



City of Strongsville

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

March 13, 2014

City Council

Michael J. Daymut
President of Council
Ward 1

Matthew A. Schonhut
Ward 2

James E. Carbone
Ward 3

J. Scott Maloney
Ward 4

Joseph C. DeMio
At-Large

Kenneth M. Dooner
President Pro Tem
At-Large

Duke Southworth
At-Large

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

MEETING NOTICE

City Council has scheduled the following meetings for ***Monday, March 17, 2014***, to be held in the Caucus Room and the Council Chamber at the ***Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road***:

Caucus will begin at 7:20 p.m. All committees listed will meet immediately following the previous committee:

7:20 P.M.

Planning, Zoning and Engineering Committee will meet to discuss Ordinance Nos. 2014-019, 2014-035, 2014-040, 2014-041, 2014-042, 2014-043, 2014-044 and Resolution No. 2014-045.

Finance Committee will meet to discuss Ordinance Nos. 2014-046 and 2014-047.

Building and Utilities Committee will meet to discuss Resolution No. 2014-048.

Public Safety and Health Committee The committee will meet to discuss Ordinance Nos. 2014-049, 2014-050 and Resolution No. 2014-051.

Recreation and Community Services will meet to discuss Ordinance Nos. 2014-052 and 2014-053.

Economic Development Committee will meet to discuss Ordinance No. 2014-038 and other items pertinent to the Committee.

Committee of the Whole will meet to discuss Resolution Nos. 2014-054, 2014-055 and 2014-056. A Motion will be made to approve the Committee of the Whole meeting minutes of March 5, 2014. The Council will then meet in **Executive Session** to discuss legal matters with the Law Director.

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, CMC
Assistant (Acting) Clerk of Council



**STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 17, 2014 AT 8:00 P.M.**



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

AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - Regular Council Meeting – March 3, 2014
6. APPOINTMENTS AND CONFIRMATIONS:
 - Motion of Council pursuant to City Charter Article III, Section 9, to appoint a Clerk of Council in order to fill the current vacancy. *{Administration of Oath of Office}*
 - Motion of Council pursuant to City Charter Article III, Section 9, to appoint an Assistant Clerk of Council effective March 24, 2014, in order to fill the current vacancy. *{Oath of Office to be later administered}*
7. PUBLIC HEARING:
 - On the matter of an Application for Placement of Farmland in an Agricultural District: Susan L. Schnittke, 11291 Handle Road, Strongsville, Ohio. (Application received by Clerk of Council on 02-28-14. Application approved by Cuyahoga County Fiscal Officer on 02-27-14.)
 - On the matter of an Application for Placement of Farmland in an Agricultural District: Albert and Anne Fess, 22927 Albion Road, Strongsville, Ohio. (Application received by Clerk of Council on 02-27-14. Application approved by Cuyahoga County Fiscal Officer on 02-25-14.)
 - On the matter of an Application for Placement of Farmland in an Agricultural District: Meryl and Cynthia Hossfeld, 11698 Handle Road, Strongsville, Ohio. (Application received by Clerk of Council on 02-27-14. Application approved by Cuyahoga County Fiscal Officer on 02-25-14.)
8. REPORTS OF COUNCIL COMMITTEES:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth:

 - SCHOOL BOARD – Mr. Carbone:

 - BUILDING AND UTILITIES – Mr. Schonhut:

COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:

ECONOMIC DEVELOPMENT– Mr. Daymut:

FINANCE – Mr. Dooner:

PLANNING, ZONING AND ENGINEERING – Mr. Maloney:

PUBLIC SAFETY AND HEALTH – Mr. DeMio:

PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:

RECREATION AND COMMUNITY SERVICES – Mr. Southworth:

COMMITTEE-OF-THE-WHOLE – Mr. Daymut:

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

MAYOR PERCIAK:

FINANCE DEPARTMENT - Mr. Dubovec:

LAW DEPARTMENT- Mr. Kraus:

10. AUDIENCE PARTICIPATION:

11. ORDINANCES AND RESOLUTIONS:

Ordinance No. 2014-019 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 16403 and 16445 PEARL ROAD (PARTS OF PPNS 397-09-009 and 397-09-003), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (J-LIN-J Inc. [Fran and Vince Mancuso], Owner. Proposed rezoning for possible future development.) First reading 02-03-14. Referred to Planning Commission 02-04-14. Tabled by Planning Commission 02-14-14. Favorable recommendation by Planning Commission 03-13-14.

Ordinance No. 2014-035 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AMENDING CHAPTER 1212 OF TITLE TWO, PART TWELVE-PLANNING AND ZONING CODE; AMENDING SECTION 1273.05(c) OF TITLE SIX, PART TWELVE-PLANNING AND ZONING CODE; AND AMENDING THE TITLE OF PRIOR CHAPTER 290 OF TITLE EIGHT, PART TWO-ADMINISTRATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO STREAMLINE IMPLEMENTATION OF THE TOWN CENTER DISTRICT. First reading 03-03-14. Referred to Planning Commission 03-04-14. Favorable recommendation by Planning Commission 03-13-14.

Ordinance No. 2014-038 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING A JOB/PAYROLL CREATION INCENTIVE GRANT FOR ACUATIVE CORPORATION, FORMERLY TELSOURCE CORPORATION, AND DECLARING AN EMERGENCY. First reading 03-03-14.

Ordinance No. 2014-040 by Mr. Maloney. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT PHASE II (CUY-42-0.00), AND DECLARING AN EMERGENCY.

Ordinance No. 2014-041 by Mr. Maloney. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PROSPECT ROAD SANITARY RELOCATION PROJECT 2014, AND DECLARING AN EMERGENCY.

Ordinance No. 2014-042 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR PUBLIC STORM AND SANITARY SEWER SYSTEM PURPOSES FROM ROBERT J. WDOVIK AND ST. JOHN EVANGELICAL LUTHERAN CHURCH OF BEREA, OHIO, IN CONNECTION WITH THE PROSPECT ROAD SANITARY RELOCATION PROJECT FOR 2014, AND DECLARING AN EMERGENCY.

Ordinance No. 2014-043 by Mr. Maloney. AN ORDINANCE MODIFYING THE DESIGNATION ON THE PARK CREEK VILLAGE SUBDIVISION AND CLUSTER DEVELOPMENT PLAT BLOCK A (PPN 393-23-021) TO REMOVE THE "CLUSTER" DESIGNATION AND DESIGNATE THE AREA AS SINGLE FAMILY, AND DECLARING AN EMERGENCY.

Ordinance No. 2014-044 by Mr. Maloney. AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF FIELDSTONE PRESERVE SUBDIVISION PHASE 2, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

Resolution No. 2014-045 by Mr. Maloney. A RESOLUTION DECLARING THE INTENT OF THE COUNCIL OF THE CITY OF STRONGSVILLE TO ACCEPT FOR DEDICATION CERTAIN STREETS WITHIN FIELDSTONE PRESERVE SUBDIVISION PHASE 2, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

Ordinance No. 2014-046 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO FOR THE YEAR 2014 AND REPEALING ORDINANCE NUMBER 2013-283.

Ordinance No. 2014-047 by Mayor Perciak and Mr. Dooner. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND SECTION 5, POSITION PLAN, IN ORDER TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION OF THE POSITION OF ACCOUNTANT IN THE FINANCE DEPARTMENT OF THE CITY OF STRONGSVILLE; AND TO AMEND SECTION 9-004 TO ADJUST THE COMPENSATION OF THE CLERK OF COUNCIL AND ASSISTANT CLERK OF COUNCIL; AND DECLARING AN EMERGENCY.

Resolution No. 2014-048 by Mayor Perciak and All Members of Council. A RESOLUTION AUTHORIZING THE MAYOR AND BUILDING COMMISSIONER TO WAIVE AND/OR REDUCE CERTAIN BUILDING PERMIT AND INSPECTION FEES ASSOCIATED WITH CONSTRUCTION OF A NEW CENTER MIDDLE SCHOOL BY THE STRONGSVILLE SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

Ordinance No. 2014-049 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF TWO (2) STRYKER POWER LOAD COT LOADING SYSTEMS WITH APPURTENANCES AND INSTALLATION, FOR USE BY THE FIRE DEPARTMENT; AMENDING THE AMOUNT OF CITY MATCHING FUNDS REFERENCED IN ORDINANCE NO. 2013-196 THROUGH AN OHIO BUREAU OF WORKERS' COMPENSATION GRANT FOR SUCH PURPOSES, AND AUTHORIZING ACCEPTANCE OF THE AWARDED GRANT FUNDING; AND DECLARING AN EMERGENCY.

Ordinance No. 2014-050 by Mayor Perciak and Mr. DeMio. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY FOR FINANCIAL ASSISTANCE UNDER THE FISCAL YEAR (FY) 2012 STATE HOMELAND SECURITY PROGRAM, FOR REIMBURSEMENT OF VARIOUS TRAINING EXPENSES INCURRED BY THE CITY'S FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

Resolution No. 2014-051 by Mayor Perciak and Mr. DeMio. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR 59 SETS OF FIREFIGHTER TURNOUT GEAR/PROTECTIVE CLOTHING FOR USE BY THE FIRE DEPARTMENT.

Ordinance No. 2014-052 by Mayor Perciak and Mr. Southworth. AN ORDINANCE RATIFYING AND APPROVING THE FILING OF AN APPLICATION ON BEHALF OF THE CITY OF STRONGSVILLE FOR FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION UNDER THE FY2014 SPECIALIZED TRANSPORTATION PROGRAM FOR THE PURCHASE OF A VEHICLE TO PROVIDE TRANSPORTATION SERVICES TO THE ELDERLY AND PERSONS WITH DISABILITIES FOR THE CITY'S SENIOR WHEELS PROGRAM; AND DECLARING AN EMERGENCY.

Ordinance No. 2014-053 by Mr. Southworth. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 1 AND 2 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND APEX CONSTRUCTION & MANAGEMENT CO., INC., IN CONNECTION WITH THE REMOVAL AND REPLACEMENT OF THE EXISTING ARCHED CEILING OVER THE SPA AT THE AQUATIC CENTER OF THE CITY OF STRONGSVILLE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.

Resolution No. 2014-054 by Mayor Perciak and All Members of Council. A RESOLUTION APPROVING THE APPLICATION OF SUSAN LEA SCHNITTKE TO PLACE LAND IN AN AGRICULTURAL DISTRICT.

Resolution No. 2014-055 by Mayor Perciak and All Members of Council. A RESOLUTION APPROVING THE APPLICATION OF ALBERT AND ANNE FESS TO PLACE LAND IN AN AGRICULTURAL DISTRICT.

Resolution No. 2014-056 by Mayor Perciak and All Members of Council. A RESOLUTION APPROVING THE APPLICATION OF MERYL HOSSFELD AND CYNTHIA HOSSFELD TO PLACE LAND IN AN AGRICULTURAL DISTRICT.

12. COMMUNICATIONS, PETITIONS AND CLAIMS:

- Application for Permit: STCK-C1-C2: To: 7 Eleven Inc., DBA 7 Eleven 36231, 16625 Royalton Road, Strongsville, Ohio 44136. (Responses must be postmarked no later than 03/24/2014)
- Application for Permit: NEW-C1-C2: To: Shree Yogi Bapa LLC; DBA City Beverage, 11115 Prospect Road, Strongsville, Ohio 44149. (Responses must be postmarked no later than 03/31/14)
- Application for Permit: NEW-C1-C2: To: Riser Foods Company; DBA Strongsville Getgo #3086, 17573 Pearl Road, Strongsville, Ohio 44136. (Responses must be postmarked no later than 04/03/14)

13. MISCELLANEOUS BUSINESS:

14. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 019

By: Mr. Maloney

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 16403 and 16445 PEARL ROAD (PARTS OF PPNS 397-09-009 and 397-09-003), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION.

WHEREAS, the owner of certain property located at 16403 and 16445 Pearl Road, being parts of permanent parcel numbers 397-09-009 and 397-09-003, (the "property") has submitted a petition to the City requesting rezoning of the property from R1-75 (One Family 75) classification to GB (General Business) classification; and

WHEREAS, Article VIII, Section 6 of the City Charter provides that neither the Council, the Mayor, any Board, including Board of Appeals, or Commission appointed pursuant to this Charter, or any ordinance or resolution of this Municipality, nor any other agent, employee, person or organization acting for or on behalf of this Municipality, by whatever authority or purported authority, shall by ordinance, resolution, motion, proclamation, statement, legislative or administrative action, or variance effect a change in the zoning classification or district of any property or area in the City of Strongsville from R1-75 (One Family 75) or R1-100 (One Family 100) commonly known as single family residential, or by whatever other name called, to any other zoning classification or district unless the change or grant, after adoption in accordance with applicable administrative and/or legislative procedures, is approved at a regularly scheduled election by a majority vote of the electors voting thereon, in the City of Strongsville and in each ward in which the change is applicable to property in the ward.

NOW, THEREFORE, 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 from R1-75 (One Family 75) classification to GB (General Business) classification, of certain property described in Exhibit "A" and depicted in Exhibit B, attached hereto and incorporated herein as if fully rewritten; provided that such amendment is approved at a regularly scheduled election by a majority vote of the electors voting thereon in the City of Strongsville and in each ward in which the change is applicable to the property in the ward.

Section 2. That, after approval by the electors as set forth in Section 1 above, the Clerk of Council is hereby authorized to cause the necessary changes on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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

First reading: February 3, 2014 Referred to Planning Commission
 Second reading: _____
 Third reading: _____ Approved: _____
 Public Hearing: _____

 President of Council
 Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
 Clerk of Council

ORD. No. 2014-019 Amended: _____
 1st Rdg. 02/03/14 Ref: PC/PZE
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

HOFMANN - METZKER, INC.

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

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

Mancuso

DESCRIPTION

1-2-2014

Rezoning

P.P. 397-09-003 & 009

EXHIBIT "A"

Situated in the City of Strongsville, County of Cuyahoga, State of Ohio and known as being part of Original Strongsville Township Lot No. 57 & 58, and further bounded and described as follows:

Beginning at the Southwesterly corner of a parcel of land conveyed to J-Lin-J, Inc. by deed dated October 2, 1995 and recorded in Volume 95-08339, Page 30 of Cuyahoga County Deed Records;

Thence North 88 degrees 49 minutes 40 seconds East, a distance of 625.13 feet to the principal place of beginning;

Thence North 00 degree 00 minutes 00 seconds West, a distance of 166.82 feet to a point in the northerly line of said land conveyed;

Thence North 88 degrees 50 minutes 40 seconds East along said northerly line , a distance of 371.67 feet to the northeasterly corner thereof;

Thence South 00 degree 42 minutes 20 seconds West along the easterly line of said land conveyed, a distance of 19.61 feet to an angle point in said line;

Thence South 00 degrees 04 minutes 55 seconds East, a distance of 147.12 feet to the southeasterly corner of said land conveyed;

Thence South 88 degrees 49 minutes 40 seconds West along the southerly line of said land, a distance of 371.64 feet to the place of beginning and containing 61,946.063 SF-1.422 Acres of land..

The basis of bearings is the centerline of Pearl Road, bearing North 00 degrees 00 minutes 00 seconds East. The courses used in this description are used to indicate angles only.

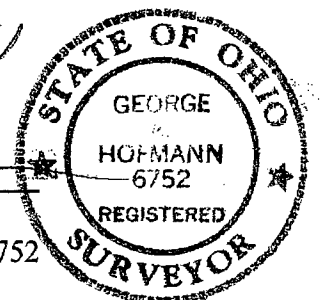
Distances are given in feet and decimal parts thereof.

The intent of this description is to describe all land in Permanent Parcels 397-09-003 & 009 that is current zoned R1-75 and is intended to be rezoned to GB (General Business) to match the zoning of the rest of these parcels.

HOFMANN-METZKER, INC.
Registered Professional Surveyors

By:

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



INTENT

The intent of this Rezoning is to Change that portion of PP 397-09-003 & 009 currently zoned R1-75 to General Business

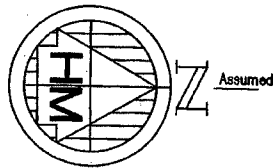


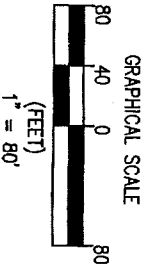
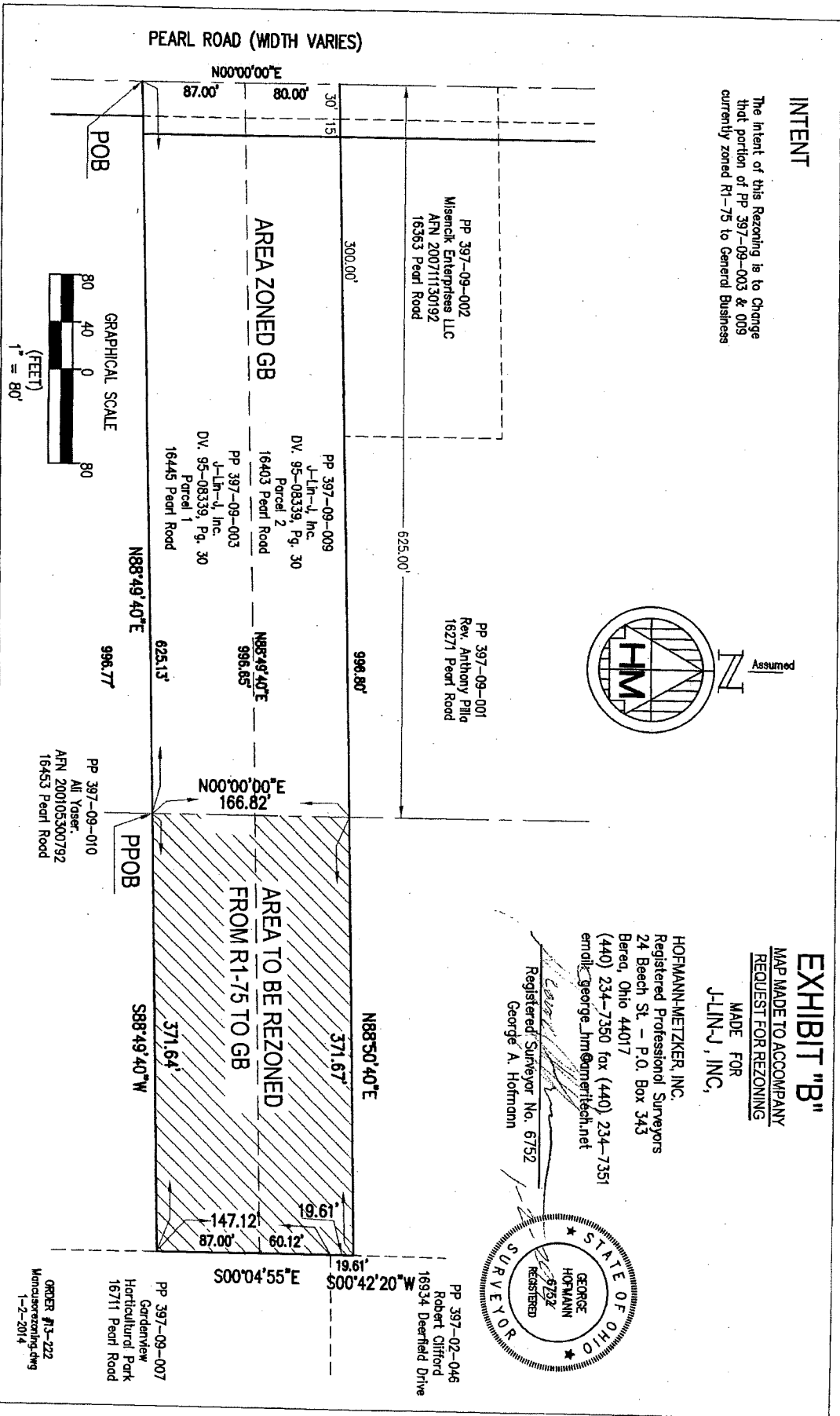
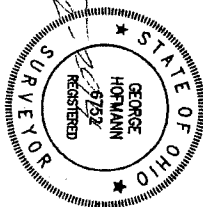
EXHIBIT "B"

MAP MADE TO ACCOMPANY
REQUEST FOR REZONING

MADE FOR
J-LIN-J, INC.

HOFMANN-METZKER, INC.
Registered Professional Surveyors
24 Beech St - P.O. Box 343
Berea, Ohio 44017
(440) 234-7350 fax (440) 234-7351
email: George.Jim@hmettech.net

Registered Surveyor No. 6752
George A. Hofmann



ORDER #13-222
Manisorezoning.dwg
1-2-2014

PP 397-09-007
Gardenview
Horticultural Park
16711 Pearl Road

PP 397-02-046
Robert Gifford
16934 Deerfield Drive

PP 397-09-010
All Yaser
16453 Pearl Road

PP 397-09-009
J-Lin-J, Inc.
DV. 95-08339, Pg. 30
Parcel 2
16403 Pearl Road
PP 397-09-003
J-Lin-J, Inc.
DV. 95-08339, Pg. 30
Parcel 1
16445 Pearl Road

PP 397-09-001
Rev. Anthony Pilla
16271 Pearl Road

PROPERTY DESCRIPTION FORM

Ordinance Number: _____

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: 16403 + 16445 Pearl Rd

Permanent Parcel No.: 397-09-009 + 397-09-003

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

Number and type of buildings which now occupy property (if any): ① House ② Kitchenette ③ 4 unit Apartment Bldg ④ 4 unit Apt Bldg

Acreage: Approx 3.8 Acres

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

Said deed restrictions (will) (have) expire(d) on: NA

Said property is presently under lease or otherwise encumbered as follows: NA

Owner(s)	Percent of Ownership:
1. <u>J-LIN-J INC (FRAN + VINCE MANCOSO)</u>	<u>100</u> %

2. _____	_____ %
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3. _____	<u>Vincent Mancoso</u> %
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Vincent Mancoso
Signature of Owner(s)

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 15th day of January, 2014.

Aliya Peabody
Notary Public



ALIYA PEABODY
NOTARY PUBLIC
STATE OF OHIO My commission expires _____
MY COMMISSION EXPIRES
OCTOBER 22, 2018

* 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: _____

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 R1-75 use to a class GB use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: _____

Future Development

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

Future Development

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

1. All required documentation
2. _____
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Rezoning only for possible future development

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

Name: Jim Mancuso

Address: 14666 Regency Dr Strongsville, OH 44149

Telephone Number: 440-666-0952

Vincent Mancuso
Signature of Owner(s)

Francis Mancuso

State of Ohio)
County of Cuyahoga)



Sworn to and subscribed in my presence this 15th day of January, 2014.

ALIYA PEABODY
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
OCTOBER 22, 2018
Aliya Peabody
Notary Public

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: Planning Commission
FROM: Leslie Seefried, Clerk of Council
DATE: February 4, 2014
SUBJECT: Referral from Council: Ordinance No. 2014-019

At its regular meeting of February 3, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-019 by Mr. Maloney. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 16403 and 16445 PEARL ROAD (PARTS OF PPNS 397-09-009 and 397-09-003), IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION. (J-LIN-J Inc. [Fran and Vince Mancuso], Owner. Proposed rezoning for possible future development.) *First reading 02-03-14.*

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

LJS
Attachment

MEMORANDUM

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

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: February 14, 2014

Please be advised that at its meeting of February 13, 2014 the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2014-019

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 16403 and 16445 Pearl Road (Parts of PPNs 397-09-009 and 397-09-003), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

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

STRONGSVILLE ROTARY FOUNDATION/Bill Davison, Agent

Site Plan approval of a 2,915 SF Food Bank building and a 960SF Storage Garage located on Zverina Lane, PPN 396-08-005 zoned Public Facility. *ARB Favorable Recommendation 2-4-14.*

STRONGSVILLE BOARD OF EDUCATION/ Rodwell King, Agent

Site Plan approval of an 11,550 SF Temporary Classrooms while the High School is being renovated, located at 20025 Lunn Road, PPN 393-26-003 zoned Public Facility.

MEMORANDUM

TO: Amy Pientka, Acting Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: March 14, 2014

Please be advised that at its meeting of March 13, 2014 the Strongsville Planning Commission gave Favorable Recommendation the following;

STRONGSVILLE MIDDLE SCHOOL/Rodwell King, Agent

Site Plan approval of a 192,480 SF Middle School for property located at 13200 Pearl Road, PPN 392-30-006, and 007 zoned PF and R1-75. *ARB Favorable Recommendation 12-17-13. *BZA Variance Granted 2-12-14.

SPRINT COM INC./ April Adams, Agent

Site Plan approval for the replacement of 3 existing antennas with 3 new antennas for the Sprint co-location on an existing telecommunications tower located at 18778 Royalton Road, PPN 396-10-014 zoned Public Facility.

ORDINANCE NO. 2014-019

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 16403 and 16445 Pearl Road (Parts of PPNs 397-09-009 and 397-09-003), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

ORDINANCE NO. 2014-035

An Ordinance amending Chapter 1212 of Title Two, Part Twelve-Planning and Zoning Code; amending Section 1273.05(c) of Title Six, Part Twelve-Planning and Zoning Code; and amending the Title of Prior Chapter 290 of Title Eight, Part Two-Administration Code of the Codified Ordinances of the City of Strongsville in order to streamline implementation of the Town Center District.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 035

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE AMENDING CHAPTER 1212 OF TITLE TWO, PART TWELVE-PLANNING AND ZONING CODE; AMENDING SECTION 1273.05(c) OF TITLE SIX, PART TWELVE-PLANNING AND ZONING CODE; AND AMENDING THE TITLE OF PRIOR CHAPTER 290 OF TITLE EIGHT, PART TWO-ADMINISTRATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO STREAMLINE IMPLEMENTATION OF THE TOWN CENTER DISTRICT.

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

Section 1. That Chapter 1212 of Title Two 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 1212
Town Center ~~Commission~~District

- 1212.01 Purpose and intent.
- ~~1212.02 Establishment; composition; terms of office.~~
- ~~1212.03 Organization.~~
- 1212.052 Town Center District created.
- 1212.063 Definitions.
- 1212.04 Powers and duties of Planning Commission, Architectural Review Board and Building Commissioner.
- 1212.075 Limitation on issuance of building permit.
- 1212.086 Certificate of non-applicability of chapter.
- 1212.097 Certificate of appropriateness.
- 1212.408 Notice ~~and hearing of meeting~~; approval or disapproval of application for certificate of appropriateness.
- 1212.4109 Standards and criteria.
- 1212.120 Exclusions.
- 1212.99 Penalty.

1212.01 PURPOSE AND INTENT.

The purpose and intent of this eChapter is to effect and accomplish the preservation, protection, enhancement and perpetuation of such improvements and landscape features of the Town Center District which represents and reflects elements of the City's cultural, social, economic, political and architectural history; safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such

District; stabilize and improve property values in such District; foster civic pride in the beauty and noble accomplishments of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; strengthen the economy of the City; and promote the use of the District for the education, pleasure and welfare of the people of the City.

~~(Ord. 1982-74. Passed 10-4-82.)~~

~~————— **1212.02 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE.**~~

~~————— The Town Center Commission, consisting of seven members, is hereby established. All members shall be appointed by the Mayor and shall serve without compensation. Council recommends that appointments to the Town Center Commission be made from professions and individuals such as, but not limited to, a member of the administrative staff of the Mayor, a member of Council and an architect.~~

~~————— Two members shall be appointed for an initial term of one year; two members shall be appointed for an initial term of two years; and three members shall be appointed for an initial term of three years. All subsequent terms shall be for a period of three years. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~

~~————— **1212.03 ORGANIZATION.**~~

~~————— As soon as convenient, after the appointment by the Mayor, the Commission shall meet and organize the election of a chairman and secretary. They may adopt rules or procedure of the Commission and provide for regular and special meetings.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.052 TOWN CENTER DISTRICT CREATED.

There is hereby created in the City a district to be known as the Town Center bounded and described as follows:

Permanent Parcel Nos. 396-8-7, 396-8-16, 396-10-1 through 396-10-13, 396-10-16, 396-17-20 through 396-17-22, 396-17-106, 392-30-9 through 396-30-18, 392-30-35, 392-36-11 through 392-36-17, and part of 396-10-14 and 392-30-8.

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 and bounded and described as follows:

Beginning at the intersection of the centerline of Pearl Road (U.S. 42) and the centerline of Royalton Road (S.R. 82) said point of intersection being the principal place of beginning;

Thence South 0°01'40" East, a distance of 204.84 feet to a point;

Thence North 88°50'02" East, a distance of 121.18 feet to a point;

Thence North 0°01'40" West, a distance of 35.03 feet to a point;

Thence North 42°48'18" East, a distance of 14.48 feet to a point;

Thence North 88°50'01" East, a distance of 52.08 feet to a point;

Thence North 0°01'37" West, a distance of 34.03 feet to a point;

Thence North 88°49' 59" East, a distance of 41.20 feet to a point;

Thence North 0°01'46" West, a distance of 15.63 feet to a point;
Thence North 88°50'01" East, a distance of 59.69 feet to a point;
Thence North 0°01'34" West, a distance of 8.78 feet to a point;
Thence North 88°50' 03" East, a distance of 190.56 feet to a point;
Thence South 0°01'39" East, a distance of 128.80 feet to a point;
Thence North 88°50'03" East, a distance of 188.12 feet to a point;
Thence North 0°01'42" West, a distance of 28.34 feet to a point;
Thence Northeasterly 250.43 feet along the arc of a curve, said curve having a central angle of 15°43'36", a radius of 912.36 feet, and a chord of 249.64 feet bearing North 7°50'08" East to a point of tangency;
Thence North 15°41'54" East, a distance of 50.04 feet to a point;
Thence South 74°20'46" East, a distance of 225.17 feet to a point;
Thence North 0°00'35" East, a distance of 1203.73 feet to a point;
Thence South 79°07'18" West, a distance of 370.40 feet to a point;
Thence South 77°31'14" West, a distance of 422.98 feet to a point;
Thence South 78°24'16" West, a distance of 230.98 feet to a point;
Thence North 7°54'13" West, a distance of 16.28 feet to a point;
Thence South 83°24'44" West, a distance of 210.39 feet to a point;
Thence South 7°56'22" East, a distance of 65.46 feet to a point;
Thence North 80°35'54" West, a distance of 52.41 feet to a point;
Thence South 4°49'28" West a distance of 585.24 feet to a point;
Thence North 80°35'55" West, a distance of 125.29 feet to a point;
Thence South 6°56'42" West, a distance of 245.78 feet to a point;
Thence North 72°23'34" East, a distance of 27.45 feet to a point;
Thence South 1°53'26" East, a distance of 381.35 feet to a point;
Thence North 66°52'32" East, a distance of 156.30 feet to a point;
Thence North 69°08'49" East, a distance of 225.01 feet to a point;
Thence North 66°53'44" East, a distance of 151.67 feet to a point, said point being the principal place of beginning, be the same more or less, but subject to all legal highways.

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.063 DEFINITIONS.

Terms, phrases, words and their derivations shall have the meanings given in Chapter 1240, provided that for the purposes of this chapter, the following shall have the meanings given in this section:

- (a) "Alteration" means any reconstruction, restoration, repair, remodeling or replacement that changes, modifies or transforms a structure.
- (b) "Commission" means the ~~Town Center Planning~~ Commission as defined in Section ~~1212.021210.01~~.
- (c) "Demolition" of a structure means a partial or total removal, disassembly, destruction, wreckage or tearing down of a structure.
- (d) "District" means the Town Center District as described in Section 1212.052.
- (e) "Exterior architectural feature" means the architectural treatment and general arrangement of such portion of the exterior of a structure as is

designed to be exposed to public view, including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

~~(Ord. 1982-74. Passed 10-4-82.)~~

**1212.04 POWERS AND DUTIES OF PLANNING COMMISSION,
ARCHITECTURAL REVIEW BOARD AND BUILDING
COMMISSIONER.**

The Planning Commission, the Architectural Review Board, and Building Commissioner shall carry out the duties and obligations of this Chapter and make all determinations as to the applicability of the provisions of this Chapter 1212.

The powers and duties of the ~~Town Center Commission~~ **Planning Commission, Architectural Review Board and Building Commissioner** shall be as follows:

- (a) To study the problems and determine the needs of the City in furthering the purposes of this ~~e~~Chapter in the area of the City known as the Town Center.
- (b) To determine what legislation, if any, is necessary to preserve, restore and develop any Town Center area and **for the Planning Commission** to recommend legislation to Council.
- (c) To perform the functions and duties assigned to it in this ~~e~~Chapter.
- (d) To provide for regular and special meetings to accomplish its powers and duties.

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.075 LIMITATION ON ISSUANCE OF BUILDING PERMIT.

No permit shall be issued by the Building Commissioner for the construction, alteration or demolition of any structure now or hereafter in the Town Center District, except in cases excluded by Section 1212.120, unless the application for such permit shall be certified under Section 1212.086 that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under Section 1212.407.

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.086 CERTIFICATE OF NON-APPLICABILITY OF CHAPTER.

Except in cases excluded by Section 1212.120, every person who applies for a permit to construct, alter or demolish any structure now or hereafter in the Town Center District shall deposit with the ~~secretary of the Town Center Commission~~ **his Building Commissioner** its application for such building permit together with all plans and specifications for the work involved. Within thirty days, the ~~Commission~~ **Building Commissioner** shall consider such application, plans and specifications and determine whether any exterior architectural feature is involved. If the ~~Commission~~ **Building Commissioner** determines that no exterior architectural feature is involved, ~~it~~ **the Building Commissioner** shall ~~cause its secretary to~~ endorse on the building permit application, certification of such determination ~~and return the application, plans and specifications to the applicant.~~

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.097 CERTIFICATE OF APPROPRIATENESS.

No person shall construct, alter or demolish any exterior architectural feature in the Town Center District and no sign, light, fence, wall or other appurtenant fixture shall be constructed, altered or displayed on any lot, building or structure located within the District, until such person has filed with the secretary of the ~~Town Center Planning~~ Commission an application for a certificate of appropriateness in such form and with such plans, specifications and other material as the Commission may from time to time prescribe and a certificate of appropriateness has been issued as hereinafter provided in this chapter.

~~(Ord. 1982-74. Passed 10-4-82.)~~

1212.408 NOTICE AND HEARING OF MEETING; APPROVAL OR DISAPPROVAL OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

~~Within seven days a~~After the filing with the ~~Town Center Planning~~ Commission of an application for a certificate of appropriateness, the Commission shall ~~determine the lands to be materially affected by such application and~~ forthwith send by mail, postage prepaid, to the applicant, to ~~the all~~ **contiguous** owners of all such lands as they appear on the most recent real estate tax list and to any person filing written request for notice of ~~hearings any meeting~~, reasonable notice of the ~~public hearing meeting~~ to be held by the Commission on such application.

As soon as may be convenient after such ~~public hearing meeting~~ but in all events within a period of ~~sixty ninety~~ days after the filing of the application for the certificate of appropriateness, or within such further time as the applicant may in writing allow, the Commission, ~~after the recommendation of the Architectural Review Board~~, shall determine whether the proposed construction, alteration or demolition of the buildings, structures or appurtenant fixtures involved will be appropriate to the preservation of the ~~historic d~~ District for the purposes of this ~~e~~ Chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the ~~historic d~~ District generally, failure to issue a certificate of appropriateness will involve a substantial hardship, financial or otherwise, to the applicant and such certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter.

If the Commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, or is not appropriate, owing to conditions as aforesaid but that failure to issue a certificate of appropriateness would involve substantial hardship to the applicant and that issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the Commission fails to make a determination within the time hereinbefore prescribed, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness. If the Commission determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination, and may include recommendations respecting the proposed construction, alteration or demolition. The Commission shall forthwith notify the applicant of such determination

and shall furnish ~~him an attested copy of to the applicant~~ its reasons **for determining that the certificate of appropriateness should not be issued** therefor and its recommendations, if any, as appearing in the records of the Commission.
(~~Ord. 1982-74. Passed 10-4-82.~~)

1212.1409 STANDARDS AND CRITERIA.

(a) In making its determination with respect to any such application for a permit to construct, alter or demolish a building or structure in the District, the Commission shall consider the effect of the proposed work in creating, changing, destroying or affecting the exterior architectural features of the improvement upon which such work is to be done; and the relationship between the results of such work and the exterior architectural features of other neighboring improvements in such District.

(b) In appraising such effects and relationship, the Commission shall consider, in addition to any other pertinent matters, the factors of historical, cultural and architectural values and significance, architectural style, design, arrangement, texture, material and color and in particular, the following:

- (1) The distinguishing original qualities or character of a building, structure or site and its environment;
- (2) Changes which may have taken place in the course of time which are evidence of the history and development of a building, structure or site and its environment;
- (3) The distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site;
- (4) Repair or replacement of missing architectural features, based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or different architectural elements from other buildings or structures;
- (5) The surface cleaning of structures with a method that will least damage historic building materials;
- (6) The protection and preservation of archeological resources affected by or adjacent to any project;
- (7) The compatibility of the work with other structures and improvements within the District, based upon accepted design criteria, such as the following:
 - A. The height of structures and improvements;
 - B. The relationship between width and height of the front elevations;
 - C. The relationship of width to height of windows and doors;
 - D. Exterior materials;
 - E. The shape and design of roofs;
 - F. The vertical or horizontal character of the front facades; and
 - G. The relationship of structures to lot sizes and open spaces.

(~~Ord. 1982-74. Passed 10-4-82.~~)

1212.120 EXCLUSIONS.

Nothing in this ~~e~~Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic ~~d~~District which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the Building Commissioner ~~or similar agent~~ shall certify is required by the public safety because of an unsafe or dangerous condition; ~~nor to prevent the construction, alteration, or demolition of any such feature under a permit issued by the Building Commissioner prior to the effective date of establishment of such district.~~
(Ord. 1982-74. Passed 10-4-82.)

1212.99 PENALTY.

Whoever constructs, alters or demolishes any exterior architectural feature now or hereafter in the Town Center District in violation of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which such act, violation or omission is done, committed, omitted or continued.

Section 2. That Section 1273.05(c) 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:

1273.05 APPLICATION PROCEDURES AND REQUIREMENTS.

The follow requirements apply to all wireless telecommunications facilities regardless of the zoning district, in which they are to be located:

* * *

- (c) An application to locate an antenna on a building or structure that is listed on a historical register, or is in the Town Center ~~d~~District shall be subject to review by the ~~Town Center Commission~~ **Architectural Review Board**, in addition to the Planning Commission.

* * *

Section 3. That the title of prior Chapter 290 of Title Eight of Part Two-Administration Code of the Codified Ordinances of the City of Strongsville be and is hereby amended to read as follows:

CHAPTER 290
Town Center ~~Commission~~District

EDITOR'S NOTE: Provisions relating to the Town Center ~~Commission-District~~ are codified in Chapter 1212 of the Planning and Zoning Code.

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: March 3, 2014 Referred to Planning Commission
 Second reading: _____ March 4, 2014
 Third reading: _____ Approved: _____
 Public Hearing: _____

 President of Council
 Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
 Clerk of Council

ORD. No. 2014-035 Amended: _____
 1st Rdg. 03-03-14 Ref: PZE & PC
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Acting Clerk of Council

DATE: March 4, 2014

SUBJECT: Referral from Council: Ordinance No. 2014-035

At its regular meeting of March 3, 2014, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

Ordinance No. 2014-035 by Mayor Perciak and Mr. Maloney. AN ORDINANCE AMENDING CHAPTER 1212 OF TITLE TWO, PART TWELVE-PLANNING AND ZONING CODE; AMENDING SECTION 1273.05(c) OF TITLE SIX, PART TWELVE-PLANNING AND ZONING CODE; AND AMENDING THE TITLE OF PRIOR CHAPTER 290 OF TITLE EIGHT, PART TWO-ADMINISTRATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO STREAMLINE IMPLEMENTATION OF THE TOWN CENTER DISTRICT. First Reading 03-03-14.

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

AKP
Attachment

MEMORANDUM

TO: Amy Pientka, Acting Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: March 14, 2014

Please be advised that at its meeting of March 13, 2014 the Strongsville Planning Commission gave Favorable Recommendation the following;

STRONGSVILLE MIDDLE SCHOOL/Rodwell King, Agent

Site Plan approval of a 192,480 SF Middle School for property located at 13200 Pearl Road, PPN 392-30-006, and 007 zoned PF and R1-75. *ARB Favorable Recommendation 12-17-13. *BZA Variance Granted 2-12-14.

SPRINT COM INC./ April Adams, Agent

Site Plan approval for the replacement of 3 existing antennas with 3 new antennas for the Sprint co-location on an existing telecommunications tower located at 18778 Royalton Road, PPN 396-10-014 zoned Public Facility.

ORDINANCE NO. 2014-019

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 16403 and 16445 Pearl Road (Parts of PPNs 397-09-009 and 397-09-003), in the City of Strongsville from R1-75 (One Family 75) Classification to GB (General Business) Classification.

ORDINANCE NO. 2014-035

An Ordinance amending Chapter 1212 of Title Two, Part Twelve-Planning and Zoning Code; amending Section 1273.05(c) of Title Six, Part Twelve-Planning and Zoning Code; and amending the Title of Prior Chapter 290 of Title Eight, Part Two-Administration Code of the Codified Ordinances of the City of Strongsville in order to streamline implementation of the Town Center District.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 038

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AUTHORIZING A JOB/PAYROLL
CREATION INCENTIVE GRANT FOR ACUATIVE
CORPORATION, FORMERLY TELSOURCE CORPORA-
TION, AND DECLARING AN EMERGENCY.**

WHEREAS, the retention and creation of jobs and employment opportunities is integral to the continued economic health of the City of Strongsville, Ohio, and its citizens; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the authority to exercise all powers of local self-government, and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, Article I of the Charter of the City of Strongsville provides that the City shall have all powers of local self-government and municipal home rule now or hereafter granted to municipalities by the Constitution and laws of Ohio; and further that the powers of the City may also be exercised in such manner as may now or hereafter be provided by the general laws of Ohio not conflicting with the City Charter or Ordinances; and

WHEREAS, the use of governmental resources for the promotion of economic development in the community is in the public interest and is a proper exercise of municipal powers pursuant to Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, to this end, by adoption of Ordinance No. 2013-234, the City authorized a Job/Payroll Creation Incentive Grant Program to provide incentives to businesses to create or expand employment opportunities within the City of Strongsville without utilizing tax revenues or impacting negatively upon the local school system; and

WHEREAS, the Economic Development Director has recommended that a Job/ Payroll Creation Incentive Grant application be approved and that a grant be awarded to **ACUATIVE CORPORATION (formerly Telsource Corporation)**, located at 8237 Dow Circle, Strongsville, Ohio 44136, based upon its application as an IT network integrator and field service organization, providing nationwide installation, maintenance and managed network services for voice, data and video networking; and

WHEREAS, Acuative Corporation, as employer, is committing to the creation of 60 new full-time jobs by 2018 in Strongsville, with a total new payroll of \$6,000,000.00, all arising after the effective date of the application being January 24, 2014, in accordance with Program guidelines.

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 Article VIII, Section 13 and Article XVIII, Section 3 of the Ohio Constitution, and City Ordinance No. 2013-234, this Council hereby approves the application of **ACUATIVE CORPORATION (formerly Telsource Corporation)** duly filed with the City on January 24, 2014, and authorizes the creation of a Job/Payroll Creation Incentive Grant to Acuative for a term and amount as predicated upon its application, Exhibit 1, and pursuant to the Program's terms and conditions as reflected in Exhibit 2, both of which are attached hereto and made a part hereof and which collectively shall constitute the agreement between the applicant and the City.

Section 2. That as further specified in the Incentive Grant Program, if the within project does not proceed as specified in the application, Exhibit 1, or if the company were to leave the City during the term of agreement, then Council may rescind the agreement and/or require repayment of grant monies.

Section 3. That Council hereby authorizes and appropriates funding and payment for the Job/Payroll Creation Incentive Grant from the City's non-tax revenue sources, including but not limited to the following: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees for Acuative Corporation, which shall be paid from the General Fund.

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 immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that the authorization and approval of the Job/Payroll Creation Incentive Grant is necessary to create new jobs and new payroll associated with an existing business within the City of Strongsville in furtherance of the City's economic development and well-being, and to generate additional tax dollars now and in the future. 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. 2014 - 038
Page 3

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-038 Amended: _____
1st Rdg. 03-03-14 Ref: ELDR. DEV. COMMITTEE
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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



01-24-14 P01:42 RCVD

CITY OF STRONGSVILLE
Application
Job/Payroll Creation Incentive Grant Program

Applicant Information:Business Name/Entity Form: AcuativeCurrent Address: 8237 Dow Circle
Strongsville, OH 44136Company Website: www.acuative.comNAICS Code: 541512Contact Name & Title: Susan Bruck - Director, Human ResourcesContact e-mail Address: Sbruck@acuative.comContact Phone: 440-202-4574Current Number of Full-Time Permanent Employees in Strongsville: 97Current Payroll in Strongsville: \$ 5,000,000

Brief Company Description: Acuative is the leading network integrator and field service organization providing nationwide installation, maintenance, and managed network services for voice, data, & video networking. We provide inventive superior IT service & best-of-breed technology solutions, delivering end-to-end life cycle support for our clients in the service provider, enterprise, finance, retail and public sectors nationwide.

Principal Owners/Officers: Vincent Sciarra & Richard Axerman

Federal Identification No. (FEIN): 22-2513273

Does your firm owe any monies to the State of Ohio, a State agency or Political Subdivision? If so, please explain: NO

Project Information:

Brief Project Description: Organic growth through the recent addition of new clients and large scale projects. Continued growth expected due to product/service offerings, pipeline, and sr. level management additions.

Project Address/Location(s): 8237 Daw Circle, Strongsville, OH 44136

Project Start Date: 1/1/2014

Estimated Completion Date: 2018

*New Full-Time Permanent Jobs Created by the Project: 600

*New Payroll Created by the Project: \$ 6,000,000

Total Project Investment:

- Real Property Investment: \$750,000
- Personal Property Investment: TBD - approx \$350,000


Application Fee:

- A non-refundable fee of \$ 500.00 is to be submitted with this application. A copy of the application will be attached to the final Job/Payroll Creation Incentive Grant Program Agreement, which must be submitted to City Council for approval.

*** Note: Certain required thresholds under the Program must be met in order to receive a grant.**

Certification of Information:

Submission of this application expressly authorizes the City of Strongsville to contact any agency to confirm the statements contained herein. The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct, and is subject to all penalties for falsification provided under law.


Signature
Director, Human Resources
Title

Susan D. Breuck
Printed Name
1/21/14
Date

Please submit completed application to:

The City of Strongsville
Department of Economic Development
16099 Foltz Parkway, Strongsville, Ohio 44149
Attention: Brent Painter, Director of Economic Development
(440) 580-3118
brent.painter@strongsville.org



JOB/PAYROLL CREATION INCENTIVE GRANT PROGRAM

The City of Strongsville has established a Job/Payroll Creation Incentive Program that offers incentives to eligible businesses that are creating new, full-time jobs generating new payroll. The City will offer an eligible company an annual grant payment based on a percentage of the annual payroll withholding taxes generated by jobs that are new to the City of Strongsville.

Program Parameters/Requirements:

- The program will be structured as an incentive grant based upon the creation of new full-time jobs and payroll.
- Strongsville's payroll withholding tax is 2%. Grants are based upon a percentage of the payroll tax withheld for new jobs created as a result of an approved project (See Grant Guidelines below). Grants will be awarded using non-tax revenues.
- Each grant application must be approved by City Council and the Mayor through a specific grant agreement, prior to the applicant company undertaking the project.
- The program will be available to businesses committing to a re-location/expansion into Strongsville or existing Strongsville businesses committing to an increase of jobs and payroll in the City.
- In order to be eligible, a company locating a new business in Strongsville must create a minimum of thirty (30) new full-time jobs within a 3-year period generating a minimum new annual payroll of \$6,000,000 to the City of Strongsville and as indicated in their application.
- A company already located in Strongsville and expanding at its current facility, or expanding at a new facility within the City, must create within a 3-year period thirty (30) new full-time jobs generating a minimum annual payroll of \$6,000,000 new to the City of Strongsville, while maintaining its current employee payroll.
- All applicants must meet the minimum required number of additional new full-time jobs and new annual payroll to new or existing Strongsville businesses to be eligible, and as measured against current jobs and current payroll at time of application.
- No grant funds will be awarded until required and agreed upon minimum thresholds are met for both new full-time jobs and new annual payroll as set forth in the specific Job/Payroll Creation Grant Agreement with the City, and consistent with the above parameters. The term of the grant starts only once designated targets are met. Such targets must be maintained for each year in order to be eligible to receive the grant for that particular year.
- Independent contractor positions do not qualify as full-time jobs.
- The following categories are not eligible altogether under the Program: Retail and food service businesses; public utilities; state, federal or local governmental units, agencies or entities.



Grant Guidelines:

The maximum grant will be for eight (8) years* and 30%. All grants will be based on actual new jobs and payroll according to the following schedule:

Minimum New Full-Time Jobs Created	New Annual Payroll	Length of Grant	Award Rate
N/A	Less than \$6 million	N/A	N/A
30	\$6 million to \$9.99 million	3 years	25%
50	\$10 million to \$11.99 million	3 years	30%
70	\$12 million to \$13.99 million	4 years	30%
90	\$14 million to \$15.99 million	5 years	30%
110	\$16 million to \$17.99 million	6 years	30%
130	\$18 million to \$19.99 million	7 years	30%
150	\$20 million or above	8 years	30%

*Notwithstanding the technical parameters of the grant guidelines, an applicant may be eligible for a grant with a term not to exceed ten (10) years at a 30% award rate at the City’s sole discretion only if both of the following circumstances are established: (a) The project must create at least a 75% increase over the grant guideline threshold for new annual payroll of \$20 million (i.e. \$35 million) and/or new jobs requirement of 150 new permanent full-time jobs (i.e. at least 265 new full-time jobs); and (b) is identified by the City of Strongsville as having additional extraordinary circumstances associated with the project.

- For companies already located in Strongsville, only new jobs and payroll shall be used to determine the number of years and the award percentage of the grant. The company will be required to maintain the workforce level and payroll that are current when the grant application is filed.
- If the company is leasing space, the number of years of the grant may be limited so as not to exceed the current lease term.
- If a company has multiple locations in the City and total new employment and new payroll requirements are met at any combination of locations within the City, then the company will qualify for the grant payments.
- City Council will have the discretion to customize allowable time frames for each grant agreement when unusual circumstances may warrant, so long as consistent with the parameters and intent of this Program.
- Only new payroll attributable to new employees and paid after the effective date of the application will be eligible for purposes of calculating the amount of the grants awarded.



Application Procedures:

Application forms will be available from the Economic Development Department. A non-refundable application fee of \$500.00 in the form of a check payable to the City of Strongsville shall be submitted with the application to cover administrative costs.

Program Funding:

Funding for the grant program will be charged and paid from non-tax generated revenues, including but not limited to, interest income, permit fees, service charges, activity fees, and tax incentive application and monitoring fees.

Claw Back Provision:

Each grant agreement will include a binding claw back provision requiring, at the option of the City, repayment of grant monies if the company leaves the City during the term of the agreement.

Annual Reporting:

- Upon the City's request and on forms provided by the City, companies must submit an annual Job/Payroll Creation Grant report documenting new employment and payroll, and providing whatever additional information is requested by the Director of Finance. This report will be required annually during each year that a grant is being awarded.
- The annual performance reports will be reviewed by the Director of Economic Development and the Finance Director. An annual summary report of all grants activity will be prepared by the Director of Economic Development and transmitted to the Mayor and City Council.

Termination of Agreement:

- If the project does not proceed as specified in the agreement, or the company leaves the City during the term of agreement, then Council may rescind the agreement upon recommendation of the Administration.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 040

By: Mr. Maloney

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE PEARL ROAD WIDENING PROJECT PHASE II (CUY-42-0.00), AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2013-207, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Co., Inc. for improvements to a section of Pearl Road in connection with the Pearl Road Widening Project Phase II (Cuy-42-0.00) (the "Project") in the amount of \$7,052,132.40; and

WHEREAS, the City's Construction Manager, CT Consultants, Inc., and the City's Engineer now have recommended that it would be in the best interests of the City to include changes in the work performed or to be performed on the Project by Fabrizi Trucking & Paving Co., Inc., generally being additional work requested by the City, additional work required due to unforeseen conditions, and additional work required due to conflict with other utilities, all as more fully set forth in Exhibit "A" attached hereto and incorporated herein as if fully rewritten, and a full set of supporting documentation for which is on file with the City Engineer, and to provide additional payment for such changes in the work in the amount of \$155,898.05 for a new total Project cost of \$7,208,030.45.

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 issue and approve Change Order No. 1 to the contract in the amount of \$155,898.05, as recommended by CT Consultants, Inc. and the City Engineer, and consistent with Sections 13 and 14 of the General Conditions to the contract, and, after the issuance and approval of said Change Order No. 1 and completion of such work, to direct the Director of Finance to make payment to **FABRIZI TRUCKING & PAVING CO., INC.** in the additional amount of \$155,898.05, thereby increasing the total Project cost to \$7,208,030.45.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 – 040
Page 2

Section 2. That the funds necessary for this Ordinance have been appropriated and shall be paid from the Pearl Road Capital Improvement Fund, Royalton Road and/or Pearl Road Tax Increment Financing Funds and such other Federal, State and local funds made available for the Project, including but not limited to State of Ohio, Ohio Public Works Commission funding, and/or Federal Highway Safety Program funds, and Federal Earmark Funds; and that the Director of Finance be and is hereby authorized and directed to issue his warrants for payment accordingly, and in accordance with the terms of any applicable grant agreements.

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 provide for changes in the work in order to properly and timely complete the Project, to facilitate payment to the contractor for changes in the work, to avoid potential legal entanglements, 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2014-040 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

CHANGE ORDER

Change Order No.: 1
Date: January 31, 2014
Agreement Date: October 18, 2013

Name of PROJECT: Pearl Road Widening Ph2 CUY-42-0.00; PID 88677
OWNER: City of Strongsville, Ohio
CONTRACTOR: Fabrizi Trucking & Paving

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Referenced attached documentation

Change to CONTRACT PRICE:

Original CONTRACT PRICE: \$ 7,052,132.40

Current CONTRACT PRICE adjusted by
Previous CHANGE ORDER \$ 7,052,132.40

The CONTRACT PRICE due to this CHANGE ORDER
will be **(increased)** (decreased) by: \$ 155,898.05

The FINAL CONTRACT PRICE including this
CHANGE ORDER will be \$ 7,208,030.45

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by _____
(Calendar Days)

Original Completion Date May 9, 2015
The date for completion of all WORK will be May 9, 2015
(Date)

Requested by: Maria Fearer 2-27-14
Maria Fearer, Vice President (Date)
Fabrizi Trucking & Paving

Recommended by: Thomas B. Gwydir, Jr., P.E. 2-27-14 3-3-14
CT Consultants, Inc (Date)

Accepted by: _____
Ken Mikula, P.E. (Date)
City of Strongsville

Federal Agency Approval
(where applicable) _____
(Date)



Summary of Review Totals

Proposed Change Order Number 1

<u>Item No.</u>		<u>Value of Extra Work</u>
1-1 9	Due to starting work out of the proposed M-O-T, the waterline was installed first and a temporary concrete pavement cap was placed; 6 inches thick of MS concrete	\$93,292.43
1-2 12	Sanitary Laterals in conflict with the proposed storm sewer were lowered. A total of five (5) laterals at \$10,265.00 each, agreed upon price	\$51,325.00
1-3 3	The bid price for item #213 was not filled in at time of submission. Price is per discussion at progress meeting #1	\$5,225.00
1-4 13	Downtime as a result of CWD providing direction with respect to an additional 12"x12" tee and 12" valve	\$2,010.80
1-5 17	Remove a 6" valve and place a 6" cap on the 12"x6" tee at 76+11. Work is a result of the added 12"x12" tee per CWD direction.	\$1,291.34
1-6 18	Conflict with AT&T conduit and 18" storm sewer at station 86+00.	\$2,753.48
Proposed Amount of Change Order #1		\$155,898.05
Bond Increase		
Settled Amount of Change Order #1		

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 041

By: Mr. Maloney

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PROSPECT ROAD SANITARY RELOCATION PROJECT 2014, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. 2014-009, the City has advertised and received bids for the Prospect Road Sanitary Relocation Project 2014 in the City of Strongsville; and

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

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

Section 1. That this Council hereby finds and determines that the bid submitted by **DIGIOIA-SUBURBAN EXCAVATING, LLC.**, for the Prospect Road Sanitary Relocation Project 2014 meets the specifications on file in the office of the City Engineer; is in compliance with the applicable requirements for bids and contracts established by the laws of the City and the State; and is the lowest and best bid for the proposed contract. All other bids for this contract are hereby rejected.

Section 2. That the Mayor be and is hereby authorized and directed to enter into a contract with the aforesaid lowest and best bidder in the amount of \$226,000.00, for the Prospect Road Sanitary Relocation Project 2014 in the City of Strongsville, and in a form approved by the Law Director.

Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Sanitary Sewer Fund.

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 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

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 – 041
Page 2

authorize execution of said contract in order to make the within improvements to the municipal sewer system resulting in more efficient sewage collection and disposal in the Prospect Road area, improve properties within the City, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

ORD. No. 2014-041 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 042

By: Mayor Perciak and Mr. Maloney

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT GRANTS OF EASEMENT FOR PUBLIC STORM AND SANITARY SEWER SYSTEM PURPOSES FROM ROBERT J. WDOWIAK AND ST. JOHN EVANGELICAL LUTHERAN CHURCH OF BEREА, OHIO, IN CONNECTION WITH THE PROSPECT ROAD SANITARY RELOCATION PROJECT FOR 2014, 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 Grants of Easement for Public Storm and Sanitary Sewer System Purposes from **ROBERT J. WDOWIAK**, located at 9004 Prospect Road, Strongsville, Ohio and **ST. JOHN EVANGELICAL LUTHERAN CHURCH OF BEREА, OHIO**, located at 8888 Prospect Road, Strongsville, Ohio, as set forth respectively in Exhibits 1 and 2, attached hereto and made a part hereof by reference, all in connection with the City's Prospect Road Sanitary Relocation Project for 2014.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid two Grants of Easement to be recorded in the office of the Cuyahoga County Fiscal Officer after their proper 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 proceed with certain storm and sanitary sewer improvements, to assure proper drainage of water within the City, 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. 2014 - 042
Page 2

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-042 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE
GRANT OF EASEMENT
FOR
PUBLIC STORM AND SANITARY SEWER SYSTEM PURPOSES

This Easement Grant is made between **ROBERT J. WDOWIAK**, unmarried, located at 9004 Prospect Road, Strongsville, Ohio 44149, who with his heirs, executors, legal representatives, and assigns, are herein jointly called "Grantor," and **THE CITY OF STRONGSVILLE**, a municipal corporation, organized and existing under the laws of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, which with its successors and assigns is herein called "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. 391-12-009; and

WHEREAS, the Grantee proposes to construct or cause to be constructed a storm and sanitary sewer system 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 a permanent and perpetual easement for the purposes of constructing, reconstructing, maintaining, operating, using, and repairing a storm and sanitary sewer system and appurtenances, within, across, through, and under the premises described and reflected in Exhibits A and B, attached hereto and incorporated herein by reference;

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

The Grantor, on behalf of himself and his heirs, legal representatives, successors and/or assigns, hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual easement and right to enter upon the premises (herein called the "Easement Area") described in Exhibit "A," attached hereto and incorporated herein by reference, and to remove and/or replace trees or other items above and below the ground where necessary for the purposes of constructing, reconstructing, maintaining, installing, operating and repairing a storm and sanitary sewer system, including but not limited to sanitary and storm sewer pipes, manholes, headwalls, and appurtenances, and to

construct, reconstruct, maintain and operate and to make all repairs to such storm and sanitary sewer system and appurtenances connected herewith, in, into, upon, over, across and under the premises, 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 storm and sanitary sewer system and appurtenances in accordance with the applicable statutes, 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.

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

Grantor acknowledges and agrees that Grantee will not be obligated to maintain landscaping and/or lawn areas within the Easement Area. Neither Grantor nor his heirs, legal representatives, successors or assigns will construct or place on the Easement Area any temporary or permanent structures or anything else that may interfere with the storm or sanitary sewer system or appurtenances.

The Grantor agrees to keep the Easement Area free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantee's access to or maintenance of the storm or sanitary sewer system or appurtenances. Grantor further agrees to make no alterations to the Easement Area which would increase or reduce the depth of the storm or sanitary sewer system or in any way affect the system.

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

Grantor hereby indemnifies and guarantees to save harmless the Grantee against any expense or damage to said storm and sanitary sewer system and appurtenances that

said Grantor and his heirs, legal representatives, successors or assigns may at any time cause by the installation, construction, reconstruction, maintenance, repair, or other use of the Easement Area within the limits of the above described Easement.

If the Grantor violates any of the provisions of the Easement, the Grantee, at the expense of the Grantor, may enter upon the Easement Area and make such alterations as are necessary to bring the Easement Area into compliance with the provisions of the Easement.

The Grantor hereby reserves the right to use the premises (Easement Area) for such use as is not expressly prohibited by or inconsistent with the terms of this Easement.

The Grantor covenants with the Grantee that he is well-seized of the Easement Area as a good and indefeasible estate in fee simple, and has the right to grant and convey the Easement and the Easement Area in the manner and form herein written. The Grantor further covenants that he will warrant and defend the Easement Area with the appurtenances thereunto belonging and this Easement to Grantee, its successors and assigns, against all lawful claims and demands whatsoever for the purposes described herein, including all liens and encumbrances whatsoever.

This Grant of Easement will inure to the benefit of any governmental entity, person, firm or corporation who/which Grantee or any of its successors or assigns, will authorize to undertake the performance of work within the purposes of this Grant of Easement, or whom the Grantee permits to utilize the Easement Area.


The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, and that no changes in this Easement Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto or their appropriate legal representatives, successors and assigns in accordance with law.

This Easement Agreement will 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, right-of-way, and storm and sanitary sewer system and appurtenances for the purposes above mentioned, unto Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, this instrument is executed this 28 day of FEBRUARY, 2014.

Signed and acknowledged in the presence of:

"GRANTOR"


Robert J. Wdowiak, (unmarried)

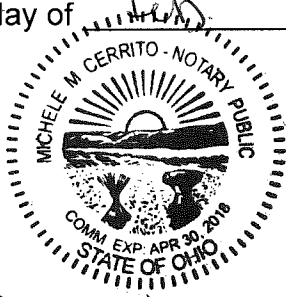
**"GRANTEE"
CITY OF STRONGSVILLE**

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 **ROBERT J. WADOWIAK** (unmarried), who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Berea Ohio Ohio, this 28th day of Feb, 2014.



Michele M. Cerrito
NOTARY PUBLIC

STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared **THE 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 as an officer thereof, and the free act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this ____ day of _____, 2014.

NOTARY PUBLIC

HOWARD R. SELEE & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK RD. • #231 • CLEVELAND, OHIO 44129
TELEPHONE (216) 398-0280
FAX (216) 351-0920

January 20, 2014
File No. 12007-Esmt_391-12-009

LEGAL DESCRIPTION STORM and SANITARY EASEMENT TO THE CITY OF STRONGSVILLE P.P.N. 391-12-009 ~ Robert J. Wdowiak

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio in Town 5 North, Range 14 West, being in Original Lot Number 90, being part of land owned by Robert J. Wdowiak who claim title by deed filed in AFN 200005230479 of Cuyahoga County Deed Records on May 23, 2000 and more particularly described as follows:

Starting at a one inch iron pin monument found in the centerline intersection of Prospect Road (S.R. 237), right-of-way varies, and Fair Road, 60.00 feet wide;

Thence South $00^{\circ} 46' 15''$ East, along the centerline of said Prospect Road, a distance of 519.11 feet to a point;

Thence South $88^{\circ} 25' 20''$ West, a distance of 40.00 feet to the northwest corner of land known as Parcel No. 1 WD and owned by the State of Ohio who claim title by deed filed in AFN 200112140651 of Cuyahoga County Deed Records on December 14, 2001 and being the Principal Place of Beginning;

Thence South $88^{\circ} 25' 20''$ West, a distance of 25.95 feet to a point;

Thence South $45^{\circ} 50' 37''$ East, a distance of 50.76 feet to a point on the westerly right-of-way line of said Prospect Road;

Thence North $00^{\circ} 46' 15''$ West, along the said westerly right-of-way line of Prospect Road, a distance of 24.93 feet to the southeast corner of said Parcel No. 1 WD;

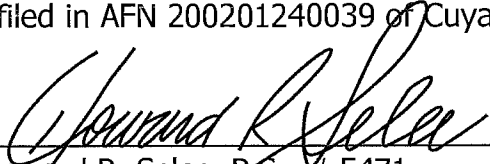
Thence South $89^{\circ} 13' 45''$ West, along the southerly line of said Parcel No. 1 WD, a distance of 10.00 feet;

EXHIBIT A

Thence North 00° 46' 15" West, along the westerly line of said Parcel No. 1 WD, a distance of 11.29 feet to the PRINICIPAL PLACE of BEGINNING and containing 0.0124 acres of land more or less, but subject to all legal highways as surveyed by Howard R. Selee, Registered Surveyor No. 5471 of HOWARD R. SELEE and ASSOCIATES, INC, Professional land Surveyor, dated January, 2014.

BASIS OF BEARINGS:

The value of South 00° 46' 15" East assigned to the centerline of Prospect Road as shown by the deed filed in AFN 200201240039 of Cuyahoga County Deed Records.

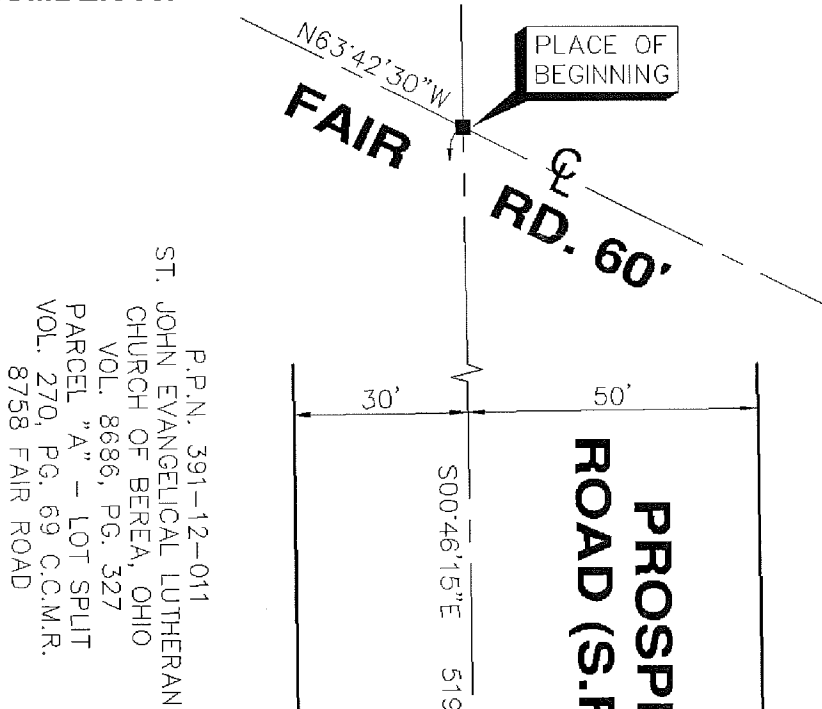


Howard R. Selee, P.S. # 5471
Howard R. Selee and Associates, Inc.

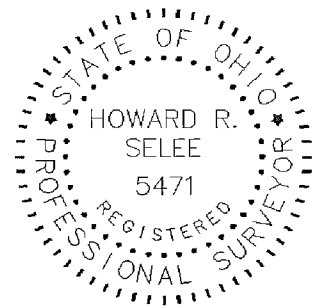


STORM SEWER and SANITARY SEWER EASEMENT TO THE CITY OF STRONGSVILLE

SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, TOWN 5 NORTH, RANGE 14 WEST, BEING IN ORIGINAL LOT NUMBER 90.

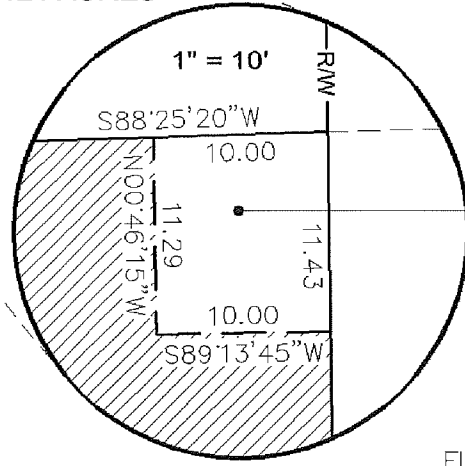


NORTH
GRAPHIC SCALE
60 30 0 60
(IN FEET)
1 INCH = 60 FT.
JANUARY 2014



PRINCIPAL PLACE OF BEGINNING

STORM & SANITARY SEWER EASEMENT
540 SQ. FT.
0.0124 ACRES



P.P.N. 391-12-009
ROBERT J. WDOIAK
AFN 200005230479
9004 PROSPECT ROAD

P.P.N. 391-12-010
JAMES R. JOHNSON
AFN 200401090948
9040 PROSPECT ROAD

PARCEL NO. 1 WD
STATE OF OHIO
AFN 200112140651

CITY OF STRONGSVILLE

GRANT OF EASEMENT FOR PUBLIC STORM AND SANITARY SEWER SYSTEM PURPOSES

This Easement Grant is made between **ST. JOHN EVANGELICAL LUTHERAN CHURCH OF BEREA, OHIO**, an Ohio non-profit corporation, located at 8888 Prospect Road, Strongsville, Ohio 44149, who with its successors and assigns, is herein called "Grantor," and **THE CITY OF STRONGSVILLE**, a municipal corporation, organized and existing under the laws of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149, which with its successors and assigns is herein called "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. 391-12-011; and

WHEREAS, the Grantee proposes to construct or cause to be constructed a storm and sanitary sewer system 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 a permanent and perpetual easement for the purposes of constructing, reconstructing, maintaining, operating, using, and repairing a storm and sanitary sewer system and appurtenances, within, across, through, and under the premises described and reflected in Exhibits A and B, attached hereto and incorporated herein by reference;

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

The Grantor, on behalf of itself and its successors and/or assigns, hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual easement and right to enter upon the premises (herein called the "Easement Area") described in Exhibit "A," attached hereto and incorporated herein by reference, and to remove and/or replace trees or other items above and below the ground where necessary for the purposes of constructing, reconstructing, maintaining, installing, operating and repairing a storm and sanitary sewer system, including but not limited to sanitary and storm sewer pipes, manholes, headwalls, and appurtenances, and to construct, reconstruct, maintain and operate and to make all repairs to such storm and sanitary sewer system and

appurtenances connected herewith, in, into, upon, over, across and under the premises, 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 storm and sanitary sewer system and appurtenances in accordance with the applicable statutes, 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.

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

Grantor acknowledges and agrees that Grantee will not be obligated to maintain landscaping and/or lawn areas within the Easement Area. Neither Grantor nor its successors or assigns will construct or place on the Easement Area any temporary or permanent structures or anything else that may interfere with the storm or sanitary sewer system or appurtenances.

The Grantor agrees to keep the Easement Area free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantee's access to or maintenance of the storm or sanitary sewer system or appurtenances. Grantor further agrees to make no alterations to the Easement Area which would increase or reduce the depth of the storm or sanitary sewer system or in any way affect the system.

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

Grantor hereby indemnifies and guarantees to save harmless the Grantee against any expense or damage to said storm and sanitary sewer system and appurtenances that said Grantor and its successors or assigns may at any time cause by the installation, construction, reconstruction, maintenance, repair, or other use of the Easement Area within the limits of the above described Easement.

If the Grantor violates any of the provisions of the Easement, the Grantee, at the expense of the Grantor, may enter upon the Easement Area and make such alterations as are necessary to bring the Easement Area into compliance with the provisions of the Easement.

The Grantor hereby reserves the right to use the premises (Easement Area) 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 Easement Area as a good and indefeasible estate in fee simple, and has the right to grant and convey the Easement and the Easement Area in the manner and form herein written. The Grantor further covenants that it will warrant and defend the Easement Area with the appurtenances thereunto belonging and this Easement to Grantee, its successors and assigns, against all lawful claims and demands whatsoever for the purposes described herein, including all liens and encumbrances whatsoever.

This Grant of Easement will inure to the benefit of any governmental entity, person, firm or corporation who/which Grantee or any of its successors or assigns, will authorize to undertake the performance of work within the purposes of this Grant of Easement, or whom the Grantee permits to utilize the Easement Area.

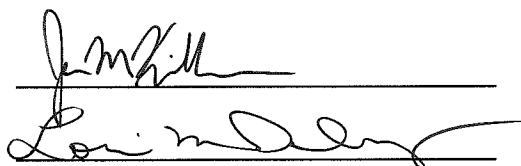
The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, that no changes in this Easement Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto or their appropriate successors and assigns in accordance with law; and that they are duly authorized to execute this document.

This Easement Agreement will be binding upon and inure to the benefit of the parties, their respective successors and assigns.


TO HAVE AND TO HOLD the above granted Easement, right-of-way, and storm and sanitary sewer system and appurtenances for the purposes above mentioned, unto Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 2014.

Signed and acknowledged in the presence of:



"GRANTOR"
ST. JOHN EVANGELICAL LUTHERN CHURCH OF BEREA, OHIO
(an Ohio non-profit corporation)

By: 
_____ DAVID SINOWETSKI

Its: TRUSTEE
_____ Title

**"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 **ST. JOHN EVANGELICAL LUTHERAN CHURCH OF BEREА, OHIO**, by David Sinowetski, its Trustee, who acknowledged that he/she did sign the foregoing instrument and that the same is the free act and deed of said non-profit corporation, and is his/her free act and deed as such officer/trustee.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Strongsville Ohio, this 12th day of March, 2014.

Nancy M. Sikorski

NOTARY PUBLIC

NANCY M. SIKORSKI
Notary Public of Ohio
My Commission Exp. 3-14-2014

STATE OF OHIO)
) ss:
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared **THE 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 as an officer thereof, and the free act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Strongsville, Ohio, this ____ day of _____, 2014.

NOTARY PUBLIC

HOWARD R. SELEE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK RD. • #231 • CLEVELAND, OHIO 44129
TELEPHONE (216) 398-0280
FAX (216) 351-0920

January 20, 2014
File No. 12007-Esmt_391-12-011

EXHIBIT A

LEGAL DESCRIPTION
STORM and SANITARY EASEMENT TO THE CITY OF STRONGSVILLE
P.P.N. 391-12-011 ~ Saint John Evangelical Lutheran Church

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio in Town 5 North, Range 14 West, being in Original Lot Number 90, being part of land owned by Saint John Evangelical Lutheran Church of Berea, Ohio who claim title by deed filed in Volume 8686, Page 327 of Cuyahoga County Deed Records on October 2, 1956 and more particularly described as follows:

Starting at a one inch iron pin monument found in the centerline intersection of Prospect Road (S.R. 237), right-of-way varies, and Fair Road, 60.00 feet wide;

Thence South $00^{\circ} 46' 15''$ East, along the centerline of said Prospect Road, a distance of 519.11 feet to a point;

Thence South $88^{\circ} 25' 20''$ West, a distance of 40.00 feet to the southwest corner of land known as Parcel No. 2 WD and owned by the State of Ohio who claim title by deed filed in AFN 200201240039 of Cuyahoga County Deed Records on January 24, 2002 and being the Principal Place of Beginning;

Thence South $88^{\circ} 25' 20''$ West, a distance of 25.95 feet to a point;

Thence North $45^{\circ} 50' 37''$ West, a distance of 41.02 feet to a point;

Thence North $44^{\circ} 09' 23''$ East, a distance of 70.77 feet to a point which is 15.00 feet west of the westerly right-of-way line of said Prospect Road;

Thence North $00^{\circ} 46' 15''$ West, parallel and distant 15.00 feet west of the westerly right-of-way line of said Prospect Road, a distance of 392.39 feet to a point;

Thence North $17^{\circ} 25' 50''$ West, a distance of 46.67 feet to a point on the southerly right-of-way line of said Fair Road;

Thence South $63^{\circ} 42' 30''$ East, along the southerly right-of-way line of said Fair Road, a distance of 31.87 feet to a point on the said westerly right-of-way line of Prospect Road;

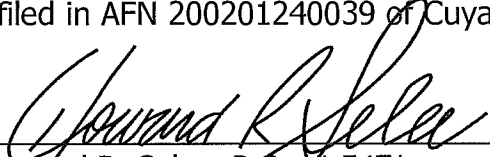
Thence South 00° 46' 15" East, along the said westerly right-of-way line of Prospect Road, a distance of 422.60 feet to the northeast corner of said Parcel No. 2 WD;

Thence South 89° 13' 45" West, along the northerly line of said parcel No. 2 WD, a distance of 10.00 feet to the northwest corner of said Parcel No. 2 WD;

Thence South 00° 46' 15" East, along the westerly line of said Parcel No. 2 WD, a distance of 78.71 feet to the PRINICIPAL PLACE of BEGINNING and containing 0.2140 acres of land more or less, but subject to all legal highways as surveyed by Howard R. Selee, Registered Surveyor No. 5471 of HOWARD R. SELEE and ASSOCIATES, INC, Professional land Surveyor, dated January, 2014.

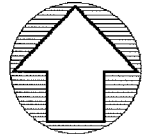
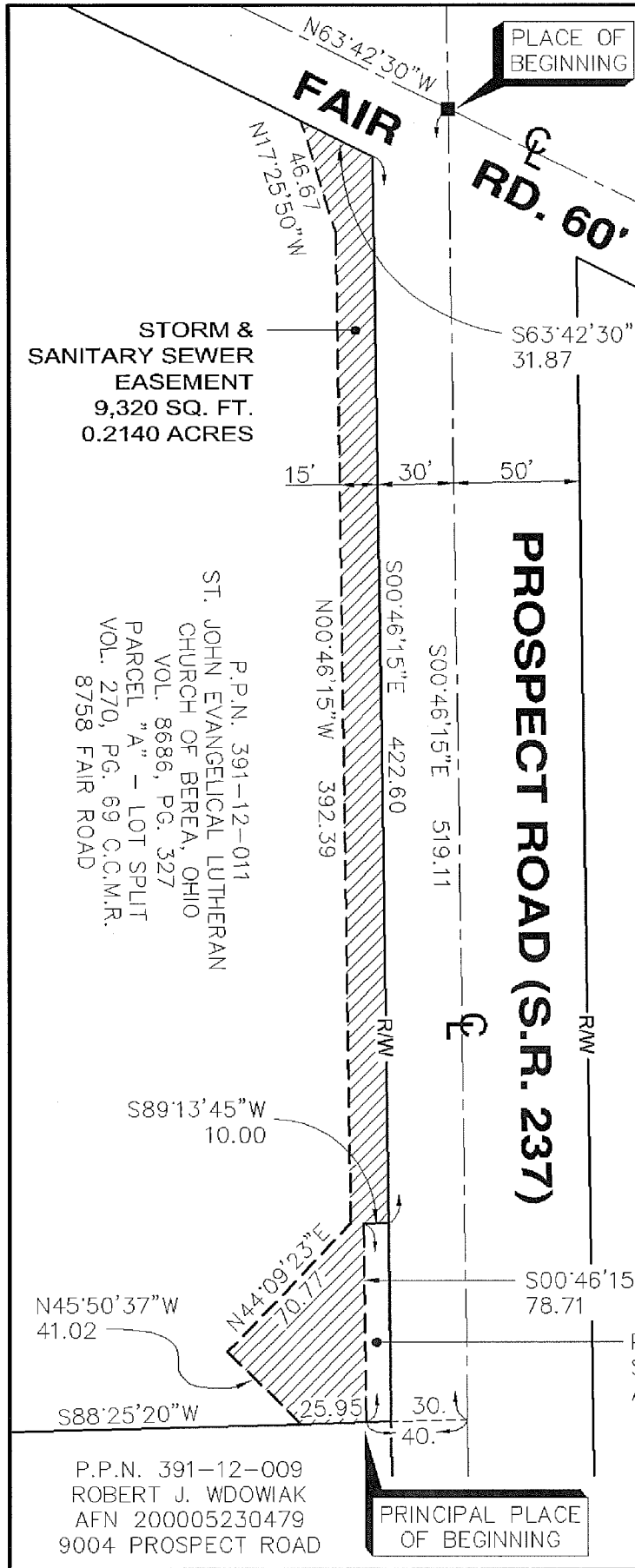
BASIS OF BEARINGS:

The value of South 00° 46' 15" East assigned to the centerline of Prospect Road as shown by the deed filed in AFN 200201240039 of Cuyahoga County Deed Records.

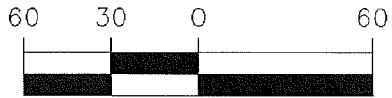


Howard R. Selee, P.S. # 5471
Howard R. Selee and Associates, Inc.





NORTH
GRAPHIC SCALE



(IN FEET)
1 INCH = 60 FT.
JANUARY 2014

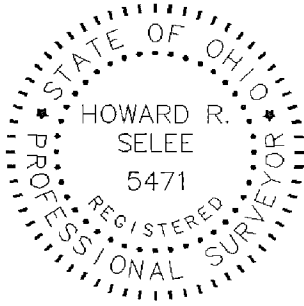
**STORM SEWER and
SANITARY SEWER
EASEMENT TO
THE CITY OF
STRONGSVILLE**

SITUATED IN THE CITY OF
STRONGSVILLE, COUNTY OF
CUYAHOGA AND STATE OF OHIO,
TOWN 5 NORTH, RANGE 14 WEST,
BEING IN ORIGINAL LOT NUMBER 90.

STORM &
SANITARY SEWER
EASEMENT
9,320 SQ. FT.
0.2140 ACRES

P.P.N. 391-12-011
ST. JOHN EVANGELICAL LUTHERAN
CHURCH OF BEREA, OHIO
VOL. 8686, PG. 327
PARCEL "A" - LOT SPLIT
VOL. 270, PG. 69 C.C.M.R.
8758 FAIR ROAD

PROSPECT ROAD (S.R. 237)



PARCEL NO. 2 WD
STATE OF OHIO
AFN 200201240039

P.P.N. 391-12-009
ROBERT J. WDOWIAK
AFN 200005230479
9004 PROSPECT ROAD

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 043

By: Mr. Maloney

AN ORDINANCE MODIFYING THE DESIGNATION ON THE PARK CREEK VILLAGE SUBDIVISION AND CLUSTER DEVELOPMENT PLAT BLOCK A (PPN 393-23-021) TO REMOVE THE “CLUSTER” DESIGNATION AND DESIGNATE THE AREA AS SINGLE FAMILY, AND DECLARING AN EMERGENCY.

WHEREAS, at the time Council had approved the Park Creek Village Subdivision and Cluster Development Plat, Block A (PPN 393-23-021), the area was specifically designated as a “Cluster” area as reflected on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, now the current owner of said parcel has requested that the cluster designation be removed in lieu of designation for single family, in order to facilitate his proceeding with a proposed lot split; and

WHEREAS, the City’s Planning Commission has approved the foregoing change in designation on the plat.

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

Section 1. That Block A of the Park Creek Village Subdivision and Cluster Development Plat shall be re-designated from “Cluster” area to “Single Family,” and that the Mayor and City Engineer be and are hereby authorized to undertake whatever actions are necessary in order to officially implement this change of record.

Section 2. 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 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 3. 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. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 043

Page 2

elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-043 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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

Vol 122
Plat 24

PARK CREEK VILLAGE SUBDIVISION AND CLUSTER DEVELOPMENT FOR LEO J. SAPIES & ANNE SAPIES

SITING IN THE CITY OF STAMFORD, COUNTY OF STAMFORD AND
PART OF TOWN AND PARISH OF STAMFORD, PARISH OF ORLEANS,
LOUISIANA 70111.

WHEELER & WELSH INC.
ENGINEERS, ARCHITECTS, SURVEYORS



PLAT: 17-20 01-20-2010, 01-21

DEDICATION

WE HEREBY DEDICATE TO THE CITY OF STAMFORD, LOUISIANA, THE ENTIRE AREA SHOWN ON THIS PLAT FOR THE PURPOSES OF THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, AS SHOWN ON THIS PLAT.

Underground Easement

WE, THE UNDERSIGNED, DO HEREBY GRANT TO THE CITY OF STAMFORD, LOUISIANA, THE PARISH OF ORLEANS, LOUISIANA, AN UNDERGROUND EASEMENT FOR THE PURPOSES OF THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, AS SHOWN ON THIS PLAT.

APPROVALS:

THIS PLAT APPROVED AS THE FINAL DEVELOPMENT PLAN FOR THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

APPROVED BY THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

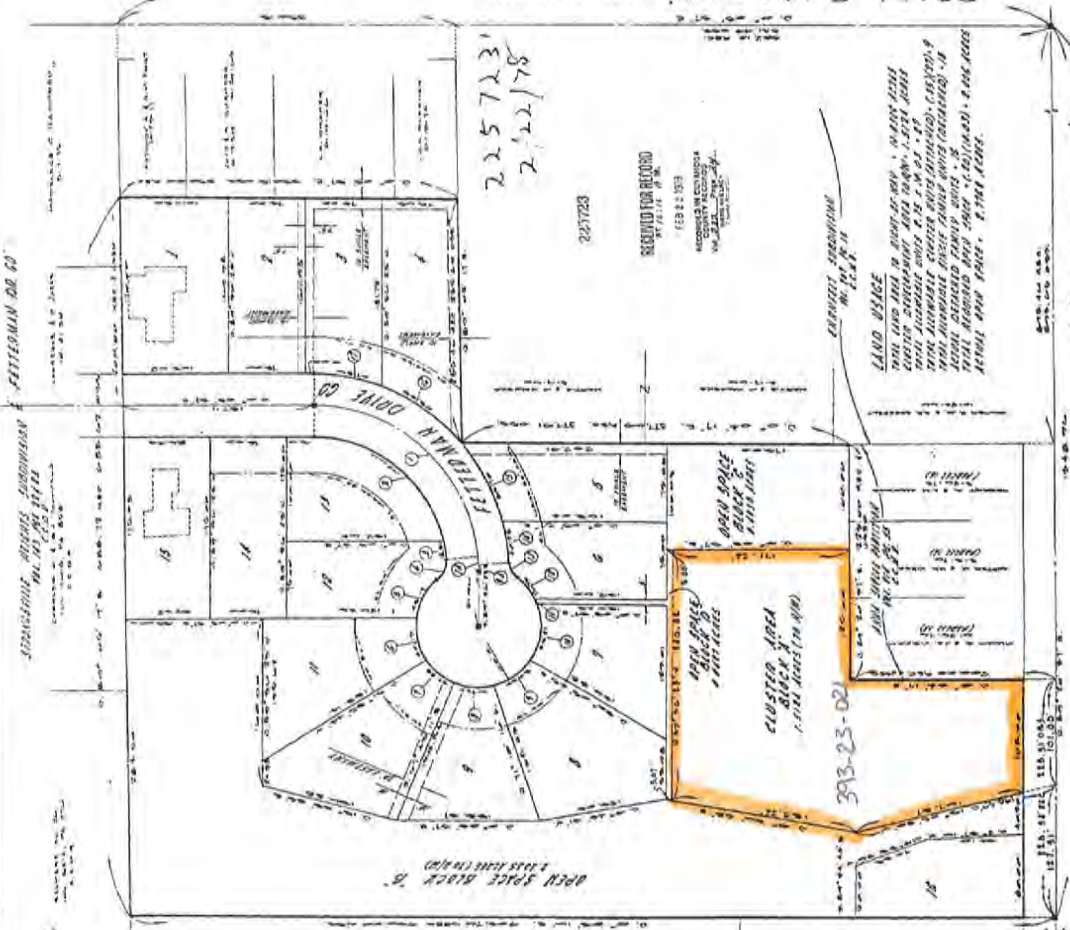
APPROVED BY THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

APPROVED BY THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

APPROVED BY THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

APPROVED BY THE CITY OF STAMFORD, LOUISIANA, AND THE PARISH OF ORLEANS, LOUISIANA, ON THIS DATE.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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OK 11/19/23

Vol 222
Plat 24

EXHIBIT A

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 044

By: Mr. Maloney

AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE PLAT OF FIELDSTONE PRESERVE SUBDIVISION PHASE 2, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the plat of Fieldstone Preserve Subdivision Phase 2, attached hereto as Exhibit "1", is being submitted to this Council for review pursuant to Part Twelve of Title Four of the Codified Ordinances of the City of Strongsville, entitled "Subdivision Regulations"; and

WHEREAS, Pulte Homes of Ohio, LLC, the owner of said Subdivision, has submitted the subdivision plat to the Planning Commission of the City of Strongsville; and the Planning Commission approved the plat on February 27, 2014; and

WHEREAS, the Engineer of the City of Strongsville has reviewed the aforesaid plat and documents, and finds them in good order and has approved them, and recommends to Council that this Subdivision be approved for recording purposes only; and

WHEREAS, this Council desires to approve the aforesaid plat for recording purposes only.

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 Section 1228.03 of the City of Strongsville, this Council hereby approves the form of security by the Owner, and the terms and conditions of the Agreement between the City and the Owner, attached hereto as Exhibit "2"; and it is hereby determined that all of the improvements as shown on the improvement plans on file with the City Engineer and/or required by Section 1228.01 shall be installed in the manner required by the ordinances of the City on or before November 1, 2014.

Section 2. That the Mayor be and is hereby authorized to execute the aforesaid Agreement (Exhibit "2") and to do or delegate to appropriate officers and employees of the City the performance of all things necessary to implement and carry out such Agreement.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 - 044

Page 2

Section 3. That, subject to the aforesaid Agreement, the Council of the City of Strongsville does hereby approve the subdivision plat submitted by Pulte Homes of Ohio, LLC., owner of Fieldstone Preserve Subdivision Phase 2, in the City of Strongsville for recording purposes only.

Section 4. That the City Engineer be and is hereby authorized to accept the necessary plat and documents, which he shall keep on file on behalf of the City after recording with the Cuyahoga County Recorder. The Engineer is further directed to endorse on the recordation plat that the plat is to be recorded for recording purposes only, and not for dedication.

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 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 6. 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. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-044 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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

SUBDIVISION IMPROVEMENTS SECURITY AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2014, by and between **PULTE HOMES OF OHIO, LLC**, an Ohio limited liability company, located at 387 Medina Road, Suite 1700, Medina, OH 44256, hereinafter called the "Developer", and the **CITY OF STRONGSVILLE**, a municipal corporation of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, OH 44149, hereinafter called "City".

WHEREAS, Developer is desirous of developing certain lands known as **FIELDSTONE PRESERVE SUBDIVISION PHASE 2**, as the same were approved by the City's Planning Commission on February 27, 2014; and

WHEREAS, the Council of the City has adopted subdivision regulations consisting of Title Four of Part Twelve of the Planning and Zoning Code of the Codified Ordinances of the City, which establish requirements for the submission, approval, construction and dedication of subdivision improvements; and

WHEREAS, said subdivision regulations provide at Section 1228.03 of the Codified Ordinances that no plat for record shall be approved for record purposes until the improvements required by Section 1228.01 of the Codified Ordinances (hereinafter "improvements") have been installed, or until Council approves an agreement and a form of security which assure that the cost and expense of all improvements are available to the City for the completion of such improvements in the event that the Developer defaults or otherwise fails to perform Developer's commitment to complete such improvements; and

WHEREAS, Developer has agreed to pay for the installation and completion of the aforesaid improvements and comply with and abide by all the terms and conditions established by the Planning Commission, as set forth in this agreement, and contained in the applicable law, and the receipt of which is hereby acknowledged.

NOW, THEREFORE, in consideration of the aforesaid premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Developer and City do hereby mutually covenant and agree as follows:

I. IMPROVEMENTS, SECURITY, ACCEPTANCE AND DEDICATION.

1. Developer shall convey or dedicate to the City any applicable public streets, alleys, roads, avenues, drives and public ways in the Subdivision known as **FIELDSTONE PRESERVE SUBDIVISION PHASE 2**, as approved by the City's Planning Commission.

2. Developer shall convey or dedicate to the City or other appropriate public entity or public utility all public sewers, water lines and other public utilities and improvements constructed or caused to be constructed on the aforementioned streets,

alleys, roads, avenues, drives and public ways in said Subdivision, and shall grant easements and rights-of-way to said entities as may be required.

3. Developer shall construct or enter into a contract for the construction of the improvements required in the aforesaid Subdivision, as approved by the City Engineer on February 27, 2014, in accordance with the terms of this Agreement, the General Requirements herein, and the Subdivision Regulations of the City and shall pay the total cost thereof. Developer shall complete any applicable street pavements, curbs, sidewalks, sanitary sewer systems, storm drainage systems, water mains, and other utilities to be constructed in public rights-of-way on or before November 1, 2014; unless said time(s) is or are extended by the Council of the City. Such time extension(s) may be granted so long as the City Engineer determines that delays in construction are not the result of the actions or inactions of the Developer, and that Developer is making reasonable efforts to complete said improvements. Such extension(s) shall not be unreasonably withheld.

4. Any and all of the work performed as hereinabove provided shall be done subject to the approval of and inspection by the City Engineer.

5. In order to secure the performance of this Agreement and all the aforesaid work in accordance with the standards established in the Subdivision Regulations and the completion of such work within the time period(s) established herein, Developer herewith deposits with **KEY BANK NATIONAL ASSOCIATION**, incorporated in the State of Delaware, with a location at 127 Public Square, Cleveland, Ohio 44114 (hereinafter referred to as "Escrow Agent") the total sum of \$2,425,000.00 (hereinafter referred to as the "improvements security funds") to be held in escrow in accordance with the Escrow Agreement attached hereto and incorporated herein as Exhibit A and subject to the following terms:

- A. Escrow Agent shall deposit and/or invest the improvements security funds in the following accounts, and/or investments which the City is authorized to utilize by law, subject to the approval of Developer, which shall not be unreasonably withheld:
- (1) Interest-bearing accounts of **KEY BANK NATIONAL ASSOCIATION** payable or withdrawable, on demand.
 - (2) Direct obligations of the United States maturing or redeemable on or before the date for completion established in accordance with Paragraph 3 above.
 - (3) Certificates of deposit maturing or redeemable on or before the date for completion established in accordance with Paragraph 3 above.

- B. Escrow Agent is authorized to deliver or disburse the improvements security funds or any part thereof, with any additional funds including interest earned on the aforesaid sum, less any and all fees or penalties arising from the deposit or investment to the Developer as follows:
- (1) Only upon receipt of all of the following items shall the Escrow Agent deliver or disburse all or the remainder of the improvements security funds:
 - (a) The certificate of the City Engineer that all improvements have been installed in accordance with the requirements of the subdivision regulations of the City and with the actions of the Planning Commission;
 - (b) Evidence of receipt by the City of a maintenance bond securing the maintenance and repair of the improvements for a period of two years in a form approved by the Law Director;
 - (c) A policy of title insurance in form approved by the Law Director covering all lands to be dedicated to public use, and showing title to the same to be in the City free and clear of any easements, mortgages, taxes, liens, assessments or other encumbrances of any kind whatsoever except the easements required by the Subdivision Regulations of the City and taxes not yet due and payable, or a certificate from the City Engineer acknowledging receipt of same;
 - (d) Evidence of Deposit by the Developer with the City or the Escrow Agent of a sum sufficient to pay all taxes and assessments which are a lien but not yet due and payable; and
 - (e) A copy of legislation duly adopted by the Council of the City accepting the dedication or conveyance of all lands and improvements required to be dedicated or conveyed by this Agreement, certified by the Clerk of Council to be a true and correct copy of the original.
 - (2) Upon receipt of certification by the City Engineer of the satisfactory completion of a portion of the aforesaid improvements, and upon a determination by the City that all remaining uncompleted improvements are adequately secured, the Escrow Agent shall release a portion of the improvements security funds deposited equal to an amount estimated by the City Engineer to be the cost of that portion of the improvements completed, or the difference

between the total sum on deposit and the total sum determined by the City to be necessary to secure the completion of all remaining uncompleted improvements and all other obligations of Developer under this agreement, whichever may be less.

- C. The Escrow Agent is authorized to deliver or disburse to the City all or any part of the improvements security funds as determined by the City Engineer, plus any additional funds including interest earned on the aforesaid sums, less any and all fees or penalties due arising from the deposit or investment upon Escrow Agent being notified by the City of the occurrence of one or more of the following events:
- (1) If the Developer assigns this Agreement, or any interest therein to any person, firm or corporation, or gives to any person, firm or corporation, any order or orders thereon;
 - (2) If the required improvements shall violate building subdivision or zoning laws of the City;
 - (3) If the land within the development area as identified on the subdivision plat approved for record purposes is used for any unlawful purpose, or is occupied for other than dwelling purposes, or for any purpose without the approval of the appropriate administrative official, board, or commission of the City;
 - (4) If the improvements are not fully constructed by the completion date(s) established in paragraph I. 3. above, or by any extension date approved by Council pursuant thereto.
 - (5) If the improvements in the judgment of the City Engineer are materially injured or destroyed prior to acceptance by the City, and no insurance or other provision acceptable to the City is made for prompt replacement or repair of the same at no cost to the City.
 - (6) If the Developer fails to construct the improvements in accordance with plans and specifications that have been approved by the proper City authorities having charge thereof;
 - (7) If the Developer does not permit the City or its authorized agents or employees to enter upon and inspect the same in every part at all reasonable times;
 - (8) If the Developer shall commit an act of bankruptcy or if any relief under the Bankruptcy Act is sought by or against Developer or if a receiver is appointed to take charge of the assets or affairs of the Developer or if Developer should become insolvent.

Prior to the delivery or disbursement of improvements security funds under this paragraph I. 5.C., the City shall provide written notice by personal, or mail delivery to Developer of the grounds therefor, and shall establish and notify Developer of a time period within which Developer shall be afforded an opportunity to correct or cure the circumstances giving rise thereto. Such time period for correction or cure shall be no less than forty-five (45) days, unless the City Engineer determines that immediate work is required to protect the public health, safety and welfare, in which case such time period shall be as established by the City Engineer.

- D. The Developer and the City agree that any interest earned on the improvements security funds shall be disbursed to the same parties, at the same time, and in the same proportion as the principal.
- E. In the event of any dispute under this Agreement, Developer and City agree that City and the Escrow Agent shall disburse the improvements security funds in accordance with a final judgment entered in a court of law determining legal entitlement to such funds. Such a judgment will not be considered final until appellate review sought by either or both of the parties with respect to their legal entitlement to such funds has terminated.

Upon the proper completion of all improvements and their approval by the City Engineer, and if said improvements then comply with all present state laws, City ordinances and Planning Commission rules, regulations and requirements, and all other subdivision regulations of the City have been complied with, the City will then accept the aforesaid improvements.

II. GENERAL REQUIREMENTS.

1. Developer's application(s), all maps on file, construction plans, detail maps and state laws, present City ordinances, Planning Commission rules, regulations and official acts with respect to this Subdivision and all the terms and conditions of final approval are incorporated herein by reference as if set forth at length, except as expressly modified herein.

2. Prior to proceeding with the work, the Developer will apply for and secure permit(s) and pay all fees as required by the City ordinances.

3. The Developer agrees that if any drainage easements are necessary to insure adequate drainage of the tract, same shall be obtained by the Developer at its sole cost and expense. All of such easements which are necessary for the drainage in the tract shall be procured in the name of the City, it being understood that same shall be held until acceptance of the streets by the City, after which same will be recorded in

the City's favor. The taking of such easements shall not be construed as the exercise of dominion and control by the City over said streets until such time as they are formally accepted.

4. The Developer agrees that if during the course of construction and installation of improvements it shall be determined by the City Engineer that revision of the drainage plan is necessary in the public interest, it will undertake such design and construction changes as may be reasonable and are indicated by the City Engineer and approved by the City.

5. Developer shall defend, indemnify and hold harmless City and its officials, employees and agents, and their respective heirs, successors, personal representatives and assigns, from and against any and all suits, legal or administrative proceedings, claims, demands, actual damages, punitive damages, losses, costs, liabilities, interest, attorney's fees and expenses of whatever kind and nature, in law or equity, known or unknown, based upon, resulting from or arising directly or indirectly out of the condition, status, quality, nature, contamination or environmental state of the Developer's Property until such time as all environmental laws, regulations, orders and directives are complied with.

6. The Developer hereby agrees to procure, at its expense, the necessary permits and furnish any bond required for the opening of any state or county roads.

7. Developer agrees that prior to the issuance of any building permits within the subdivision, all street pavements, curbs, sanitary sewer systems, storm drainage systems, water mains and required appurtenances shall be completed and approved by the City Engineer, provided that the Building Commissioner may issue permits for "Model" home(s) or unit(s) upon his determination that improvements have been installed to the extent he deems necessary to serve and permit occupancy of such home(s) or unit(s); and, except as otherwise provided for model home(s) and unit(s), prior to the issuance of any certificates of occupancy by the City, all improvements and utilities must be completed and all other applicable state and local requirements must be complied with.

8. The City shall not be responsible for road or other improvements, maintenance or care until the same are accepted for dedication, nor shall the City exercise any control over the improvements until accepted for dedication.

9. The Developer shall maintain, clean and snow plow such roads until acceptance by the City. In the event of default of these obligations by the Developer, the City without notice to the Developer may undertake the same at the expense of the Developer.

10. If the City determines that there is a violation of present state laws, City ordinances, Planning Commission rules, regulations and requirements, subdivision

regulations and/or terms and provisions of this Agreement, it may issue a stop work order.

11. This Agreement and the covenants contained herein shall run with the land, and shall inure to the benefit of the City and its successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their hands the day and year first above written.

"CITY"
CITY OF STRONGSVILLE

By: _____
Thomas P. Perciak
Title: _____
Mayor

"DEVELOPER"
PULTE HOMES OF OHIO, LLC (an Ohio Limited Liability Co.)

B-16.R.

By: [Signature]
Its: VP, LAND

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 the free act and deed of said City and his free act and deed as such officer of the municipal corporation.

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

Notary Public

Exhibit "A"

ESCROW AGREEMENT

THIS AGREEMENT, made this ___ day of _____, 2014, by and among the **CITY OF STRONGSVILLE**, a municipal corporation of the State of Ohio, located at 16099 Foltz Parkway, Strongsville, Ohio 44149 ("City"), **PULTE HOMES OF OHIO, LLC**, an Ohio limited liability company, organized and existing under the laws of the State of Ohio, located at 387 Medina Road, Suite 1700, Medina, Ohio 44256 ("Owner"), and **KEY BANK NATIONAL ASSOCIATION**, a Delaware corporation, with a principal office located at 127 Public Square, Cleveland, Ohio 44114 ("Escrow Agent").

WITNESSETH:

In consideration of the foregoing and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. There shall be deposited with the Escrow Agent the sum of **Two Million Four Hundred Twenty-Five Thousand and no/100 Dollars (\$2,425,000.00)** ("Deposit"), to be held pursuant to the terms hereof. Upon Escrow Agent's receipt of the full Deposit, Escrow Agent shall notify both the City and Owner in writing.

2. Escrow Agent shall establish and maintain an escrow account ("Escrow") for the purposes hereof, and shall invest the Deposit in any investments as directed in writing by Owner pursuant to the Subdivision Improvements Security Agreement by and between City and Owner ("Security Agreement"). The Deposit, any gains and losses, and interest accruing thereon (such gains, losses and interest hereinafter referred to as "Deposit Interest") shall be held in the Escrow Account until disbursed in accordance with the provisions of the Security Agreement and the provisions set forth below.

3. Upon receipt by Escrow Agent of written instructions signed by City, which instructions shall be in accordance with the Security Agreement (to which Escrow Agent is not a party/signatory), the Escrow Agent shall disburse the Deposit and the Deposit Interest to the party or parties designated by the notice to receive such and, when the entire deposit has been disbursed, this Escrow Agreement shall terminate.

4. The Escrow Account shall be maintained by Escrow Agent in accordance with the following terms and conditions:

A. Escrow Agent undertakes to perform only such duties as are expressly set forth herein.

B. Escrow Agent may rely and shall be protected in acting or refraining from acting upon any written notice, instructions or request furnished to it hereunder and believed by it to be genuine and to have been signed or presented by the proper party or parties.

C. Escrow Agent shall not be liable for any action taken by it in good faith, and believed by it to be authorized or within the rights or powers conferred upon it by this Agreement, and may consult with counsel of its own choice and shall have full and complete authorization and protection for any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

D. Escrow Agent may resign and be discharged from its duties or obligations hereunder by giving notice in writing of such resignation specifying a date when such resignation shall take effect.

E. Owner hereby agrees to pay Escrow Agent reasonable compensation for the services to be rendered hereunder, and will pay or reimburse Escrow Agent upon request for all expenses, disbursements and advances, including reasonable attorney fees, incurred or made by it in connection with carrying out its duties hereunder.

F. Owner hereby agrees to defend and indemnify Escrow Agent for, and to hold it harmless against any loss, liability or expense incurred without negligence or bad faith on the part of Escrow Agent, arising out of or in connection with its entering into this Agreement and carrying out its duties hereunder, including the cost and expense of defending itself against any claim of liability in the premises.

5. All notices and communications hereunder shall be in writing and shall be deemed to be given if sent by registered mail, return receipt requested, as follows:

KEY BANK NATIONAL ASSOCIATION

127 Public Square
Mail Code OH-01-27-0713
Cleveland, Ohio 44114
Attention: Joyce A. Apostolec,
Vice-President and Manager

PULTE HOMES OF OHIO, LLC

387 Medina Road, Suite 1700
Medina, Ohio 44256
Attention: Brian J. Cave

CITY OF STRONGSVILLE

16099 Foltz Parkway
Strongsville, Ohio 44149
Attention: Law Director

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement on the day and year first above written.

Signed in the presence of:

PULTE HOMES OF OHIO, LLC
(an Ohio Limited Liability company)

B-16 LLC

By: [Signature]
Its: VP, LAND

CITY OF STRONGSVILLE, OHIO

By:
Thomas P. Perciak
Its: Mayor

KEY BANK NATIONAL ASSOCIATION

B-16 LLC
[Signature]

By: [Signature]
Joyce A. Apostolec
Its: Vice-President and Manager

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 045

By: Mr. Maloney

A RESOLUTION DECLARING THE INTENT OF THE COUNCIL OF THE CITY OF STRONGSVILLE TO ACCEPT FOR DEDICATION CERTAIN STREETS WITHIN FIELDSTONE PRESERVE SUBDIVISION PHASE 2, IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2014 -044, duly passed by this Council on March 17, 2014, the Council of the City of Strongsville accepted the plat submitted by Pulte Homes of Ohio, LLC, the owner of Fieldstone Preserve Subdivision Phase 2 for recording purposes only; and

WHEREAS, it is the intent of this Council, after all improvements have been installed within the streets within the said Subdivision and approved by the City Engineer, to accept said Subdivision for dedication; and

WHEREAS, as a prerequisite for the obtaining of permits from the City of Cleveland to install water mains within the said streets of said Subdivision, they require a resolution of intent from the City of Strongsville before giving such permits.

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

Section 1. That the Council of the City of Strongsville does intend to accept for dedication, any applicable streets shown on the subdivision plat of Fieldstone Preserve Subdivision Phase 2 after all improvements, including utilities, have been installed and approved by the Engineer of the City of Strongsville, and after performance of the terms and conditions of the agreement between the Developer and the City approved in Ordinance No. 2014 - 044.

Section 2. That the Clerk of Council is hereby authorized and directed to send a copy of this Resolution to the City of Cleveland, Department of Public Utilities, Division of Water.

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.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2014 - 045
Page 2

Section 4. That this Resolution 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. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

RES
ORD. No. 2014-045 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2014 - 046
BY: MAYOR THOMAS P. PERCIAK

AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2014 AND REPEALING ORDINANCE NUMBER 2013-283.

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

Section 1: THAT THERE BE APPROPRIATED FROM THE FOLLOWING FUNDS AND AS FURTHER DETAILED IN THE SCHEDULE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN:

General Fund - 101					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
101	Total General Fund	\$ 14,350,300.00	\$ 7,468,200.00	\$ 10,262,800.00	\$ 32,081,300.00

Special Revenue Funds - 200					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
203	Police Pension	\$ 1,186,800.00	\$ -	\$ -	\$ 1,186,800.00
204	Street Construction & Maintenance	5,053,700.00	4,285,000.00	-	9,338,700.00
205	State Highway Maintenance	-	100,000.00	-	100,000.00
206	Motor Vehicle License Tax	-	300,000.00	-	300,000.00
207	Emergency Vehicle Fund	-	1,194,150.00	-	1,194,150.00
208	Fire Levy	6,767,500.00	866,300.00	-	7,633,800.00
209	Fire Pension	1,247,700.00	-	-	1,247,700.00
211	Clerk of Court	-	35,000.00	-	35,000.00
212	Drainage Levy	-	242,500.00	400,000.00	642,500.00
214	Multi-Purpose Complex	2,948,000.00	1,921,600.00	-	4,869,600.00
215	Southwest General Hospital	-	334,902.00	-	334,902.00
216	Law Enforcement Federal Seizures	-	2,000.00	-	2,000.00
217	Law Enforcement State Seizures	-	2,000.00	-	2,000.00
218	Law Enforcement Drug Fine	-	400.00	-	400.00
219	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
220	Tree Fund	-	100,000.00	-	100,000.00
222	Community Diversion	10,200.00	1,500.00	-	11,700.00
224	Earned Benefits	400,000.00	-	-	400,000.00
200	Total Special Revenue Funds	\$ 17,613,900.00	\$ 9,395,352.00	\$ 400,000.00	\$ 27,409,252.00

Debt Service Funds - 300					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
331	General Bond Retirement	\$ -	\$ 15,245,358.00	\$ -	\$ 15,245,358.00
333	Pearl Road TIF # 1 Fund	-	3,738,992.00	-	3,738,992.00
334	Royalton Road TIF Fund	-	156,875.00	-	156,875.00
335	Pearl Road TIF # 2 Fund	-	-	-	-
300	Total Debt Service Funds	\$ -	\$ 19,141,225.00	\$ -	\$ 19,141,225.00

Capital Improvement Capital Project Funds - 400					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
441	Recreation Capital Improvement	\$ -	\$ 441,800.00	\$ -	\$ 441,800.00
442	General Capital Improvement	-	812,207.00	-	812,207.00
444	Pearl Road Capital Improvement	-	6,733,202.00	1,000,000.00	7,733,202.00
400	Total Capital Project Funds	\$ -	\$ 7,987,209.00	\$ 1,000,000.00	\$ 8,987,209.00

2014-046

Enterprise Funds - 500					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
551	Sanitary Sewer	\$ 1,237,000.00	\$ 5,614,884.00	\$ -	\$ 6,851,884.00

Internal Service Fund - 600					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
664	Workers' Compensation Reserve	\$ -	\$ 472,000.00	\$ -	\$ 472,000.00
Grand Total All Funds		\$ 33,201,200.00	\$ 50,078,870.00	\$ 11,662,800.00	\$ 94,942,870.00

Itemized list of Transfers and Advances by Fund	
Description	Amount
General Fund to Street Construction Fund	\$ 3,370,000.00
General Fund to Fire Levy Fund	3,265,000.00
General Fund to Multi-Complex Fund	1,420,000.00
General Fund to Police Pension Fund	780,000.00
General Fund to Fire Pension Fund	900,000.00
General Fund to Earned Benefits Fund	400,000.00
General Fund to Debt Service Fund	127,800.00
Total Transfers	\$ 10,262,800.00
Drainage Levy to General Fund	400,000.00
Pearl Road Capital Improvement Fund Phase II to General Fund	1,000,000.00
Total Advances and Advance Repayments	\$ 1,400,000.00
Total Transfers, Advances and Advance Repayments	\$ 11,662,800.00

Section 2: That all expenditures within the fiscal year ending December 31, 2014 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided.

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: AS AN ORDINANCE providing for the appropriation of monies and consistent with the City's Charter Article III, Section 13, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, or otherwise at the earliest time allowed by law.

 President of Council

Approved: _____
 Mayor

 Date Passed

 Date Approved

Attest: _____
 Clerk of Council

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

ORD. No. 2014-046 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

2014-046

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 1 of 2

Dept #	Department	Personal Services	Other	Transfers & Advances	Total
011410	Council	\$ 322,300.00	\$ 47,000.00	\$ -	\$ 369,300.00
011411	Mayors Office	321,100.00	15,300.00	-	336,400.00
015412	Police Department	8,472,800.00	985,200.00	-	9,458,000.00
015412	Street Lighting	-	375,000.00	-	375,000.00
011413	Human Resources	204,600.00	93,200.00	-	297,800.00
011414	Finance Department	515,900.00	23,400.00	-	539,300.00
011415	Legal Department	436,500.00	183,800.00	-	620,300.00
011416	Communication & Technology	625,200.00	985,300.00	-	1,610,500.00
011417	Building Department	921,500.00	175,700.00	-	1,097,200.00
011418	Mayors Court	85,000.00	79,900.00	-	164,900.00
011420	Rubbish Department	-	2,309,500.00	-	2,309,500.00
011421	Cemetery Department	108,500.00	12,200.00	-	120,700.00
011421	County Board of Health	-	175,500.00	-	175,500.00
011422	Architectural Board of Review	-	6,000.00	-	6,000.00
011423	Planning Commission	97,300.00	60,000.00	-	157,300.00
011424	Civil Service	-	25,000.00	-	25,000.00
011425	Board of Appeals	-	10,500.00	-	10,500.00
011428	Parks Department	98,000.00	160,000.00	-	258,000.00
011430	General Miscellaneous	-	1,414,200.00	-	1,414,200.00
011435	Economic Development	135,600.00	144,600.00	-	280,200.00
015414	Corrections Officers	620,800.00	128,400.00	-	749,200.00
011435	Joint Dispatch Center	1,240,800.00	51,000.00	-	1,291,800.00
011452	Public Safety	144,400.00	7,500.00	-	151,900.00
011468	Non Government Transfers	-	-	10,262,800.00	10,262,800.00
	Total General Fund	\$ 14,350,300.00	\$ 7,468,200.00	\$ 10,262,800.00	\$ 32,081,300.00
031000	Police Pension	1,186,800.00	-	-	1,186,800.00
046419	Street Repairs	4,297,600.00	2,454,100.00	-	6,751,700.00
046426	Traffic Signal Maintenance	215,800.00	246,800.00	-	462,600.00
046427	Snow Removal	-	723,600.00	-	723,600.00
046433	Municipal Garage	540,300.00	860,500.00	-	1,400,800.00
056000	State Highway Maintenance	-	100,000.00	-	100,000.00
066000	Motor Vehicle License Tax	-	300,000.00	-	300,000.00
075000	Emergency Vehicle Fund	-	1,194,150.00	-	1,194,150.00
085000	Fire Levy	6,767,500.00	644,900.00	-	7,412,400.00
085001	Fire Station Ward 1	-	47,900.00	-	47,900.00
085002	Fire Station Ward 2	-	38,600.00	-	38,600.00
085003	Fire Station Ward 3	-	39,700.00	-	39,700.00
085004	Fire Station Ward 4	-	95,200.00	-	95,200.00
095000	Fire Pension	1,247,700.00	-	-	1,247,700.00
111000	Clerk of Court	-	35,000.00	-	35,000.00
121000	Drainage Levy	-	242,500.00	400,000.00	642,500.00
143304	Sports Programs	259,500.00	175,900.00	-	435,400.00
143305	Recreation Administration	435,700.00	632,900.00	-	1,068,600.00
143306	Fitness	389,800.00	116,900.00	-	506,700.00
143309	Ice Rink	-	282,500.00	-	282,500.00
143310	Aquatics	589,700.00	102,300.00	-	692,000.00
143311	Recreation Programs	210,900.00	32,800.00	-	243,700.00
143430	Special Events	-	17,100.00	-	17,100.00
143431	Old Town Hall	9,900.00	10,300.00	-	20,200.00
143439	Senior Services	531,000.00	319,000.00	-	850,000.00
143451	Recreation Maintenance	521,500.00	173,000.00	-	694,500.00
143500	Program Refunds	-	58,900.00	-	58,900.00
152000	Southwest General Hospital	-	334,902.00	-	334,902.00
165000	Law Enforcement Federal Seizures	-	2,000.00	-	2,000.00
175000	Law Enforcement State Seizures	-	2,000.00	-	2,000.00
185000	Law Enforcement Drug Fine	-	400.00	-	400.00
195000	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
204000	Tree Maintenance	-	100,000.00	-	100,000.00
225000	Community Diversion	10,200.00	1,500.00	-	11,700.00
224000	Earned Benefits	400,000.00	-	-	400,000.00
	Total Special Revenue Funds	\$ 17,613,900.00	\$ 9,395,352.00	\$ 400,000.00	\$ 27,409,252.00

2014-046

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 2 of 2

Dept #	Department	Personal Service	Other	Transfers & Advances	Total
311000	General Bond Retirement	-	15,245,358.00	-	15,245,358.00
333000	Pearl Road TIF # 1	-	3,738,992.00	-	3,738,992.00
334000	Royalton Road TIF	-	156,875.00	-	156,875.00
335000	Pearl Road TIF # 2	-	-	-	-
	Total Debt Service	\$ -	\$ 19,141,225.00	\$ -	\$ 19,141,225.00
413000	Recreation Capital Improvement	-	441,800.00	-	441,800.00
421000	General Capital Improvement	-	812,207.00	-	812,207.00
446200	Pearl Road Capital Improvement Phase II	-	6,733,202.00	1,000,000.00	7,733,202.00
	Total Capital Projects	\$ -	\$ 7,987,209.00	\$ 1,000,000.00	\$ 8,987,209.00
512501	Engineering and Administration	602,600.00	764,000.00	-	1,366,600.00
512502	Plant Expenditures	-	2,190,700.00	-	2,190,700.00
512503	Line Expenditures	634,400.00	1,063,500.00	-	1,697,900.00
512504	Sewer Capital Improvements	-	1,055,000.00	-	1,055,000.00
512505	Sewer Debt Payments	-	541,684.00	-	541,684.00
	Total Sanitary Sewer	\$ 1,237,000.00	\$ 5,614,884.00	\$ -	\$ 6,851,884.00
664000	Workers Compensation	\$ -	\$ 472,000.00	\$ -	\$ 472,000.00
	GRAND TOTAL	\$ 33,201,200.00	\$ 50,078,870.00	\$ 11,662,800.00	\$ 94,942,870.00

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 047

By: Mayor Perciak and Mr. Dooner

AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND SECTION 5, POSITION PLAN, IN ORDER TO ESTABLISH, ALLOCATE AND FIX THE COMPENSATION OF THE POSITION OF ACCOUNTANT IN THE FINANCE DEPARTMENT OF THE CITY OF STRONGSVILLE; AND TO AMEND SECTION 9-004 TO ADJUST THE COMPENSATION OF THE CLERK OF COUNCIL AND ASSISTANT CLERK OF COUNCIL; AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined to establish, allocate and fix the compensation of Accountant in the Finance Department, and further to amend Section 9-004 in order to adjust the compensation of the Clerk of Council and Assistant Clerk of Council.

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

Section 1. That Article 5, Position Plan, of the General Salary Ordinance be and is hereby amended by enacting a new position to be designated as Section 5-006, so that the Finance section will read in its entirety as follows:

<u>Ord.</u> <u>Sec.No.</u>	<u>Pay Range</u> <u>Allocations</u>
FINANCE	
5-005 Accounting Assistant II	10
5-006 Accountant	11
5-007 Accounting Supervisor	12
5-010 Assistant Director of Finance	14
5-011 Supervisor of Budget & Management	17
5-015 Director of Finance	18

Section 2. That Section 9-004, Clerk of Council and Assistant Clerk of Council, be amended to read in its entirety as follows:

9-004 CLERK OF COUNCIL AND ASSISTANT CLERK OF COUNCIL.

A. The Clerk of Council shall be compensated at the rate of ~~\$66,340.94~~ **\$55,000.00** per annum.

B. The Assistant Clerk of Council shall be compensated at the rate of ~~\$49,060.23~~ **\$49,000.00** per annum.

C. The aforesaid per annum compensation shall be paid in equal installments in the same manner and form as established for other salaried employees of the City.

D. The Clerk and Assistant Clerk of Council when serving as Acting Clerk of Council shall be compensated at the rate of \$75.00 per meeting for attendance at each official meeting of Council.

Section 3. That, pursuant to Section 3-011 of Article 3 of the General Salary Ordinance, the position of Accountant, under Finance, Section 5-006, as hereby established, will be effective upon the effective date of this Ordinance.

Section 4. That Section 2 of this Ordinance amending and adjusting the compensation of the Clerk of Council and Assistant Clerk of Council, respectively, will be effective upon the effective date of this Ordinance.

Section 5. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

Section 6. That all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to maintain the orderly and efficient operation of the Finance Department and Council Office of the City, provide for the establishment and compensation of such positions, 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. 2014 - 047

Page 3

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-047 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 048

By: Mayor Perciak and All Members of Council

A RESOLUTION AUTHORIZING THE MAYOR AND BUILDING COMMISSIONER TO WAIVE AND/OR REDUCE CERTAIN BUILDING PERMIT AND INSPECTION FEES ASSOCIATED WITH CONSTRUCTION OF A NEW CENTER MIDDLE SCHOOL BY THE STRONGSVILLE SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the Strongsville School District/Board of Education (hereinafter "District" or "Schools") is undertaking extensive construction of a new building and facility for the School District's Center Middle School located on PPN 392-30-006, at 13200 Pearl Road, in the City of Strongsville, and which final site plan was approved by the City's Planning Commission; and

WHEREAS, due to the inherently unique nature of the mutual and close relationship between the City government and the public schools beyond their mere existence as another political subdivision within the community, and their undeniable substantial impact upon the quality of life of the community, they have enjoyed a special relationship with the City unlike that between or with any other institutions or even political subdivisions; and

WHEREAS, the Schools have over the years and currently, been generous in permitting the City's Recreation Department to occupy and utilize various City Schools' facilities for purposes of certain of the City's Recreation Department programs, such as youth basketball, including specifically at Center Middle School; and previously to utilize baseball fields at Center Middle School, all of which were provided at no cost to the City with no charges for overtime, maintenance or cleaning; and

WHEREAS, in 2011, the School District further agreed to enter into a Lease Agreement with the City at nominal cost permitting the City to utilize the grounds of Allen Elementary School on Park Lane Drive for municipal recreation programs, all for the welfare of the residents of the City of Strongsville; and

WHEREAS, in order to protect the public health, safety and welfare, the City has imposed special safety rules and requirements on the Schools which have caused their costs of construction, paid for by public dollars of the residents of the City, to be substantially increased through no fault of their own; and

WHEREAS, due to the above, it is advantageous for the general good for the City to facilitate substantial investment by the Schools back into its facilities for the benefit of the residents, the community and the City; thus it is the recommendation of the City Administration and the Council that waiver and/or reduction of certain building permit and inspection fees for the Schools Center Middle School project is warranted and beneficial and in the best interest of the City in this particular instance.

**CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2014 – 048**

Page 2

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

Section 1. That for the above reasons, Council hereby authorizes the Mayor and Building Commissioner to waive and/or reduce certain building permit and inspection fees that exceed the amount of \$100,000.00 in relation to the estimated total fees otherwise due of \$293,000.00 to the City pursuant to SCO Chapter 1420, only on account of the construction work for a new building and facility undertaken by the Schools at Center Middle School located at 13200 Pearl Road, as approved by the City's Planning Commission on March 13, 2014.

Section 2. That the waiver and/or reduction of a portion of the fees in this one particular instance is not intended to nor shall it constitute in any manner a continuing or permanent policy or precedent of any kind in relation to the payment of required building permit and inspection fees for any other political subdivision, nor in relation to any future project of the Strongsville School District.

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 Resolution 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 this Ordinance is required to be immediately effective in order to facilitate construction of a new public school building and investment in School District facilities, and for the security and the benefit of students and residents within the Strongsville community. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

RES Attest: _____
 ORD. No. 2014-048 Clerk of Council _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 049

BY: Mayor Perciak and Mr. DeMio

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT FOR THE PURCHASE OF TWO (2) STRYKER POWER LOAD COT LOADING SYSTEMS WITH APPURTENANCES AND INSTALLATION, FOR USE BY THE FIRE DEPARTMENT; AMENDING THE AMOUNT OF CITY MATCHING FUNDS REFERENCED IN ORDINANCE NO. 2013-196 THROUGH AN OHIO BUREAU OF WORKERS' COMPENSATION GRANT FOR SUCH PURPOSES, AND AUTHORIZING ACCEPTANCE OF THE AWARDED GRANT FUNDING; AND DECLARING AN EMERGENCY.

WHEREAS, through passage of Ordinance No. 2013-196, Council authorized the Mayor to apply for financial assistance to the Ohio Bureau of Workers' Compensation ("BWC") under the Safety Intervention Grant\$ Program, with City matching funds anticipated at that time not to exceed approximately \$13,333.33, in order to purchase equipment for use by the Fire Department; and

WHEREAS, the BWC has now awarded such grant funds to the City in the amount of \$40,000.00 to be used for the purchase of two (2) Stryker Power Load Cot Loading Systems with appurtenances and installation; and

WHEREAS, the City's Fire Chief has recommended that in order to maximize the dollars used to purchase such equipment with the grant funds, the Fire Department has proposed to spend additional dollars over and above the original referenced and anticipated not to exceed amount of \$13,333.00 in City matching funds in order to purchase additional equipment through the State's Department of Administrative Services contracts, thereby increasing the City's matching fund amount to \$28,756.70, being an increase of \$15,423.70; and

WHEREAS, Ohio Revised Code Section 5513.01(B) provides the opportunity for counties, townships and municipal corporations to participate in contracts of Ohio Department of Administrative Services for the purchase of machinery, materials, supplies or other articles; and

WHEREAS, this Council wishes to take advantage of that opportunity to purchase the two (2) new Stryker Power Load Cot Loading Systems with appurtenances and installation (Schedule No. 800288, Index No. STS233) for use by the Fire Department of the City.

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, Fire Chief and Director of Finance are authorized to accept the grant funding which has been awarded by the Bureau of Workers' Compensation, and to undertake whatever actions are necessary to document and receive such funds and to implement the grant.

Section 2. That accordingly the Mayor be and is hereby authorized and directed to request authority in the name of the City of Strongsville to participate in an Ohio Department of Administrative Services contract with **AMERICAN EMERGENCY VEHICLES** (through authorized dealer **ROLLAND SPECIALTY VEHICLES AND PRODUCTS, INC.**, "R.S.V.P, INC.") for the purchase of two (2) new Stryker Power Load Cot Loading Systems with appurtenances and installation, in a total amount not to exceed \$68,756.70, as reflected in Exhibit A attached hereto.

Section 3. That the City of Strongsville hereby agrees to be bound by the terms and conditions prescribed by the Director of Administrative Services for such purchases, and to directly pay the vendor, under each such contract of the Ohio Department of Administrative Services in which the City participates for items it receives pursuant to the contract.

Section 4. That the Mayor and Director of Finance be and are hereby authorized to enter into and execute such agreements and documents as may be necessary to participate in the Ohio Department of Administrative Services Cooperative Purchasing Program.

Section 5. That the original anticipated City matching funds referenced in Ordinance No. 2013-196 shall be increased from \$13,333.33 to \$28,756.70; and that such funds for the purposes of said purchase and Agreement have been appropriated and shall be paid from the Emergency Vehicle Fund, net of the grant funds awarded from the Ohio Bureau of Workers' Compensation under the Safety Intervention Grant Program.

Section 6. 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 7. 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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 049

Page 3

enter into said contract to provide for the continuity of services and operation of the City of Strongsville Fire Department, to provide updated equipment for fire rescue services, to protect the lives of persons in the City of Strongsville, 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2014-049 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

P.O. BOX 6888
 TOLEDO, OH 43612
 419-269-7787
 Federal ID: 341325185

SOLD TO: Jack Draves
 Strongsville Fire and Emergency Services

 17000 Prospect Rd.
 Strongsville, OH 44149
 440-580-3217

SHIPPED TO: Jack Draves
 Strongsville Fire and Emergency Services

 17000 Prospect Rd.
 Strongsville, OH 44149
 440-580-3217

QUOTE DATE	YOUR ORDER #	PAYMENT TERMS	SALESPERSON	ORDER SOURCE	SHIPPED VIA
3/5/2014	STS-800288	NET 30	John Amos		DROP SHIP UPS

Quantity	Item #	Description	Disc	Tax	Tax	Price	Amount
2	6500-700-049	PL compatability kit for 6500 XT	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$3,030.00	\$5,454.00
2	6390	Stryker Power Load	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$24,669.00	\$44,404.20
1	6506	Stryker Power Pro	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$15,059.00	\$13,553.10
1	6500-315-000	Stryker 3 stage IV pole PR	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$335.00	\$301.50
1	6500-147-000	Stryker Emergency hook	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$50.00	\$45.00
1	6500-240-000	Foot End Oxygen holder	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$186.00	\$167.40
1	6500-130-000	Stryker Pocketed Backrest storage pouches	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$251.00	\$225.90
1	6500-128-000	STRYKER HEAT END STORAGE FLAT	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$134.00	\$120.60
1	6506-127-000	Stryker PL compatability kit	10.0%	<input type="checkbox"/>	<input type="checkbox"/>	\$1,650.00	\$1,485.00

Comments: Power Load install \$1,200.00 per install on site by appt.
 Compatability kit install ~\$300.00 On site

 Delivery about 30 days from confirmed order

SUBTOTAL:	\$65,756.70
FREIGHT:	\$0.00
	\$0.00
	\$0.00
OTHER:	\$0.00
TOTAL:	\$65,756.70

*Installation x2 @ \$1200 = 2400
 Compat install x2 @ 300 = 600
 \$3000*

*3000
\$68,756.70*

EXHIBIT A

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 050

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY FOR FINANCIAL ASSISTANCE UNDER THE FISCAL YEAR (FY) 2012 STATE HOMELAND SECURITY PROGRAM, FOR REIMBURSEMENT OF VARIOUS TRAINING EXPENSES INCURRED BY THE CITY'S FIRE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. CPB2012-1153, duly adopted on December 27, 2012, Cuyahoga County approved a grant for the Fiscal Year 2012 State Homeland Security Program ("FY12 SHSP"); and

WHEREAS, FY12 State Homeland Security grant funds were awarded to the County, for the County, and on behalf of the municipalities and other permissible agencies in Cuyahoga County for training; and

WHEREAS, Cuyahoga County, through its County Executive, has authorized a grant for FY12 SHSP funds for reimbursement of overtime and backfill expenses associated with attendance at various classes for Hazmat Officer/Hazmat Safety Officer training (Course No. OH-005-RESP) undertaken by the City of Strongsville Fire Department; and

WHEREAS, therefore, it is necessary that the County and the City enter into an Agreement on file with the City's Fire Department for reimbursement through grant funds, in the amount of \$3,752.06 for the period of February 1, 2014 through March 15, 2014.

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

Section 1. That this Council hereby approves and authorizes the Mayor to accept such funding and enter into an Agreement with Cuyahoga County under the FY12 State Homeland Security Program for reimbursement of overtime and backfill expenses associated with attendance at various training classes by the City of Strongsville Fire Department, which expenditures shall not exceed the total amount of \$3,752.06 for the period of February 1, 2014 through March 15, 2014 for the grant award, with copies of such Agreement being on file with the City's Fire Department, and which in all respects is hereby approved.

Section 2. That the Mayor, Director of Finance, and Fire Chief and/or their authorized representatives be and are hereby authorized and directed to provide, execute and deliver certifications, assurances and such other information as may be required in connection therewith.

Section 3. That the funds required to meet the City's obligation, if any, have been appropriated and shall be paid from the Fire Levy Fund.

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 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 in order to receive grant funds to assist in defraying costs of training, to enhance the ability of the Fire Department personnel to provide for homeland security, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
 Clerk of Council

ORD. No. 2014-050 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 - 051

By: Mayor Perciak and Mr. DeMio

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR 59 SETS OF FIREFIGHTER TURNOUT GEAR/PROTECTIVE CLOTHING FOR USE BY THE FIRE DEPARTMENT.

BE IT RESOLVED 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 advertise for bids for 59 sets of Firefighter Turnout Gear/Protective Clothing for use by the City's Fire & Emergency Services, in accordance with specifications on file in the office of the Fire Chief, which are in all respects hereby approved.

Section 2. That the funds for the purpose of this Resolution have been appropriated and shall be paid from the Fire Levy 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 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 Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

President of Council
Approved: _____
Mayor

Date Passed: _____ Date Approved: _____

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

Attest: _____
 Clerk of Council
 RES. ORD. No. 2014-051 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 052

By: Mayor Perciak and Mr. Southworth

AN ORDINANCE RATIFYING AND APPROVING THE FILING OF AN APPLICATION ON BEHALF OF THE CITY OF STRONGSVILLE FOR FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION UNDER THE FY2014 SPECIALIZED TRANSPORTATION PROGRAM FOR THE PURCHASE OF A VEHICLE TO PROVIDE TRANSPORTATION SERVICES TO THE ELDERLY AND PERSONS WITH DISABILITIES FOR THE CITY'S SENIOR WHEELS PROGRAM; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation ("ODOT") is authorized, under the Federal Transit Administration Section 5310 Specialized Transportation Program, to provide transportation services to the elderly and persons with disabilities, with reimbursement from the Federal Transit Administration; and

WHEREAS, the City of Strongsville Department of Parks, Recreation and Senior Services coordinates with the Cities of Berea and Brook Park, and other agencies, to operate the Senior Wheels program, which provides transportation services for the elderly and persons with disabilities who reside within those communities; and

WHEREAS, Senior Wheels has documented a need to replace a vehicle for use in its transportation services; and

WHEREAS, the City is desirous of applying for approximately \$40,000.00 in funding to replace such vehicle currently in use for its transportation services for the elderly and persons with disabilities, with a twenty percent (20%) match by the City of approximately \$10,000.00.

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

Section 1. That this Council hereby ratifies and approves the filing of an application with the Ohio Department of Transportation on behalf of the City of Strongsville for funding for a new vehicle, as more fully set forth in the application on file in the office of the Director of Parks, Recreation and Senior Services; and further authorizes the Mayor, Director of Finance, Director of Parks, Recreation and Senior Services and/or their authorized representatives to provide, execute and deliver certifications, assurances and such other information as may be required in connection therewith.

Section 2. That the funds necessary to carry out the purposes of this Ordinance, and to pay the City's share, have been appropriated and shall be paid from the Multi-Purpose Complex 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 ratify and approve the filing of the application in order to continue the Senior Wheels program and to provide an adequate vehicle for transportation service for the elderly and individuals with disabilities, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

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

Attest: _____
Clerk of Council

ORD. No. 2014-052 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 053

By: Mr. Southworth

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NOS. 1 AND 2 (FINAL) FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND APEX CONSTRUCTION & MANAGEMENT CO., INC., IN CONNECTION WITH THE REMOVAL AND REPLACEMENT OF THE EXISTING ARCHED CEILING OVER THE SPA AT THE AQUATIC CENTER OF THE CITY OF STRONGSVILLE WALTER F. EHRNFELT RECREATION & SENIOR CENTER, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2013-279, passed December 2, 2013, Council authorized the Mayor to enter into a contract with Apex Construction & Management Co., Inc. for removal and replacement of approximately 4500 square feet of light gauge metal studs, drywall, insulation and finished materials for the arched ceiling over the spa at the Aquatic Center of the Walter F. Ehrnfelt Recreation & Senior Center (the "contract"), in an amount not to exceed \$57,950.00 (the "Project"); and

WHEREAS, in the process of performing the work on the Project, Apex Construction & Management Co., Inc. subsequently identified additional work that was necessary due to various unanticipated conditions in the field, including but not limited to the installation of two (2) steel access doors and new caulking around a window, all of which work was not originally contemplated as part of the Project; and

WHEREAS, Apex Construction & Management Co., Inc., therefore, has submitted to the City Building Department requests for an increase in the contract price for the costs incurred due to the additional labor, materials and equipment to complete the extra work; and

WHEREAS, the City Building Department has recommended that it would be in the best interest of the City to provide payment to Apex Construction & Management Co., Inc. in the total additional amount of \$1,794.00, for a final total Project cost of \$59,744.00 for the additional labor, materials and equipment required to complete the work, all as more fully set forth in the change orders and supporting documentation marked as Exhibits "A" and "B" attached hereto and incorporated herein by reference.

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 issue and approve Change Order Nos. 1 and 2 (Final) in the total amount of \$1,794.00, as

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 - 053

Page 2

recommended by the City Building Department; and, after the issuance and approval of said Change Orders and compliance with the terms and conditions of the contract, to direct the Director of Finance to make payment to **APEX CONSTRUCTION & MANAGEMENT CO., INC.**, in the total additional amount of \$1,794.00, thereby increasing the final total Project cost to \$59,744.00.

Section 2. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the Recreation Capital Improvement Fund and the Multi-Purpose Complex 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 necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that the payment of the aforesaid sum is immediately necessary in order to avoid legal entanglements, to provide compensation for additional work performed by the contractor on the Project, 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____

Clerk of Council
 ORD. No. 2014-053 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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

APEX CONSTRUCTION AND MANAGEMENT CO. INC.

24381 Aurora Road Suite A-6
Cleveland, Ohio 44146
Phone(440) 786-7220 Fax (440) 786-7227
apexco1@sbcglobal.net

2/13/2014 :DATE

COR #1

Strongsville Rec.
ATTN: Tony Biondillo
16099 Foltz Parkway
Strongsville, Ohio 44149

Additional Add - 2 access Doors 2' by 2' Steel

Contractor: APEX CONSTRUCTION

Matl 2 ea @ \$85.00	170	
1 day \$45* 8hr	360	\$ 580.00
Delivery	50	

Subtotal \$ 580.00

Overhead (10%) \$ 58.00

Subtotal \$ 638.00

Profit (5%) \$ 31.90

Subtotal \$ 669.90

Bond & Insurance (3.0%) \$ 17.40

Grand Total \$ 687.30

Delivery

Please approval within seven days of the date to avoid additional schedule extension

Approval



signage

Shaju A. Shahjahan
President

Anthony J. Biondillo
Building Commissioner
City of Strongsville

Website: apexcleveland.com

EX. A

APEX CONSTRUCTION AND MANAGEMENT CO. INC.

24381 Aurora Road Suite A-6
Cleveland, Ohio 44146
Phone(440) 786-7220 Fax (440) 786-7227
apexco1@sbcglobal.net

2/17/2014 :DATE

COR #2

Strongsville Rec.
ATTN: Tony Biondillo
16099 Foltz Parkway
Strongsville, Ohio 44149

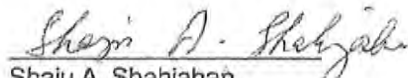
Additional Add - New caulk around the window

Contractor: APEX CONSTRUCTION

	Matl caulk and backer rod	160	
	1 day \$45* 16hr	720	\$ 930.00
	Delivery	50	
Subtotal			\$ 930.00
Overhead (10%)			\$ 93.00
Subtotal			\$ 1,023.00
Profit (5%)			\$ 51.15
Subtotal			\$ 1,074.15
Bond & Insurance (3.5%)			\$ 32.55
Grand Total			\$ 1,106.70

Delivery

Please approval within seven days of the date to avoid additional schedule extension


Shaju A. Shahjahan
President

Website: apexcleveland.com

Approval


Anthony J. Biondillo
Building Commissioner
City of Strongsville

signage

PAYMENT APPLICATION

TO: City of Strongsville
 16099 Foltz Pkwy,
 Strongsville, OH 44149
 Attn: Accounts Payable

PROJECT NAME AND LOCATION: Walter F. Ehrmfelt Recreation & Senior Center
 18100 Royal Road, Strongsville, OH 44149

ARCHITECT: Apex Construction & Management Co., Inc.
 24381 Aurora Road, Suite A-6
 Bedford Heights, OH 44146
 Walter F. Ehrmfelt Recreation & Senior Center

APPLICATION # 2 **Distribution to:**
PERIOD THRU: 02/20/2014 OWNER
PROJECT #s: ARCHITECT
 CONTRACTOR

DATE OF CONTRACT: 02/19/2014

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below. Continuation Page is attached.

1. CONTRACT AMOUNT		\$57,950.00	
2. SUM OF ALL CHANGE ORDERS		\$1,794.00	
3. CURRENT CONTRACT AMOUNT	(Line 1 +/- 2)	\$59,744.00	
4. TOTAL COMPLETED AND STORED	(Column G on Continuation Page)	\$59,744.00	
5. RETAINAGE:			
a. of Completed Work	(Columns D + E on Continuation Page)		
b. of Material Stored	(Column F on Continuation Page)		
Total Retainage (Line 5a + 5b or Column I on Continuation Page)		\$2,318.00	
6. TOTAL COMPLETED AND STORED LESS RETAINAGE	(Line 4 minus Line 5 Total)	\$57,426.00	
7. LESS PREVIOUS PAYMENT APPLICATIONS		\$55,632.00	
8. PAYMENT DUE		\$1,794.00	
9. BALANCE TO COMPLETION	(Line 3 minus Line 6)	\$2,318.00	

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$1,794.00	\$0.00
Total approved this month	\$0.00	\$0.00
TOTALS	\$1,794.00	\$0.00
NET CHANGES	\$1,794.00	

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Apex Construction & Management Co., Inc.

By: Shaju Shahjahan Date: 2-20-14

State of: OHIO

County of: Cuyahoga

Subscribed and sworn to before

me this 20th day of FEB. 2014

Notary Public: [Signature]

My Commission Expires:



ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT:

(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT:

By:

Date:

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CONTINUATION PAGE

PROJECT: Walter F. Ehmfelt Recreation
 Walter F. Ehmfelt Recreation & Senior Center
 & Spa Ceiling Repair Project

APPLICATION #: 2
 DATE OF APPLICATION: 02/20/2014
 PERIOD THRU: 02/20/2014
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (if Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD				
1000	Project Manager	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$2,500.00	\$0.00	
1001	Supervision	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1002	Registration	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	
1003	Bond & Insurance	\$2,100.00	\$2,100.00	\$0.00	\$0.00	\$2,100.00	\$0.00	
1004	Mobilization	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1005	General Conditions	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
1006	Equipment Rental	\$3,850.00	\$3,850.00	\$0.00	\$0.00	\$3,850.00	\$0.00	
2070	Selective Demolition	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
4000	Masonry Repairs	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$0.00	
7000	Insulation	\$8,000.00	\$8,000.00	\$0.00	\$0.00	\$8,000.00	\$0.00	
9200	Gypsum Wall Board	\$27,000.00	\$27,000.00	\$0.00	\$0.00	\$27,000.00	\$0.00	
9900	Painting	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	
15000	HVAC	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$3,000.00	\$0.00	
15001	CO # 1	\$687.30	\$0.00	\$687.30	\$0.00	\$687.30	\$0.00	
15002	Change Order # 2	\$1,106.70	\$0.00	\$1,106.70	\$0.00	\$1,106.70	\$0.00	
TOTALS		\$59,744.00	\$57,950.00	\$1,794.00	\$0.00	\$59,744.00	\$0.00	

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 054

By: Mayor Perciak and All Members of Council

**A RESOLUTION APPROVING THE APPLICATION OF
SUSAN LEA SCHNITTKER TO PLACE LAND IN AN
AGRICULTURAL DISTRICT.**

WHEREAS, Susan Lea Schnittke (the "applicant") has filed a renewal application with the Clerk of Council to place Permanent Parcel No. 398-13-016, located at 11291 Handle Road in the City of Strongsville ("applicant's land"), which the applicant has owned for many years, into an agricultural district; and

WHEREAS, through passage of Resolution No. 2009-043, this Council previously approved a prior similar application for the same property; and

WHEREAS, on February 28, 2014, the Cuyahoga County Fiscal Office notified the City that it has approved the application; and

WHEREAS, this Council held a public hearing on March 17, 2014, within the time prescribed by law, to hear the applicant and any public comments in support of and/or against the granting of the application.

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

Section 1. That this Council finds and determines that the application attached hereto as Exhibit A to place applicant's land comprising some 4.9 acres in an agricultural district is in compliance with law and is hereby approved.

Section 2. That the approval of the application to place applicant's land in an agricultural district shall be for the period commencing on the effective date as established by law and ending no later than five (5) years thereafter.

Section 3. That the Clerk of Council be and is hereby directed to forward a certified copy, return receipt requested, of this Resolution to the applicant and the Cuyahoga County Fiscal Office within five (5) days from the date of adoption of this Resolution in accordance with law.

Section 4. 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 this Council, and any of its committees, that resulted in such formal action were in compliance with all legal requirements.

Section 5. 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

RES
 ORD. No. 2014-054 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

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



**CUYAHOGA COUNTY
OFFICE OF THE FISCAL OFFICER
APPRAISAL DEPARTMENT - ROOM 307
1219 ONTARIO STREET
CLEVELAND, OHIO 44113-1657**

RECEIVED
FEB 26 2014
CITY OF STRONGSVILLE
CITY COUNCIL

**ACCEPTANCE OF APPLICATION
FOR PLACEMENT OF FARMLAND
IN AGRICULTURAL DISTRICT
(O.R.C. SECTION 929.02)**

**Schnittke, Susan L.
11291 Handle Rd
Strongsville, Oh 44136**

Tuesday, February 25, 2014

The Cuyahoga County Fiscal Office is in receipt of your request for placement of farmland in an Agricultural District. We have reviewed the real property identified in your application dated .

In accordance with Ohio Revised Code Section 929.02, you are hereby notified that your application meets the requirements of an agricultural district and has been approved by the Cuyahoga County Fiscal Office.

In addition, you are required to file this application with the Clerk in your municipality. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

The affected permanent parcel numbers are:

398-13-016

If you have any questions, please contact Lori Koran, of the Fiscal Office, at (216) 443-8141.

Cordially,

Lori Koran
Certified General Real Estate Appraiser
CAUV Specialist

cc: City Of Strongsville
Leslie Seefried, Clerk Of Council
16089 Foltz Pkwy
Strongsville, OH 44136

Jim Hopkins, Dir. of Appraisal

EXHIBIT A

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

New Application _____
Renewal Application

(See page 4 for General Information regarding this Application)

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
- o **Note:** See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

Owner's Name:	SUSAN L. SCHMITZKE
Owner's Address:	11291 HANDE RD STRONGSVILLE OH 44136
Description of Land as Shown on Property Tax Statement:	PP # 398-13-016 EAST OF HANDE RD, 1/2 MILE SOUTH OF PARLON RD
Location of Property:	
Street or Road-	11291 HANDE RD
County-	CUYAHOGA

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
STRONGSVILLE	PP # 398-13-016	4.9
Total Number of Acres		4.9

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes No

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes No

If NO, complete the following showing how the land was used the past three years:

	ACRES		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			


D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? Yes No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.


Signature of Owner

Date: 2/7/14

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. 39

Action of County Auditor

Application Approved Rejected *

Date Application Filed with County Auditor 2/12/14

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature [Signature] Date 2/27/14

Date Decision Mailed to Applicant 2/28/2014 Certified Mail No. 7011 0470 0002
0046 6170

Action of Legislative Body of Municipal Corporation

Application Approved Approved with Modifications * Rejected *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

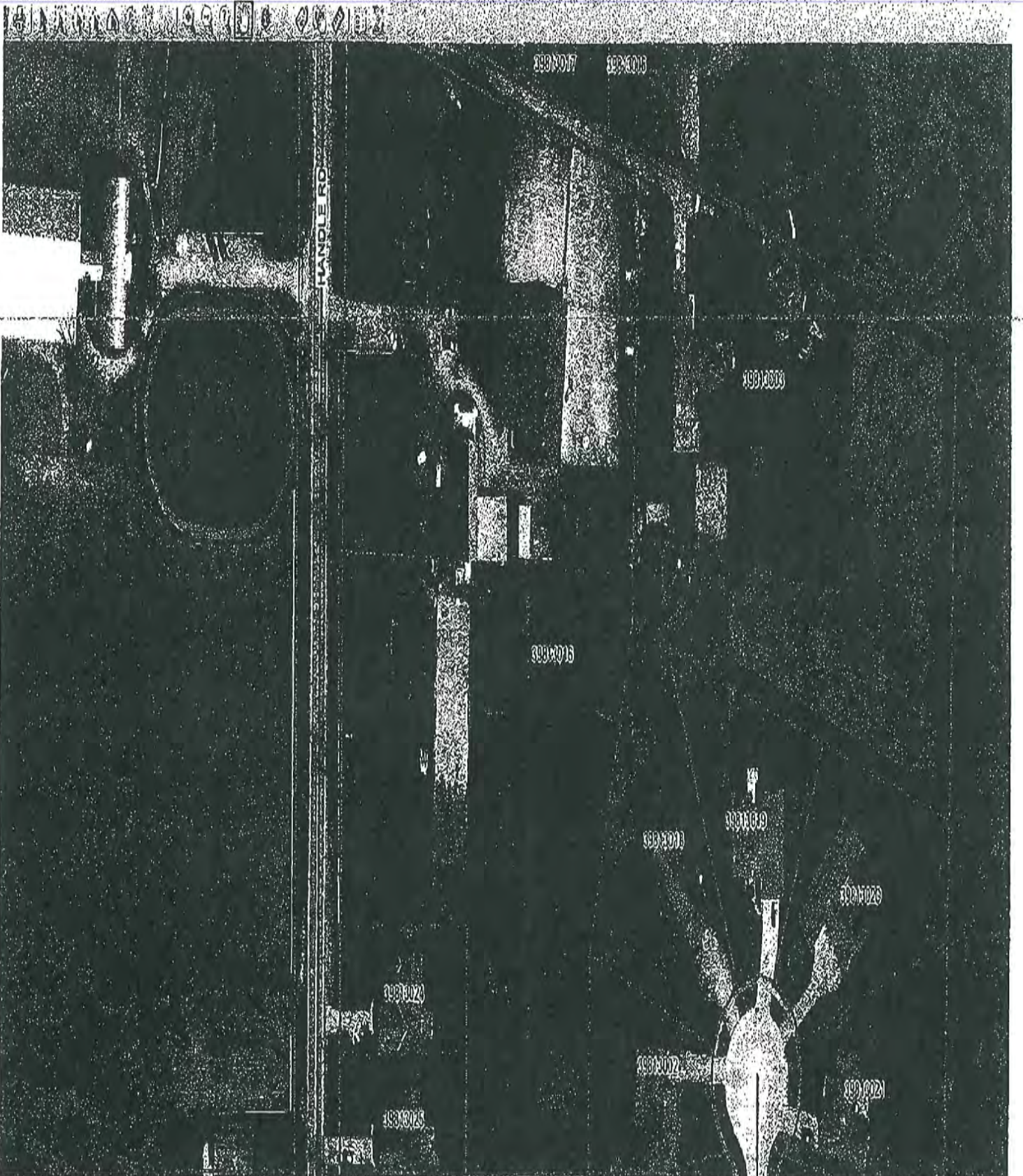
Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

File Select Options Map Window Help

5 X



inc: 1.370 ft

Editing: None

Selecting: None



CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 055

By: Mayor Perciak and All Members of Council

**A RESOLUTION APPROVING THE APPLICATION OF
ALBERT AND ANNE FESS TO PLACE LAND IN AN
AGRICULTURAL DISTRICT.**

WHEREAS, Albert and Anne Fess (the "applicants") have filed a renewal application with the Clerk of Council to place Permanent Parcel No. 392-01-001, located at 22927 Albion Road in the City of Strongsville ("applicants' land"), which the applicants have owned for many years, into an agricultural district; and

WHEREAS, through passage of Resolution No. 2009-058, this Council previously approved a prior similar application for the same property; and

WHEREAS, on February 26, 2014, the Cuyahoga County Fiscal Office notified the City that it has approved the application; and

WHEREAS, this Council held a public hearing on March 17, 2014 within the time prescribed by law, to hear the applicants and any public comments in support of and/or against the granting of the application.

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

Section 1. That this Council finds and determines that the application attached hereto as Exhibit A to place applicants' land comprising some 14 acres in an agricultural district is in compliance with law and is hereby approved.

Section 2. That the approval of the application to place applicants' land in an agricultural district shall be for the period commencing on the effective date as established by law and ending no later than five (5) years thereafter.

Section 3. That the Clerk of Council be and is hereby directed to forward a certified copy, return receipt requested, of this Resolution to the applicants and the Cuyahoga County Fiscal Office within five (5) days from the date of adoption of this Resolution in accordance with law.

Section 4. 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 this Council, and any of its committees, that resulted in such formal action were in compliance with all legal requirements.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2014 – 055
Page 2

Section 5. 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2014-055 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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



CUYAHOGA COUNTY
OFFICE OF THE FISCAL OFFICER
APPRAISAL DEPARTMENT - ROOM 307
1219 ONTARIO STREET
CLEVELAND, OHIO 44113-1657

ACCEPTANCE OF APPLICATION
FOR PLACEMENT OF FARMLAND
IN AGRICULTURAL DISTRICT
(O.R.C. SECTION 929.02)

RECEIVED
FEB 27 2014
CITY OF STRONGSVILLE
CITY COUNCIL

Fess, Albert + Anne
22927 Albion Rd
Strongsville, Oh 44149-2749

Tuesday, February 25, 2014

The Cuyahoga County Fiscal Office is in receipt of your request for placement of farmland in an Agricultural District. We have reviewed the real property identified in your application dated .

In accordance with Ohio Revised Code Section 929.02, you are hereby notified that your application meets the requirements of an agricultural district and has been approved by the Cuyahoga County Fiscal Office.

In addition, you are required to file this application with the Clerk in your municipality. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

The affected permanent parcel numbers are:

392-01-001

If you have any questions, please contact Lori Koran, of the Fiscal Office, at (216) 443-8141.

Cordially,

Handwritten signature of Lori Koran in cursive script.

Lori Koran
Certified General Real Estate Appraiser
CAUV Specialist

cc: City Of Strongsville
Leslie Seefried, Clerk Of Council
16099 Foltz Pkwy
Strongsville, OH 44136

Jim Hopkins, Dir. of Appraisal

EXHIBIT A

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

New Application _____
Renewal Application

(See page 4 for General Information regarding this Application)

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

Owner's Name:	ALBERT + ANNE FESS
Owner's Address:	617 GRAYTON Rd BREA, Ohio 44017
Property:	22927 ALBION Rd STRONGSVILLE, OH 44149
Description of Land as Shown on Property Tax Statement:	392-01-001
Location of Property:	
Street or Road-	22927 ALBION Rd STRONGSVILLE, OH
County-	Cuyahoga

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
STRONGSVILLE	392-01-001	14.12
Total Number of Acres		14

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes _____ No

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes No

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?
 Yes No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.



 Signature of Owner

Date: 1-29-14

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. # 34

Action of County Auditor

Application Approved Rejected *

Date Application Filed with County Auditor 1/28/14

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature [Signature] Date 2/25/14

Date Decision Mailed to Applicant 2/26/14

Certified Mail No. 7011 0470 0002
0046 6132

Action of Legislative Body of Municipal Corporation

Application Approved Approved with Modifications * Rejected *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2014 – 056

By: Mayor Perciak and All Members of Council

**A RESOLUTION APPROVING THE APPLICATION OF
MERYL HOSSFELD AND CYNTHIA HOSSFELD TO
PLACE LAND IN AN AGRICULTURAL DISTRICT.**

WHEREAS, Meryl Hossfeld and Cynthia Hossfeld (the "applicants") have filed a renewal application with the Clerk of Council to place Permanent Parcel No. 396-02-001, located at 11698 Handle Road in the City of Strongsville ("applicants' land"), which the applicants have owned for many years, into an agricultural district; and

WHEREAS, through passage of Resolution No. 2009-057, this Council previously approved a prior similar application for the same property; and

WHEREAS, on February 26, 2014, the Cuyahoga County Fiscal Office notified the City that it has approved the application; and

WHEREAS, this Council held a public hearing on March 17, 2014, within the time prescribed by law, to hear the applicants and any public comments in support of and/or against the granting of the application.

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

Section 1. That this Council finds and determines that the application attached hereto as Exhibit A to place applicants' land comprising some 21.71 acres in an agricultural district is in compliance with law and is hereby approved.

Section 2. That the approval of the application to place applicants' land in an agricultural district shall be for the period commencing on the effective date as established by law and ending no later than five (5) years thereafter.

Section 3. That the Clerk of Council be and is hereby directed to forward a certified copy, return receipt requested, of this Resolution to the applicants and the Cuyahoga County Fiscal Office within five (5) days from the date of adoption of this Resolution in accordance with law.

Section 4. 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 this Council, and any of its committees, that resulted in such formal action were in compliance with all legal requirements.

CITY OF STRONGSVILLE, OHIO
RESOLUTION NO. 2014 – 056
Page 2

Section 5. 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	_____	_____
Dooner	_____	_____
Maloney	_____	_____
Schonhut	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2014-056 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

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



CUYAHOGA COUNTY
OFFICE OF THE FISCAL OFFICER
APPRAISAL DEPARTMENT - ROOM 307
1219 ONTARIO STREET
CLEVELAND, OHIO 44113-1657

RECEIVED

FEB 27 2014

CITY OF STRONGSVILLE
CITY COUNCIL

**ACCEPTANCE OF APPLICATION
FOR PLACEMENT OF FARMLAND
IN AGRICULTURAL DISTRICT
(O.R.C. SECTION 929.02)**

Hossfeld, Meryl and Cynthia
11698 Handle Rd
Strongsville, Oh 44136

Tuesday, February 25, 2014

The Cuyahoga County Fiscal Office is in receipt of your request for placement of farmland in an Agricultural District. We have reviewed the real property identified in your application dated .

In accordance with Ohio Revised Code Section 929.02, you are hereby notified that your application meets the requirements of an agricultural district and has been approved by the Cuyahoga County Fiscal Office.

In addition, you are required to file this application with the Clerk in your municipality. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

The affected permanent parcel numbers are:

396-02-001

If you have any questions, please contact Lori Koran, of the Fiscal Office, at (216) 443-8141.

Cordially,

A handwritten signature in cursive script that reads "Lori Koran".

Lori Koran
Certified General Real Estate Appraiser
CAUV Specialist

cc: City Of Strongsville
Leslie Seefried, Clerk Of Council
16099 Foltz Pkwy
Strongsville, OH 44136

Jim Hopkins, Dir. of Appraisal

EXHIBIT A

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

New Application _____
Renewal Application

(See page 4 for General Information regarding this Application)

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.

Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.

- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

Owner's Name: MERYL AND CYNTHIA HOSSFELD
Owner's Address: 11698 HANDLE ROAD STRONGSVILLE OHIO 44136
Description of Land as Shown on Property Tax Statement: 34 NEP
Location of Property: Street or Road- 11698 HANDLE RD STRONGSVILLE, OH 44136 County- CUYAHOGA COUNTY

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
STRONGSVILLE	396-02-001	21.71
Total Number of Acres		21.71

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?

Yes _____ No

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes No

If NO, complete the following showing how the land was used the past three years:

	<u>ACRES</u>		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Cynthia E. Horsfield
Meryl J. Horsfield
 Signature of Owner

11/27/2014
 Date: 11/27/2014

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. #39

Action of County Auditor

Application Approved Rejected *

Date Application Filed with County Auditor 2/10/14

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature [Signature] Date 2/25/14

Date Decision Mailed to Applicant 2/26/14

Certified Mail No. 7011 0470 0002
0046 6149

Action of Legislative Body of Municipal Corporation

Application Approved Approved with Modifications * Rejected *

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

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F. ARE THERE ANY OTHER REQUIREMENTS?

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H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

Window menu options:

- Redraw Window Ctrl+D
- Tile Windows Shift+F4
- Cascade Windows Shift+F5
- Arrange Icons

Ruler

Distance = 0 ft (Spherical)

Total = 0 ft (Spherical)

