

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2015 – 213

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 15733 PEARL ROAD, BEING A PORTION OF PPN 397-01-012, AND ADDITIONAL PROPERTY AT 18485 SHURMER ROAD, BEING ALL OF PPN 397-01-023, ALL IN THE CITY OF STRONGSVILLE, FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO PF (PUBLIC FACILITIES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

WHEREAS, the owners of certain property located at 15733 Pearl Road, in the City of Strongsville, known as being Permanent Parcel No. 397-01-012, have submitted, through their authorized agent, a petition requesting rezoning of a portion of such property from R1-75 (One Family 75) classification to PF (Public Facilities) classification; and

WHEREAS, the same owners of additional property located at 18485 Shurmer Road, in the City of Strongsville, and known as being Permanent Parcel No. 397-01-023 have submitted an additional petition requesting rezoning of all such property from R1-75 (One Family 75) classification to PF (Public Facilities) 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 of a portion of Permanent Parcel No. 397-01-012, being that certain property described in Exhibit "A" and depicted in Exhibit "B", which are attached hereto and incorporated herein as if fully rewritten; and all of Permanent Parcel No. 397-01-023, being that certain property described in Exhibit "C" and depicted in Exhibit "D", also attached hereto and incorporated herein as if fully rewritten, from R1-75 (One Family 75) classification to PF (Public Facilities) classification, provided that such amendments are 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 changes are applicable to the property in the ward.

Section 2. That, if approved 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 changes in classification as provided in this Ordinance.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to meet the deadline for submittal of this issue to the ballot in accordance with law, to afford the applicant an opportunity to submit plans and commence construction, and to enhance economic development within the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First Reading: October 19, 2015 Referred to Planning Commission

Second Reading: November 2, 2015 October 20, 2015

*Favorable recommendation by
Planning Commission*
Approved: October 22, 2015

Third Reading: December 7, 2015

Public Hearing: December 7, 2015

Michael Daymut
President of Council

Approved: James S. Berube
Mayor

Date Passed: December 7, 2015

Date Approved: December 8, 2015

| | <u>Yea</u> | <u>Nay</u> |
|------------|-------------------------------------|--------------------------|
| Carbone | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Daymut | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| DeMio | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Dooner | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Maloney | <u>Absent</u> | <input type="checkbox"/> |
| Schonhut | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Southworth | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Attest: Linnea Pientka
Clerk of Council

ORD. No. 2015-213 Amended: _____
1st Rdg. 10-19-15 Ref: PC/PBE
2nd Rdg. 11-2-15 Ref: _____
3rd Rdg. 12-7-15 Ref: _____

Pub Hrg. 12-7-15 Ref: _____
Adopted: 12-7-15 Defeated: _____

Mc Steen & Associates
ENGINEERS & SURVEYORS

File No. 15-124
October 8, 2015

LEGAL DESCRIPTION
PARCEL 4
Permanent Parcel No. 397-01-012
Re-Zone One Family 75 (R1-75) to Public Facility (PF)
Strongsville, Ohio

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot Number 57, said premises being more particularly bounded and described as follows:

BEGINNING on the centerline of Pearl Road, U.S. Route 42 (variable width) at its intersection with the southerly line of a parcel of land conveyed to Altenheim Properties, Inc. by deed recorded in document number 200712200650 of Cuyahoga County Records, said point being distant due South, measured along said centerline, 951.79 feet from its intersection with the centerline of Shermer Road, thence Due North along the centerline of said Pearl Road, U.S. Route 42 (variable width), a distance of 193.05 feet to the northwest corner of said Altenheim Properties, Inc. lands, thence North 89°-04'-41" East along the northerly line of said Altenheim Properties, Inc. lands, a distance of 626.85 feet to a point and the **TRUE PLACE OF BEGINNING** of the premises herein described;

Course No. 1: thence continuing **North 89°-04'-41" East** along the northerly line of said Altenheim Properties, Inc. lands, a distance of **390.00 feet** to the northeast corner of said Altenheim Properties, Inc. lands;

Course No. 2: thence **South 00°-44'-56" West** along the easterly line of said Altenheim Properties, Inc. lands, a distance of **193.11 feet** to the southeast corner of said Altenheim Properties, Inc. lands;

Course No. 3: thence **South 89°-04'-41" West** along the southerly line of said Altenheim Properties, Inc. lands, a distance of **390.00 feet** to a point;

I:\CURRENT PROJECTS\15-224\documents\15-224 R1-75 to PF.doc

Corporate Office: 1415 East 286th Street Wickliffe, Ohio 44092

440.585.9800 Toll Free: 800.250.3451 Mortgage Fax 440.585.9801 Survey Fax 440.585.9802
www.mcsteen.com

EXHIBIT A

Course No. 4: thence **North 00°-44'-56" East** a distance of **193.11 feet** to a point in the northerly line of said Altenheim Properties, Inc. lands and the true place of beginning, said premises containing **1.728 acre** of land more or less, as described by **McSteen & Associates, Inc.** under Project No. 15-224 and being subject to all legal highways and easements of record.

I:\CURRENT PROJECTS\15-224\documents\15-224 R1-75 to PF.doc

Corporate Office: 1415 East 286th Street Wickliffe, Ohio 44092

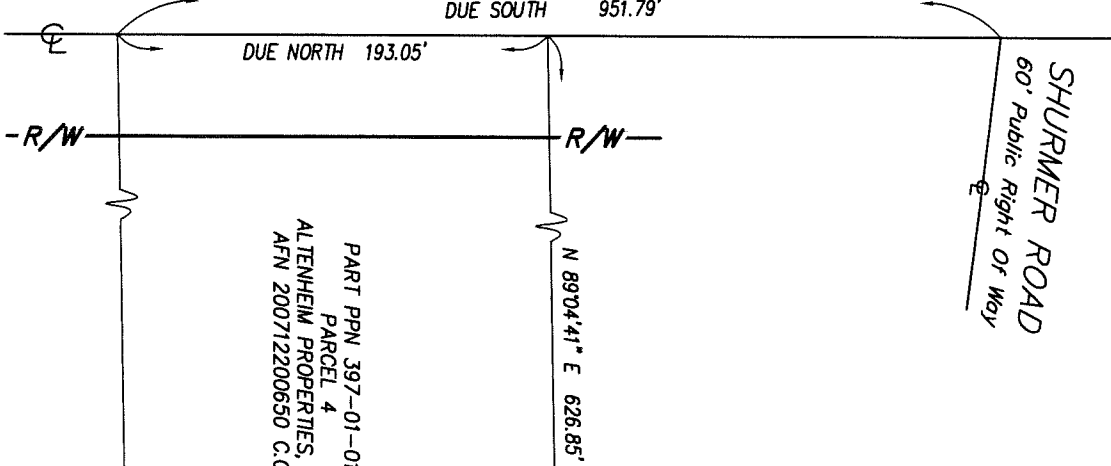
**440.585.9800 Toll Free: 800.250.3451 Mortgage Fax 440.585.9801 Survey Fax 440.585.9802
www.mcsteen.com**

PEARL ROAD (U. S. ROUTE 42)

Variable Width Public Right Of Way

DUE SOUTH 951.79'

DUE NORTH 193.05'



PART PPN 397-01-012
PARCEL 4
ALTENHEIM PROPERTIES, INC.
AFN 200712200650 C.C.R.

N 89°04'41" E 626.85'

N 00°44'56" E 193.11'

TRUE PLACE
OF BEGINNING

N 89°04'41" E 390.00'

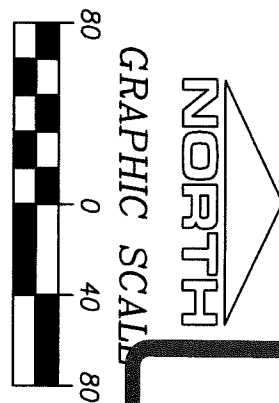
PART PPN 397-01-012
PARCEL 4
ALTENHEIM PROPERTIES, INC.
AFN 200712200650 C.C.R.
1.728 Acres

S 89°04'41" W 390.00'

PPN 397-01-001
ECHO STRONGSVILLE, LLC
AFN 201210290454 C.C.R.

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
for
PPN 397-01-012
REZONE FROM ONE FAMILY 75 (R1-75)
to PUBLIC FACILITY (PF)
CITY OF STRONGSVILLE
COUNTY OF CUYAHOGA - STATE OF OHIO
JOB No. 15-224

PPN 397-01-007
ALTENHEIM PROPERTIES, INC.
AFN 200712200650 C.C.R.



S. L. 279
PPN 397-02-010
ELAINE GOMMEL
VOL. 96-8073
PG. 17 C.C.R.

S. L. 278
PPN 397-01-067
JAMES M. & ADELA E. PONTIKOS
VOL. 85-1650, PG. 9 C.C.R.

HUNTING MEADOWS SUBDIVISION No. 6
VOL. 213, PG. 68 C. C. M. R.

EXHIBIT B

Petition For Zoning Change - Legal Description
Altenheim Properties, Inc.
397-01-023

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio:

And known as being Sublot No. 8 in Allstate Realty and Building Company's Breesewood Subdivision No. 1 of part of Original Strongsville Township Lot No. 44, as shown by the recorded plat in Volume 157 of Maps, Page 26 of Cuyahoga County Records as appears by said plat, be the same more or less but subject to all legal highways.

Permanent Parcel No.: 397-01-023

Property Address: 18485 Shurmer Road, Strongsville, Ohio 44136

EXHIBIT C

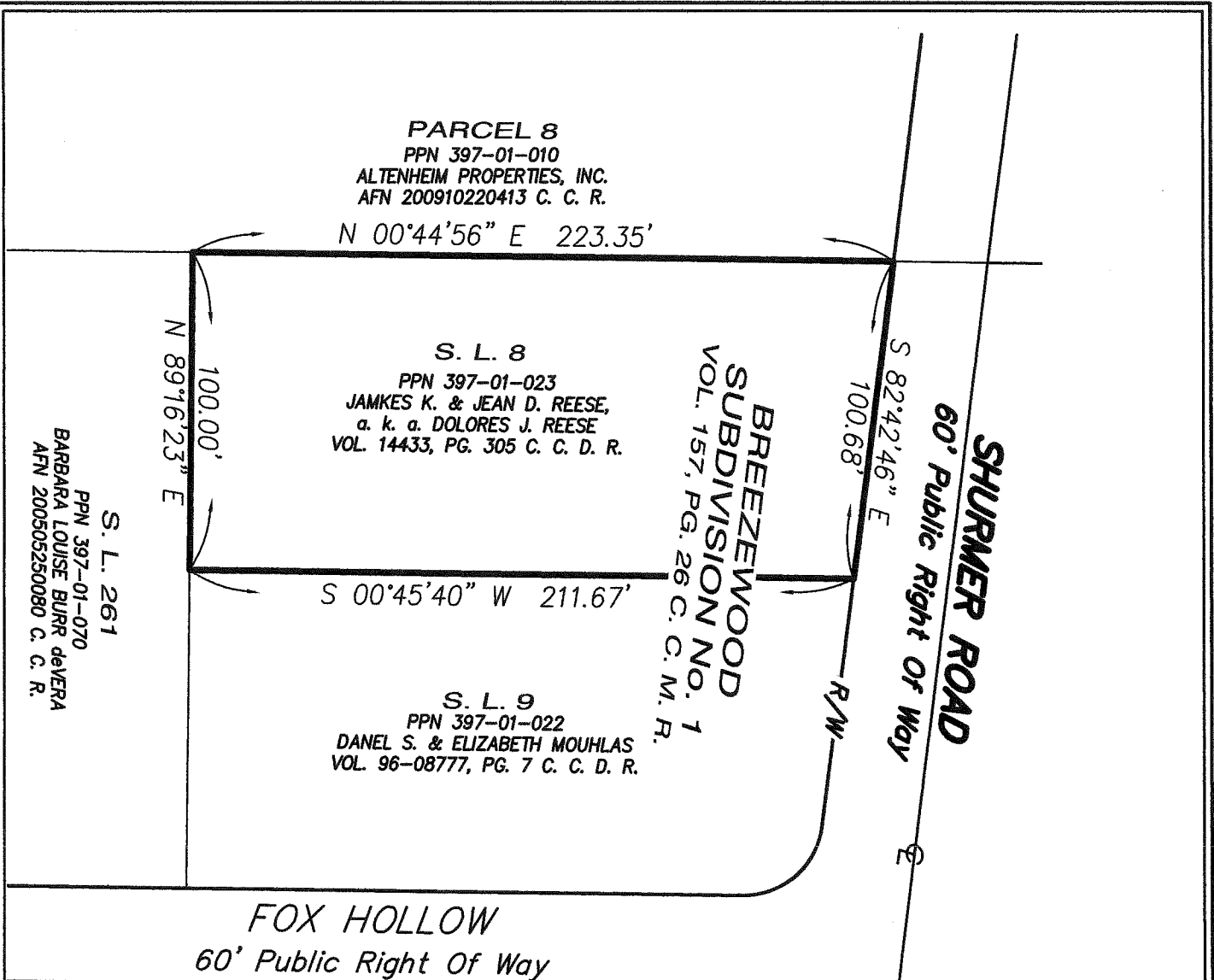
PPN 397-01-023

REZONE FROM ONE FAMILY 75 (R1-75)
to PUBLIC FACILITY (PF)

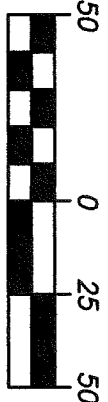
CITY OF STRONGSVILLE
COUNTY OF CUYAHOGA - STATE OF OHIO
JOB No. 15-224

EXHIBIT
for

EXHIBIT D



GRAPHIC SCALE



1 INCH = 50 FEET

S. L. 261
PPN 397-01-070
BARBARA LOUISE BURR deVERA
AFN 200505250080 C. C. R.

PETITION FOR ZONING CHANGE

Ordinance Number: 2015-213

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 PF use.

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

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

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

1. Legal Description
2. Survey Map
3. _____

THE PROPOSED USE OF THE PROPERTY IS: Undetermined - Eventual buffer for
development on adjacent property.

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

Name: David R. Button, Esq.
Wegman, Hessler & Vanderburg
 Address: 6055 Rockside Woods Blvd., Suite 200, Cleveland, Ohio 44131
 Telephone Number: (216) 642-3342

Attn: Paul Psota, CEO
By: Paul Psota, CEO

 Signature of Owner(s) Paul Psota, CEO

State of Ohio)
 County of Cuyahoga)

Sworn to and subscribed to in my presence this 8th day of October, 2015.

Roseann Mendle
 Notary Public

My commission expires 10/14/15

* 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.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2015-213

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: 18485 Shurmer Road, Strongsville, Ohio 44136

Permanent Parcel No.: 397-01-023

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.)
Shurmer Road - North; Pearl Road - West; Drake Road - South; Fox Hollow - East

Number and type of buildings which now occupy property (if any): None

Acreage: 0.50

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

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

Said property is presently under lease or otherwise encumbered as follows: None

| Owner(s) | Percent of Ownership | % |
|--------------------------------------|----------------------|----------|
| 1. <u>Altenheim Properties, Inc.</u> | <u>100</u> | <u>%</u> |
| 2. _____ | _____ | _____% |
| 3. _____ | _____ | _____% |

Altenheim Properties, Inc.
By: Paul Psota, CEO
Signature of Owner(s) Paul Psota, CEO

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 8th day of October, 2015.

Roseann Mesole
Notary Public

My commission expires 10/14/15

* 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.

**Attachment to Petition For Zoning Change
Altenheim Properties, Inc.
397-01-023**

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

The subject property is currently a residential property that includes a house located to the east of the Altenheim's skilled nursing campus at 18627 Shurmer Road (corner of Pearl and Shurmer). It is zoned R1-75 one-family dwelling residential. The Altenheim is considering its future use of the campus and the construction of additional facilities on its campus. While the property is zoned for residential use it is better suited for public facilities use in order to preserve the Altenheim's right to effectively develop and use the entire campus, including the subject property. The most logical and appropriate use of the parcel is the expansion of the Altenheim's campus given its present location and close proximity to the existing skilled nursing facility to the west. Given the close proximity to the Altenheim's campus and its proposed further development of the adjacent property, it is unlikely that a prospective customer would choose to purchase the house and use it as a residence. Given the Altenheim's need to expand its operations and the lot's current circumstances, it only makes sense to rezone the property from R1-75 to PF to allow for the future construction of additional facilities on the adjacent property to the west and to allow the subject property to be used to provide the necessary buffer between the Altenheim's future development and the residential neighborhood to the east.

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

The intended use of the Property as an extension of the Altenheim campus will actually benefit the public welfare as the intended use will provide the applicant with the additional land it needs to expand its facilities and services to the residents of Strongsville and the surrounding communities. The services provided by the Altenheim are expected to be in greater demand as the population becomes older. The addition of new and expanded facilities will provide a more convenient option for such services for the residents of Strongsville; either as another option within the city itself or as an alternative to facilities outside of the city. Both of which are public benefits. The zoning change will have little impact on the surrounding owners as the subject property's expected use in the future is as a buffer from the expanded Altenheim campus.

(A)

Permanent 397-01-023
Parcel #:

| | |
|------------------------------------|---------------------------|
| Instrument: Fiduciary Deed | Date: 3/1/2013 3:04:00 PM |
| District #: 3340 | Tax List Year: 2013 |
| Grantor: ALTENHEIM PROPERTIES INC | Land Use Code: 5100 |
| Balance Assumed: \$ 0.00 | Land Value: 34,100 |
| Total Consideration: \$ 118,000.00 | Building Value: 91,700 |
| Conv. Fee Paid: \$ 472.00 | Total Value: 125,800 |
| Transfer Fee Paid: \$ 0.50 | Rcpt: c-03012013-12 |
| Fee Paid by: Ohio Title Corp. | Inst #: 582110 |
| Instrument Code: | Check #: |

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 2
DEED 3/1/2013 3:17:45 PM
201303010620


Cuyahoga County Fiscal Officer

FIDUCIARY DEED

Statutory Form

KNOW ALL MEN BY THESE PRESENTS:

**JOHN P. KOSCIANSKI, GUARDIAN OF THE ESTATE OF
JEAN D. REESE AKA DELORES J. REESE**

the Grantor,

by the power conferred by **Cuyahoga County Probate Court, Case No. 2012 ADV 183968** and every other power, for the sum of **ONE HUNDRED EIGHTEEN THOUSAND DOLLARS (\$118,000.00)** paid, grants, with fiduciary covenants, to

ALTENHEIM PROPERTIES, INC., an Ohio Corporation

the Grantee,

whose **TAX MAILING ADDRESS** will be 18627 Shurmer Road,
Strongsville, OH 44136

does

Give, Grant, Bargain, Sell and Convey unto the said Grantee, its heirs and assigns, the following described premises:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio:
And known as being Sublot No. 8 in Allstate Realty and Building Company's Breesewood Subdivision No. 1 of part of Original Strongsville Township Lot No. 44, as shown by the recorded plat in Volume 157 of Maps, Page 26 of Cuyahoga County Records as appears by said plat, be the same more or less but subject to all legal highways.

Premises commonly known as:
18485 Shurmer Road
Strongsville, OH 44136
Permanent Parcel No. 397-01-023

OHIO TITLE CORP
File No. M122227

Prior Instrument Reference: Volume 14433, Pages 305 and 306

Subject to: Restrictions and conditions of record, easements, reservations, zoning ordinances, if any, and taxes and assessments, both general and special, for the first half of 2012 and thereafter.

Signed, the 28 day of FEBRUARY, 2013.

John P. Koscianski, Guardian
JOHN P. KOSCIANSKI, Guardian
of the Estate of Jean D. Reese
AKA Delores J. Reese
Cuyahoga County Probate Court
Case No. 2012 ADV 183968

State of Ohio)
) SS.
Cuyahoga County)

Before me, a *Notary Public* in and for said County and State, personally appeared the above named, **JOHN P. KOSCIANSKI, Guardian of the Estate of Jean D. Reese AKA Delores J. Reese, Cuyahoga County Probate Court Case No. 2012 ADV 183968**, the Grantor in the above conveyance, and acknowledged the signing thereof to be his voluntary act and deed, for the purpose mentioned therein.

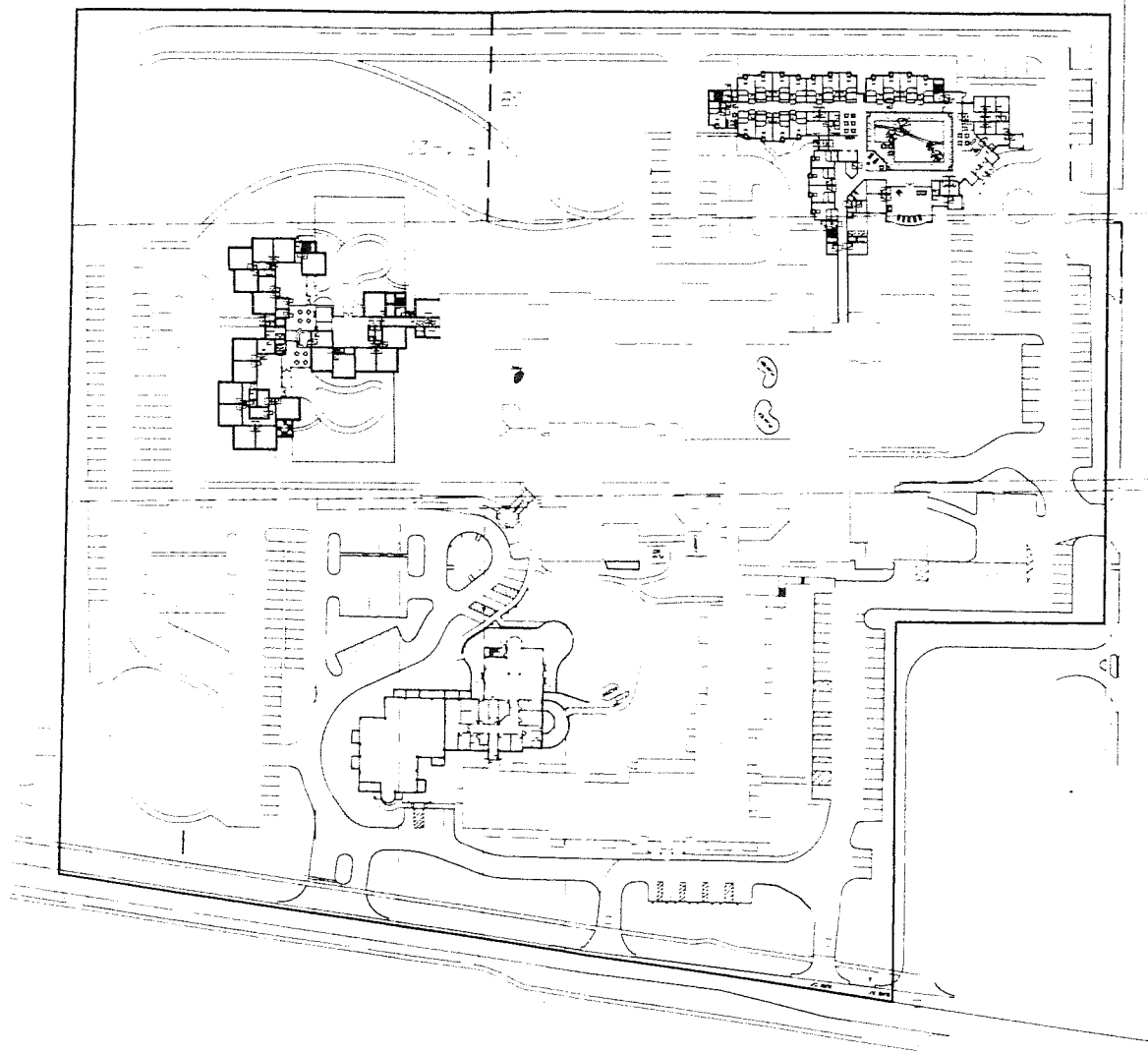
In Testimony Whereof, I have hereunto set my hand and official seal on the day and year aforesaid.

Allison J. McClanahan
Notary Public



ALLISON J. McCLANAHAN
Notary Public, State of Ohio
Recorded in Ashland County
My Commission Expires
3-16-2013

This instrument prepared by:
JOHN P. KOSCIANSKI
ATTORNEY AT LAW
5700 PEARL ROAD, #302
PARMA, OHIO 44129
440-845-0500



GRAPHIC SCALE
 1" = 200'

DATE: 10/1/81

15-207
 10/1/81

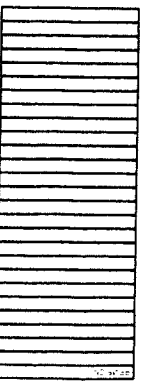
C1
 10/1/81

ALLENHEIM PROPERTIES, INC.
 18627 SHARPER ROAD
 CITY OF STROMSVILLE - STATE OF OHIO

ALLENHEIM PROPERTIES, INC.
 18627 SHARPER ROAD
 CITY OF STROMSVILLE - STATE OF OHIO

WESTERN AND ASSOCIATES, INC.
 1415 EAST 17TH AVENUE, DENVER, COLORADO 80202
 PHONE: 348-1500 FAX: 348-1500

WESTERN AND ASSOCIATES, INC.
 1415 EAST 17TH AVENUE, DENVER, COLORADO 80202
 PHONE: 348-1500 FAX: 348-1500



PETITION FOR ZONING CHANGE

Ordinance Number: 2015-213

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 PF use.

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

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

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

1. Legal Description
2. Survey Map
3. Preliminary Diagram of Proposed Development

THE PROPOSED USE OF THE PROPERTY IS: Buffer for development on front portion of the property. Rehabilitation and outpatient care facility.

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

Name: David R. Button, Esq.

Wegman, Hessler & Vanderburg

Address: 6055 Rockside Woods Blvd., Suite 200, Cleveland, Ohio 44131

Telephone Number: (216) 642-3342

Altenheim Properties, Inc.
By: Paul Psota, CEO
Signature of Owner(s) Paul Psota, CEO

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 8th day of October, 2015.

Roseanne Meade
Notary Public

My commission expires 10/14/15

* 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.

PROPERTY DESCRIPTION FORM

Ordinance Number: 2015-213

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: 15733 Pearl Road, Strongsville, Ohio 44136

Permanent Parcel No.: 397-01-012 (rear)

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.)
Shurmer Road - North; Pearl Road - West; Drake Road - South; Mallard Circle - East

Number and type of buildings which now occupy property (if any): None

Acreage: 1.7

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

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

Said property is presently under lease or otherwise encumbered as follows: None

| | Owner(s) | Percent of Ownership | |
|----|-----------------------------------|----------------------|----------|
| 1. | <u>Altenheim Properties, Inc.</u> | <u>100</u> | <u>%</u> |
| 2. | <u></u> | <u></u> | <u>%</u> |
| 3. | <u></u> | <u></u> | <u>%</u> |

Altenheim Properties, Inc.
By: Paul Psota, CEO
Signature of Owner(s) Paul Psota, CEO

State of Ohio)
County of Cuyahoga)

Sworn to and subscribed to in my presence this 8th day of October, 2015.

Roseann Meade
Notary Public

My commission expires 10/14/15

* 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.

**Attachment to Petition For Zoning Change
Altenheim Properties, Inc.
397-01-012 (rear)**

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

The subject property is vacant and located between the Altenheim's skilled nursing campus at 18627 Shurmer Road (corner of Pearl and Shurmer) and the new Giant Eagle Market District at 15919 Pearl Road. It is split zoned GB - general business district in the front (approximately 624' x 193') and R1-75 one-family dwelling residential in the rear portion of the property (approximately 360' x 193'). The Altenheim has a current need to construct a rehabilitation hospital and outpatient facility that will be used to temporarily house and provide services to individuals convalescing and/or recuperating from surgeries and other medical procedures. While this portion of the subject property is zoned for residential use it is better suited for public facilities use in order to preserve the Altenheim's right to effectively develop and use the property other than as a vacant lot. The residential zoning must date back to a time when additional surrounding land was undeveloped and residential development was a possibility for this portion of the property. Now there is no other surrounding property that is undeveloped and the only adjacent parcel that is zoned residential is the property to the east, which is inaccessible as it is occupied by homes on a cul-de-sac; making the subject property land-locked from further residential development. The most logical and appropriate use of the parcel is the expansion of the Altenheim's campus given its present width and close proximity to the Giant Eagle location to the south. Given the Altenheim's need to expand its operations and the lot's current circumstances, it only makes sense to rezone the property to allow for the construction of the proposed rehabilitation hospital and outpatient facility toward the front of the parcel and the use of the rear portion for a landscaped yard and buffer from the adjoining neighborhood. The rezoning will allow the Altenheim to use the property, whereas the current zoning only promotes its continued vacancy.

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

The intended use of the Property as an extension of the Altenheim campus will actually benefit the public welfare as the intended use as a yard and buffer from the proposed rehabilitation hospital and outpatient care facility will be more restrictive and create less of an impact on the local community than the types of businesses which were recently constructed to the south of the subject property. Also, the addition of a rehabilitation hospital and outpatient facility will provide a more convenient option for such services for the residents of Strongsville; either as another option within the city itself or as an alternative to facilities outside of the city. Both of which are public benefits. Further, the location of the proposed development will be toward the front of the property and closer to Pearl Road, as opposed to the residential properties

which border to the east. A substantial landscaped yard will buffer the adjacent residential properties and the rear yard setbacks provided in the public facility classification will be more stringent than the setbacks provided in the general business classification; providing the neighboring homeowners with additional buffering. Since the proposed use will have less of an impact on the surrounding community and a public benefit will result, the proposed rezoning request will not be materially detrimental to the public welfare nor detrimental to the real property located in the vicinity.

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that the **West Side Deutscher Frauen Verein**, an Ohio nonprofit corporation, dba The Altenheim ("Grantor"), for Ten Dollars (\$10.00) and other valuable consideration paid, grants, with general warranty covenants, to **Altenheim Properties, Inc.**, an Ohio nonprofit corporation ("Grantee"), with a tax mailing address of **18627 Shurmer Road, Strongsville, Ohio 44136**, the following described real property (collectively, the "Property"):

Parcel 1

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

Beginning in the center line of Pearl Road, 66 feet wide, at the Southwesterly corner of land conveyed to Paul M. and F. Naylor by deed dated December 1, 1951 and recorded in Volume 7426, Page 212 of Cuyahoga County Records;

Thence Southerly along the center line of Pearl Road, 10 feet to a point and the principal place of beginning;

Thence Easterly parallel with the Southerly line of land so conveyed to Paul M. and F. Naylor as aforesaid, 240 feet to a point;

Thence Northerly parallel with the center line of Pearl Road, 10 feet to the Southeasterly corner of land conveyed to Paul M. and F. Naylor as aforesaid;

Thence North 89° 04' 10" East 780.11 feet to the Easterly line of said Original Lot No. 57;

Thence South 0° 44' 40" West, 256.73 feet to a point;

Thence South 89° 04' 10" West, 1016.77 feet to the center line of Pearl Road;

Thence Northerly along the center line of Pearl Road, 246.66 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 397-01-007

Prior Instrument Reference: Volume 15231, Page 597 of Cuyahoga County, Ohio Records
AKA 15653 Pearl Rd, Strongsville, OH 44136

Parcel 2

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

*Chicago Title 2751931
Ch Record*

Permanent 397-01-006
Parcel #: 397-01-009
397-01-012

| | |
|--|-----------------------------|
| Type Instrument: Warranty Deed Ex | Date: 12/20/2007 3:43:00 PM |
| Tax District #: 3340 | Tax List Year: 2007 |
| Grantor: West Side Deutscher Frauen | Land Use Code: 4120 |
| Grantee: ALTENHEIM PROPERTIES, IN | Land Value: 1,873,700 |
| Balance Assumed: \$ 0.00 | Building Value: 10,618,300 |
| Total Consideration: \$ 0.00 | Total Value: 12,492,000 |
| Conv. Fee Paid: \$ 0.00 | Arms Length Sale: NO |
| Transfer Fee Paid: \$ 1.50 | Rcpt: D-12202007-23 |
| Fee Paid by: Chicago Title Insurance C | Inst #: 325136 |
| Exempt Code: | Check # |

Frank Russo
CUYAHOGA COUNTY AUDITOR

Beginning in the Centerline of Pearl Road at the Northwesterly corner of land conveyed to Paul M. Naylor and Florence Ann Naylor by deed dated December 1, 1951 and recorded in Volume 7426, Page 212 of Cuyahoga County Records.

Thence Southerly along the center line of Pearl Road, 125 feet to the Southwesterly corner of land conveyed to Paul M. Naylor and Florence A. Naylor by deed dated April 12, 1964 and recorded in Volume 11131, Page 11, of Cuyahoga County Records;

Thence Easterly along the Southerly line of land so conveyed to Paul M. Naylor and Florence A. Naylor 240 feet to the Southeasterly corner thereof;

Thence Northerly along the Easterly line of land so conveyed to Paul M. Naylor and Florence A. Naylor by deed recorded in Volume 11131, Page 11 and the Easterly line of land so conveyed to Paul M. Naylor and Florence Ann Naylor by deed recorded in Volume 7426, Page 212, 125 feet to the Northeasterly Corner thereof;

Thence Westerly along the Northerly line of land so conveyed to Paul M. Naylor and Florence Ann Naylor by deed recorded in Volume 7426, Page 212, 240 feet to the place of beginning be the same more or less, but subject to all legal highways.

Excepting therefrom that part conveyed to the State of Ohio by Deed filed November 28, 1983 and recorded in Volume 83-1781, Page 17 of Cuyahoga County Records.

Permanent Parcel No. 397-01-009

Prior Instrument Reference: Volume 95-02914, Page 48 of Cuyahoga County, Ohio Records
AKA 15561 Pearl Rd, Strongsville, OH 44136

Parcel 3

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

Beginning in the center line of Shurmer Road, 60 feet wide, at its intersection with the Westerly line of land conveyed to Dennis L. and Paula A. Williams by deed dated March 12, 1978 and recorded in Volume 14687, Page 369 of Cuyahoga County Records;

Thence Southerly along the Westerly line of land conveyed to Dennis L. and Paula A. Williams as aforesaid, a distance of about 410.68 feet to the Southwest corner thereof;

Thence Easterly along the Southerly line of land conveyed to Dennis L. and Paula A. Williams as aforesaid;

And along its Easterly prolongation to the Northwesterly corner of land conveyed to Strongsville Missionary Church, Inc., by deed dated October 17, 1959 and recorded in Volume 9760, Page 393 and re-recorded in Volume 10678, Page 739 of Cuyahoga County Records;

Thence Southerly along the Westerly line of land so conveyed to Strongsville Missionary Church, Inc. 10 feet to the Southwesterly corner thereof in the Southerly line of land conveyed to William and Dorothy Cumberworth by deed dated January 10, 1952 and recorded in Volume 7439 page 131 of Cuyahoga County Records;

Thence Westerly along the Southerly line of land conveyed to William and Dorothy Cumberworth, as aforesaid, about 546.11 feet to the Southeast corner of land so conveyed to Paul M. and Florence Ann Naylor by deed dated December 1, 1951 and recorded in Volume 7426, Page 212 of Cuyahoga County Records;

Thence Northerly along the Easterly line of land so conveyed to Paul M. and Florence Ann Naylor aforesaid to the Northeast corner thereof, said point being also the Southeast corner of land so conveyed to Alice Tabasso and Dorothy Labyk by deed dated August 9, 1977 and recorded in Volume 14604, Page 761 of Cuyahoga County Records;

Thence Northerly along the Easterly line of land conveyed to Alice Tabasso and Dorothy Labyk as aforesaid, to the center line of land of Shurmer Road;

Thence Easterly along the center line of Shurmer Road to the place of beginning be the same more or less, but subject to all legal highways.

Permanent Parcel No. 397-01-006

Prior Instrument Reference: Volume 84-4006, Page 45 of Cuyahoga County, Ohio Records
AKA 15653 Pearl Rd, Strongsville, OH 44136

Parcel 4

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio: And known as being part of Original Strongsville Township Lot Number 57, bounded as follows:

Beginning in the centerline of Pearl Road at its intersection with the Southerly line of a parcel of land conveyed to James P. Ehrbar by deed recorded in Volume 4220, Page 286 of Cuyahoga County Records, said point being distant due South, measured along said centerline, 951.79 feet from its intersection with the centerline of Shurmer Road;

Thence due North along the centerline of Pearl Road 193.05 feet to a point;

Thence North 89 degrees, 04 minutes, 10 seconds East, parallel with the Southerly line of said land conveyed to James P. Ehrbar, 1016.77 feet to a point in the Easterly line of said land;

Thence South 0 degrees, 44 minutes, 40 seconds West, along said Easterly line 193.11 feet to the Southeasterly corner of said land conveyed to James P. Ehrbar;

Thence South 89 degrees, 04 minutes, 10 seconds West along the Southerly line of said land conveyed to James P. Ehrbar, 1014.26 feet to the place of beginning and containing 4.500 Acres of land according to the Survey of Warren J. Root, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

The courses used in this description are given to an assumed meridian and are used to indicate angles only.

Permanent Parcel No. 397-01-012

Prior Instrument Reference: AFN# 200002160494 of Cuyahoga County, Ohio Records

AKA 15733 Pearl Rd, Strongsville, OH 44136

Parcel 5

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

Beginning in the center line of Shurmer Road, at its intersection with the Easterly line of said Original Lot No. 57, said line being also the Easterly line of a parcel of land conveyed to William Cumberworth and Dorothy Cumberworth by deed recorded in Volume 7439, Page 131 of Cuyahoga County Records;

Thence North 82° 35' 40" West along the center line of Shurmer Road, 235.50 feet to the principal place of beginning of premises herein described;

Thence North 82° 35' 40" West along the center line of Shurmer Road, 78.5 feet to a point;

Thence South 0° 44' 40" West parallel with the Easterly line of said Original Lot No. 57, 387.91 feet to a point distant North 0° 44' 40" East, 10 feet from the Southerly line of said land conveyed to William Cumberworth and Dorothy Cumberworth;

Thence North 89° 04' 10" East, parallel with the said Southerly line, 78 feet to a point;

Thence North 0° 44' 40" East, 376.53 feet to the principal place of beginning according to the Survey of Warren J. Root, Civil Engineer and Surveyor, be the same more or less, but subject to all legal highways.

The courses used in this description are given to an assumed meridian and are used to indicate angles only.

Permanent Parcel No. 397-01-011 (PP# 397-01-011 was erroneously recorded as PP# 397-01-010 in the prior instrument)

Prior Instrument Reference: Volume 85-3664, Page 1 of Cuyahoga County, Ohio Records

AKA 15653 Pearl Rd, Strongsville, OH 44136

Parcel 6

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

Beginning in the center line of Shurmer Road at its intersection with the Easterly line of said Original Lot No. 57 said line being also the Easterly line of a parcel of land conveyed to William

Cumberworth and Dorothy Cumberworth by deed recorded in Volume 7439, Page 131 of Cuyahoga County Records.

Thence North 82° 35' 40" West along the Center line of Shurmer Road, 314.00 feet to the principal place of beginning of the premises herein described;

Thence North 82° 35' 40" West along the center line of Shurmer Road, 78.5 feet to a point;

Thence South 0° 44' 40" West parallel with the Easterly line of said Original Lot No. 57, 399.30 feet to a point distant North 0° 44' 40" East 10 feet from the Southerly line of said land conveyed to William Cumberworth and Dorothy Cumberworth;

Thence North 89° 04' 10" East parallel with said Southerly line, 78 feet to a point;

Thence North 0° 44' 40" East 387.91 feet to the principal place of beginning according to the survey of Warren J. Root, Civil Engineers and Surveyors, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 397-01-013

Prior Instrument Reference: Volume 86-6577, Page 11 of Cuyahoga County, Ohio Records
AKA 15653 Pearl Rd, Strongsville, OH 44136

Parcel 7

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

Beginning in the center line of Shurmer Road at its intersection with the Easterly line of said Original Lot No. 57, said line being also the Easterly line of a parcel of land conveyed to William Cumberworth and Dorothy Cumberworth by deed recorded in Volume 7439, Page 131 of Cuyahoga County Records;

Thence North 82° 35' 40" West along the center line of Shurmer Road, 392.50 feet to the principal place of beginning of premises herein described;

Thence North 82° 35' 40" West along the center line of Shurmer Road, 78.5 feet to a point;

Thence South 0° 44' 40" West parallel with the Easterly line of said Original Lot No. 57, 410.68 feet to a point distant North 0° 44' 40" East, 10 feet from the Southerly line of said land conveyed to William Cumberworth and Dorothy Cumberworth;

Thence North 89° 04' 10" East, parallel with said Southerly line, 78 feet to a point;

Thence North 0° 44' 40" East, 399.30 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 397-01-024
Prior Instrument Reference: Volume 86-7123, Page 51 of Cuyahoga County, Ohio Records
AKA 15653 Pearl Rd, Strongsville, OH 44136

The Property is conveyed subject to (i) zoning ordinances and regulations, if any;
(ii) easements, covenants, conditions, reservations and restrictions of record; and (iii) general
real estate taxes and assessments, which are a lien but are not yet due and payable.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 20th
day of December, 2007.

West Side Deutscher Frauen Verein, an Ohio
nonprofit corporation, dba The Altenheim

By: GREGORY M. McDaniel

Its: EXECUTIVE DIRECTOR

State of Ohio)
) SS.
County of Cuyahoga)

BEFORE ME, a Notary Public in and for said County and State, personally
appeared GREGORY M. McDaniel the EXEC. DIR., of West Side Deutscher
Frauen Verein, an Ohio nonprofit corporation, dba The Altenheim, who acknowledged to hold
the title set forth in the instrument, that he/she signed the instrument on behalf of the corporation
by proper authority, and the instrument was the act of the corporation for the purpose therein
stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at
Cleveland, Ohio this 20th day of December, 2007.

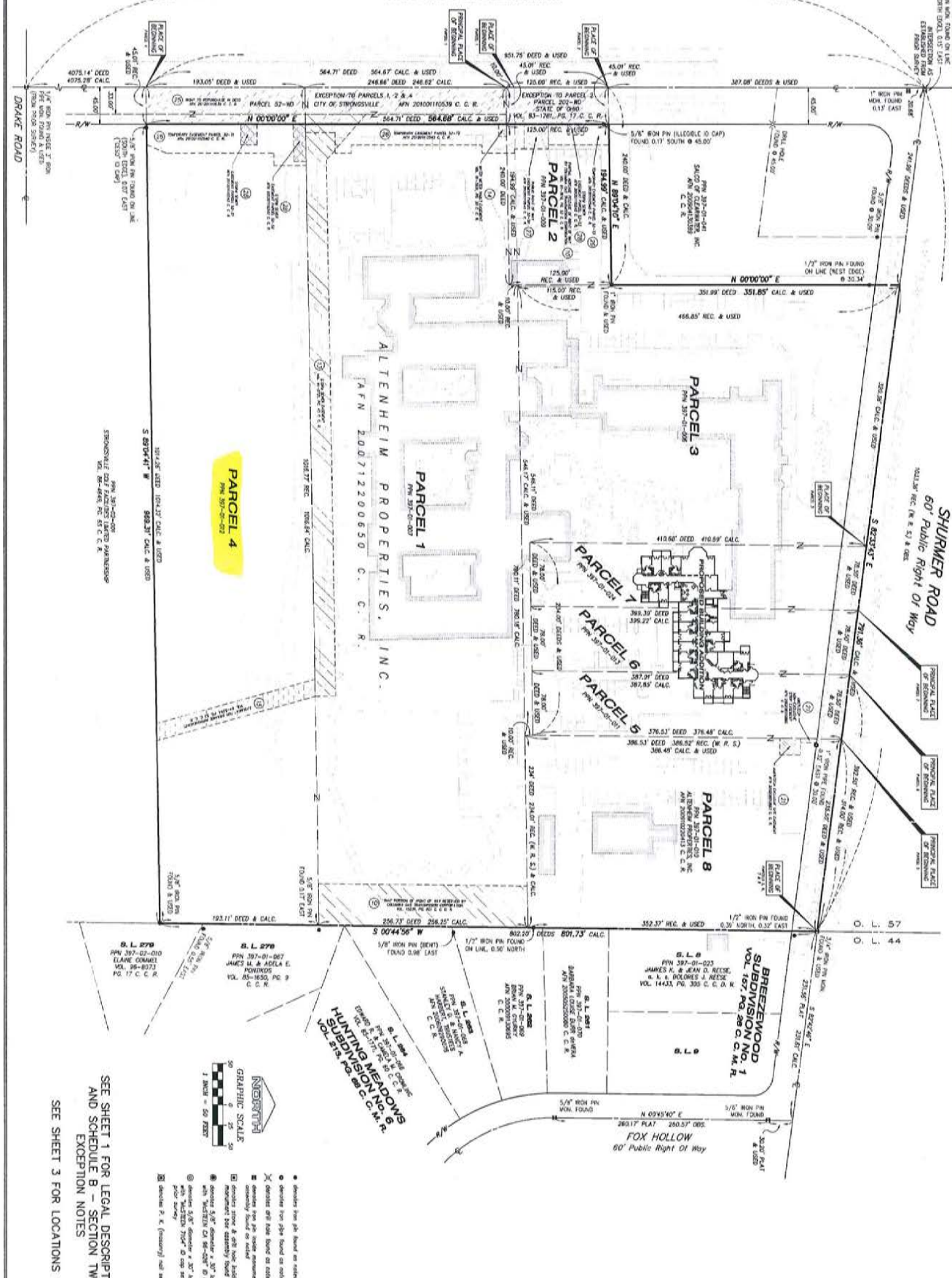
Paul P. Psota
NOTARY PUBLIC

This instrument was prepared by:
Deborah D. Zielinski, Esq.
Buckley King LPA
1400 Fifth Third Center
600 Superior Avenue, East
Cleveland, Ohio 44114
(216) 363-1400

PAUL P. PSOTA, Attorney At Law
Notary Public - State of Ohio
My commission has no expiration date
Section 147.03 R. C.

786\005\deeds\356 General Warranty Deed (execution copy).doc

PEARL ROAD (U. S. ROUTE 42)
 Variable Width Public Right Of Way
 S 00°00'00" W (USED AS BASIS OF BEARINGS) 5027.07' OBS.



SEE SHEET 1 FOR LEGAL DESCRIPTION AND SCHEDULE B - SECTION TWO EXCEPTION NOTES

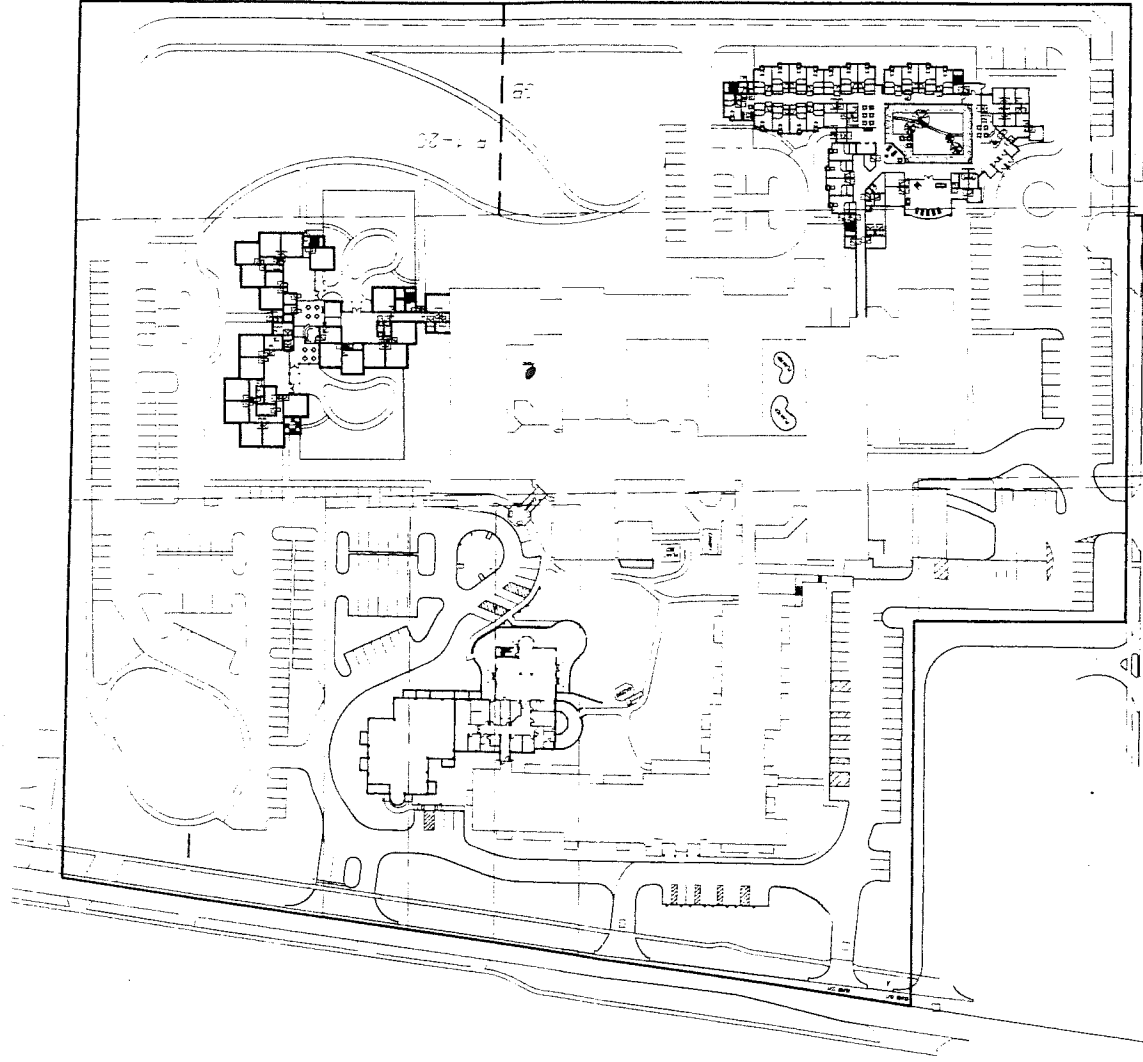
SEE SHEET 3 FOR LOCATIONS



- denotes true pin found on site
- denotes true pin found on record
- denotes old hole found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record
- denotes hole in concrete found on record

McSTEEN AND ASSOCIATES, INC.
 ENGINEERS & SURVEYORS
 1415 EAST 280th STREET - MCKEESVILLE, OH 44092
 PHONE: 1-440-585-9800 FAX: 1-440-585-9802





GRAPHIC SCALE
 1 INCH = 50 FEET
 NORTH

15-207

C1

ALTHEIM PROPERTIES, INC.
 PHASING PLAN
 19827 SUMNER ROAD
 CITY OF STRONGSVILLE - STATE OF OHIO

DATE: 01/12/01

WESTERN AND ASSOCIATES, INC.
 ENGINEERS & ARCHITECTS
 1475 EAST 208TH STREET, WILLOUGHBY, OHIO 44092
 PHONE 1-440-386-0900 FAX 1-440-386-0902



CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: October 8, 2015

SUBJECT: Rezoning Application
Altenheim Properties, Inc.; Owner
PPNs 397-01-012, 397-01-023
Address: 15733, Pearl Road and 18485 Shurmer Road
From R1-75 and GB to PF

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

Thank you.

akp
Attachments

cc: Thomas P. Perciak, Mayor
Kenneth A. Kraus, Law Director
Daniel J. Kolick, Asst. Law Director
George Smerigan, City Planner
All Members of Council
Carol Oprea, Planning Commission Secretary

City of Strongsville

Memorandum

To: Ken Kraus, Law Director

CC: Thomas P. Perciak, Mayor
Aimee Pientka, Clerk of Council

From: Lori Daley, Assistant City Engineer

Date: October 14, 2015

Re: Rezoning Application
Altenheim Properties, Inc.; Owner
PPN's 397-01-012 & 397-01-023
Address: 15733 Pearl Road and 18485 Shurmer Road
From R1-75 and GB to PF

Ken,

The legal descriptions included in the rezoning application for the above referenced parcels accurately describe the areas to be rezoned.

A portion of PPN 397-01-012 is to be rezoned from GB to PF

The remaining portion of PPN 397-01-012 and all of PPN 397-01-023 are to be rezoned from R1-75 to PF.

The attached exhibit is to accompany the legal description for PPN 397-01-023. It was omitted in the original application submittal.

If you have any questions please do not hesitate to contact me.

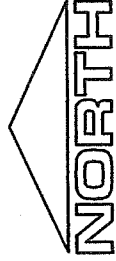
Thank you.

EXHIBIT
for

PPN 397-01-023

**REZONE FROM ONE FAMILY 75 (R1-75)
to PUBLIC FACILITY (PF)**

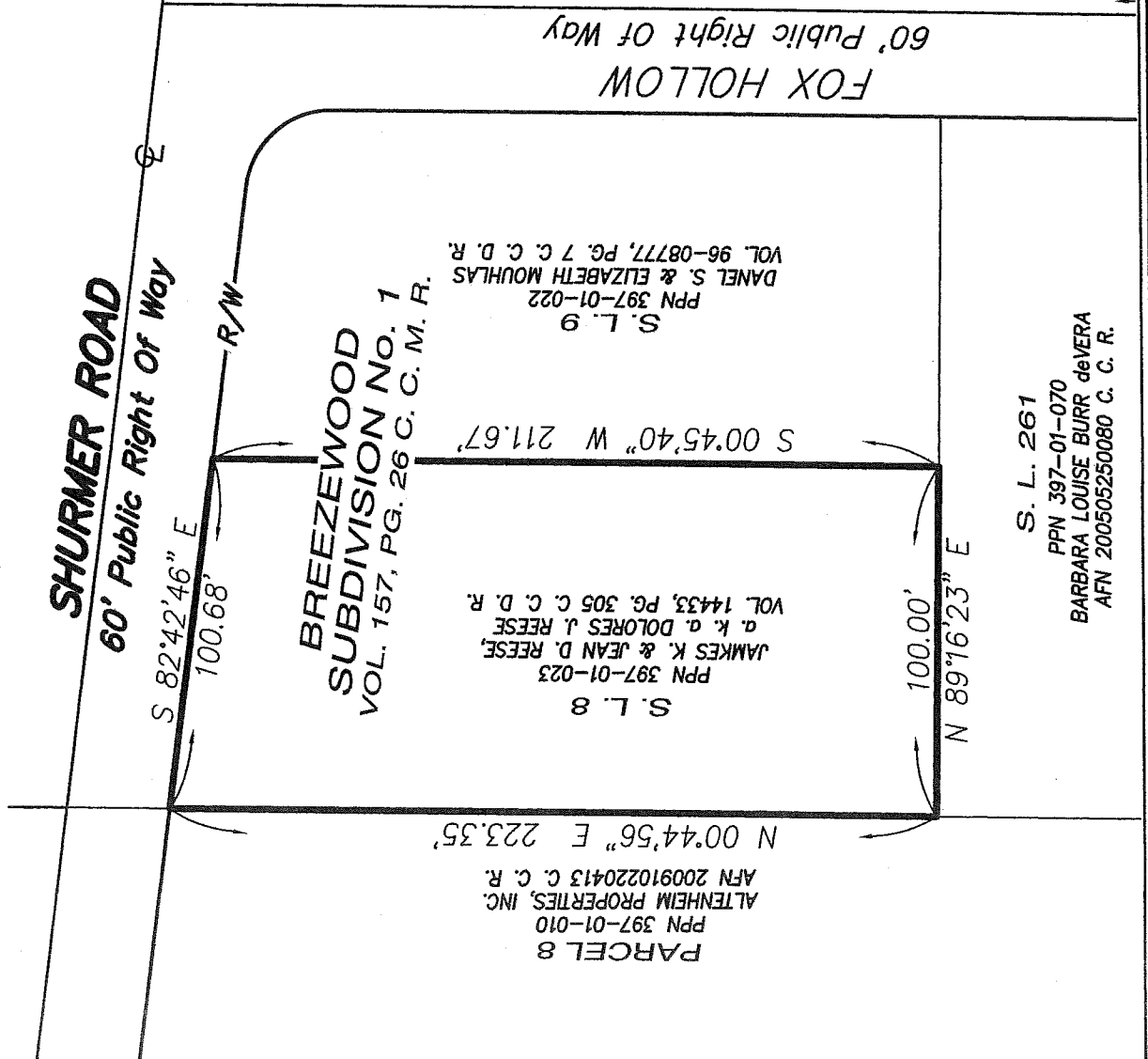
**CITY OF STRONGSVILLE
COUNTY OF CUYAHOGA - STATE OF OHIO**
JOB No. 15-224



GRAPHIC SCALE



1 INCH = 50 FEET



SHURMER ROAD

60' Public Right Of Way

S 82°42'46" E

100.68'

R/W

**BREEZEWOOD
SUBDIVISION NO. 1
VOL. 157, PG. 26 C. C. M. R.**

PARCEL 8
PPN 397-01-010
ALTEHHEIM PROPERTIES, INC.
AFN 200910220413 C. C. R.

S. L. 8
PPN 397-01-023
JANKES K. & JEAN D. REESE,
a. k. a. DOLORES J. REESE
VOL. 1443, PG. 305 C. C. D. R.

S. L. 9
PPN 397-01-022
DANIEL S. & ELIZABETH MOUHLAS
VOL. 96-08777, PG. 7 C. C. D. R.

S 00°45'40" W 211.67'

FOX HOLLOW
60' Public Right Of Way

100.00'

N 89°16'23" E

S. L. 261
PPN 397-01-070
BARBARA LOUISE BURR deVERA
AFN 200505250080 C. C. R.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission

FROM: Aimee Pientka, Clerk of Council

DATE: October 20, 2015

SUBJECT: Referral from Council: Ordinance No. 2015-213
Ordinance No. 2015-214

At its regular meeting of October 19, 2015, City Council referred the following Ordinances to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2015-213 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 15733 PEARL ROAD, BEING A PORTION OF PPN 397-01-012, AND ADDITIONAL PROPERTY AT 18485 SHURMER ROAD, BEING ALL OF PPN 397-01-023, ALL IN THE CITY OF STRONGSVILLE, FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO PF (PUBLIC FACILITIES) CLASSIFICATION, AND DECLARING AN EMERGENCY.
- Ordinance No. 2015-214 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 15733 PEARL ROAD, BEING A PORTION OF PPN 397-01-012, IN THE CITY OF STRONGSVILLE, FROM GB (GENERAL BUSINESS) CLASSIFICATION TO PF (PUBLIC FACILITIES) CLASSIFICATION, AND DECLARING AN EMERGENCY.

Copies of the ordinances are attached for Planning Commission review.

AKP
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Ken Kraus, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: October 23, 2015

Please be advised that at its meeting of October 22, 2015, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2015-213:

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 15733 PEARL ROAD BEING A PORTION OF PPN 397-01-012, AND ADDITIONAL PROPERTY AT 18485 SHURMER ROAD BEING ALL OF PPN 397-01-023, ALL IN THE CITY OF STRONGSVILLE FROM R1-75 (ONE FAMILY 75) CLASSIFICATION TO PF (PUBLIC FACILITY) CLASSIFICATION, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2015-214:

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 15733 PEARL ROAD BEING A PORTION OF PPN 397-01-012, IN THE CITY OF STRONGSVILLE FROM GB (GENERAL BUSINESS) CLASSIFICATION TO PF (PUBLIC FACILITY) CLASSIFICATION, AND DECLARING AN EMERGENCY.