular meeting of January 2, 2018, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2018-001 by Mr. Daymut. AN ORDINANCE VACATING AND EXTINGUISHING A PUBLIC SEWER & SWALE EASEMENT ON PERMANENT PARCEL NO. 392-02-092, AT 12534 SADDLEBROOK LANE, IN THE ANDRUS WOODS WESTWOOD FARMS SUBDIVISION NO. 16, IN THE CITY OF STRONGSVILLE. *First reading January 2, 2018.*

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

AKP
Attachments

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: January 12, 2018

Please be advised that at its meeting of January 11, 2018, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2018-001:

An Ordinance Vacating and Extinguishing a Public Sewer & Swale Easement on Permanent Parcel No. 392-02-092, at 12534 Saddlebrook Lane, in the Andrus Woods Westwood Farms Subdivision No. 16, in the City of Strongsville.