

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0207

Sponsored by: **County Executive Budish/Department of Public Works**

A Resolution approving an adjustment of the municipal boundary between Orange Village and City of Pepper Pike in connection with a portion of Lander Road, and declaring the necessity that this Resolution become immediately effective.

WHEREAS, a portion of Lander Road, currently located in the City of Pepper Pike, as graphically depicted in Exhibit "A" and legally described in Exhibit "B," both of which are appended hereto and incorporated herein by reference, is currently owned by the Landerwood Glen Condominium Unit Owners Association ("the Property"); and,

WHEREAS, Orange Village and the City of Pepper Pike have mutually determined that the most prudent and efficient manner to avoid confusion regarding the responsibility for maintaining a portion of Lander Road and for providing police and other emergency services to motorists, pedestrians, and others who utilize that right of way, the Property requires the adjustment of the municipal corporation boundary within the Property pursuant to Section 709.37 of the Ohio Revised Code, by causing the entire Property to be located within the corporate boundaries of Orange Village ("Proposed Boundary Adjustment"); and,

WHEREAS, the Orange Village Council and the Pepper Pike City Council each enacted legislation on February 8, 2012 and April 25, 2012, respectively, approving the Proposed Boundary Adjustment; and,

WHEREAS, Section 709.37 of the Ohio Revised Code states "[t]he ordinances setting forth such agreement shall be certified to the board of county commissioners. Upon receipt of such certified ordinances, the board shall proceed by resolution to approve such change of boundary and to make such adjustment of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the board determines to be proper. Transcripts of the ordinances, agreements, and resolution certified by the board shall be filed in the office of the secretary of state and shall also be filed and recorded in the office of the county recorder. All fees and costs for such filing shall be assumed and paid by such municipal corporations in such proportions as the board determines;" and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That Cuyahoga County Council hereby approves the Proposed Boundary Adjustment as specified in Orange Village Ordinance No. 2011-39 and Pepper Pike City Ordinance No. 2012-11 pursuant to Section 709.37 of the Ohio Revised Code.

SECTION 2. The County Executive and Fiscal Officer are hereby authorized to record and/or execute any documents that may be necessary to effectuate the Proposed Boundary Adjustment approved herein, and to file a certified copy of this Resolution, including the certified copies of Orange Village Ordinance No. 2011-39 and Pepper Pike City Ordinance No. 2012-11, with the Secretary of State in accordance with Section 709.37 of the Ohio Revised Code.

SECTION 3. All fees and costs of filing and recording shall be borne equally by Orange Village and the City of Pepper Pike.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed 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, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Germana, seconded by Ms. Brown, the foregoing Resolution was duly adopted.

Yeas: Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones and Brady

Nays: None

David R. Boas
County Council President

12/14/2016
Date

Russ D. [Signature]
County Executive

12-14-16
Date

Janet M. Schmitz
Clerk of Council

12/13/2016
Date

First Reading/Referred to Committee: November 15, 2016
Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: November 29, 2016

Journal CC024
December 13, 2016

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

ORDINANCE NO. 2011-39

**AN ORDINANCE
AGREEING TO CHANGE A PORTION OF THE
BOUNDARY OF ORANGE VILLAGE WITH THE CITY
OF PEPPER PIKE.**

WHEREAS, pursuant to Section 709.37 of the Ohio Revised Code, "any two adjoining municipal corporations may, by ordinance of their respective legislative authorities, agree to a change in the boundary line separating such municipal corporations, provided such change does not involve the transfer of territory, inhabited by more than five voters, from one to the other or from each to the other"; and

WHEREAS, this Council finds and determines that a boundary adjustment of a portion of the boundary of Orange Village with the City of Pepper Pike is necessary in order to avoid confusion regarding the responsibility for maintaining a portion of Lander Road and of providing police and other emergency services to motorists, pedestrians and others who utilize that right of way; and

WHEREAS, this Council is willing to accept responsibility for that portion of Lander Road which is currently located in the City of Pepper Pike, as graphically depicted in "Exhibit A" and legally described in "Exhibit B," both of which are appended hereto and incorporated herein by reference; and

WHEREAS, the owner of the property, the Landerwood Glen Condominium Unit Owners Association, would benefit from the boundary line adjustment because after the adjustment, its property would be subject to the laws of just one municipality; and

WHEREAS, the proposed boundary adjustment would not affect any voters in either municipality and would be in the best interests of both municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That this Council hereby agrees to a boundary adjustment with the City of Pepper Pike and requests that Cuyahoga County adjust the boundaries of Orange

Village and the City of Pepper Pike in the manner provided by law so that the municipal boundary between the two communities as is graphically depicted in "Exhibit A," and to take such further actions as may be required by law.

SECTION 2. That Orange Village agrees to pay an equal share of the costs of this boundary adjustment with the City of Pepper Pike.

SECTION 3. That the Clerk of Council is hereby authorized and directed to certify a copy of this ordinance to the Cuyahoga County Executive.

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

PASSED: February 8, 2012

Mark A. Parks
Council President

Submitted to the Mayor for approval on this 8th day of Feb., 2012

Approved by the Mayor this 8th day of February, 2012

ATTEST:

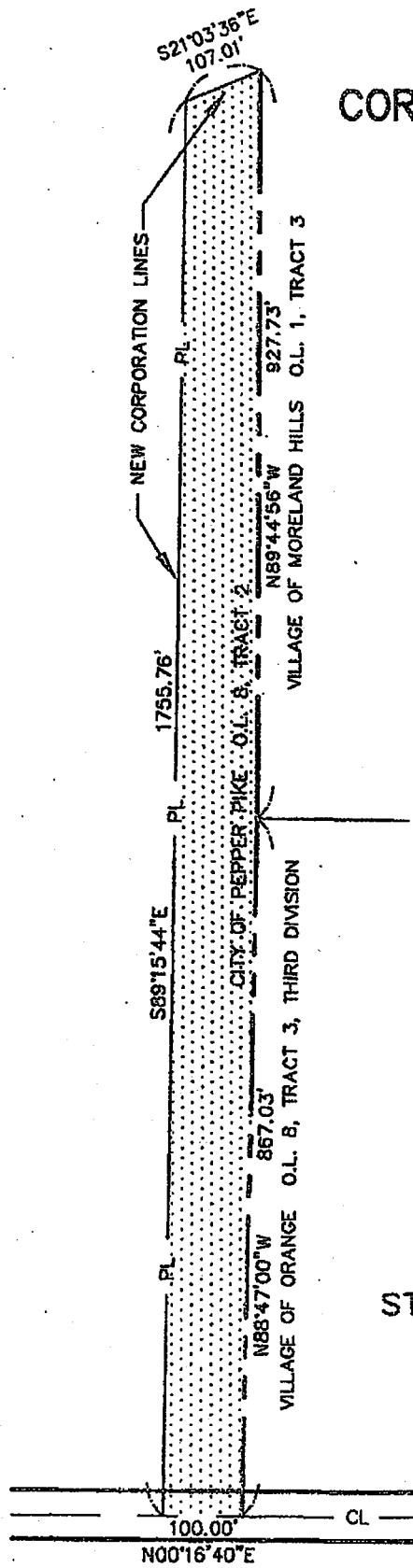
Mary Kumpson
Clerk of Council

Kath Mulcahy
Mayor

Mary Catherine Knight Clerk of Council
I hereby certify that this to be a true and
current copy of the original 2011-39
filed at Grange Village, Cuyahoga County,
State of Ohio.

Mary Catherine Knight
Clerk of Council

VILLAGE OF ORANGE
CORPORATION LINE RELOCATION



STEPHEN HOVANCSEK & ASSOCIATES
 CONSULTING ENGINEERS

2 MERIT DRIVE RICHMOND HEIGHTS, OHIO
 PHONE 216-731-6255

SCALE: 1"=200'

DATE: 11/28/2011

JOB NO. 11-177

EXHIBIT A



STEPHEN HOVANCSEK & ASSOCIATES, INC.

Consulting Engineers & Planners

TWO MERIT DRIVE • RICHMOND HEIGHTS, OHIO 44143

(216) 731-6255

FAX No: (216) 731-4483

**LEGAL DESCRIPTION
CORPORATION LINE RELOCATION
LANDERWOOD GLEN CONDOMINIUMS PROPERTY**

Situated in the City of City of Pepper Pike, County of Cuyahoga and State of Ohio and known as being part of the lands conveyed to Treuhaft-English Development Company, by deed recorded in Volume 15011, Page 943 of Cuyahoga County Records of part of Original Orange Township Lot No. 8, Tract No. 2:

Beginning at a point in the centerline of Lander Road, 60 feet wide at the Northwesterly corner of aforesaid land conveyed to Treuhaft-English Development Company, also being the Northwesterly corner of Landerwood Glen Condominium Number One as shown by the plat recorded in Volume 43, Page 9 of Cuyahoga County Condominium Records:

Thence South $89^{\circ}15'44''$ East, along the Northerly line of said lands a distance of 1755.76 feet to the Northeasterly corner thereof:

Thence South $21^{\circ}03'36''$ East, along the Easterly line of said lands a distance of 107.01 feet to a point in the Southerly line of Original Orange Township Lot No. 8, Tract 2;

Thence North $89^{\circ}44'56''$ West, along said Southerly line a distance of 927.73 feet to an angle point therein;

Thence North $88^{\circ}47'00''$ West, continuing along said Southerly line a distance of 867.03 feet to a point in the centerline of Lander Road;

Thence North $0^{\circ}16'40''$ East, along said centerline a distance of 100.00 feet to the principal place of beginning and containing 4.218 acres (183.730 square feet) of land, as described by Stephen Hovancsek & Associates, Inc., in November, 2011 under the direction of Robert Smoltz, Registered Surveyor No. 6763, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description being as established on the aforesaid plat recorded in Volume 43, Page 9 of Cuyahoga County Condominium Records.

G:\2011\11-177 ORANGE VILLAGE CORP LINE\Word\11128_CorpLine-Legal.doc

EXHIBIT B

**ORDINANCE NO. 2012-11
INTRODUCED BY: MS. ZIMON**

**CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 4
DEAF 2/23/2016 11:16:51 AM
201602230240**

**AN ORDINANCE
AGREEING TO CHANGE A PORTION OF THE
BOUNDARY OF PEPPER PIKE WITH ORANGE
VILLAGE.**

WHEREAS, pursuant to Section 709.37 of the Ohio Revised Code, "any two adjoining municipal corporations may, by ordinance of their respective legislative authorities, agree to a change in the boundary line separating such municipal corporations, provided such change does not involve the transfer of territory, inhabited by more than five voters, from one to the other or from each to the other"; and

WHEREAS, this Council finds and determines that a boundary adjustment of a portion of the boundary of the City of Pepper Pike with Orange Village is necessary in order to avoid confusion regarding the responsibility for maintaining a portion of Lander Road and of providing police and other emergency services to motorists, pedestrians and others who utilize that right of way; and

WHEREAS, Orange Village is willing to accept responsibility for that portion of Lander Road which is currently located in the City of Pepper Pike, as graphically depicted in "Exhibit A" and legally described in "Exhibit B," both of which are appended hereto and incorporated herein by reference; and

WHEREAS, the owner of the property, the Landerwood Glen Condominium Unit Owners Association, would benefit from the boundary line adjustment because after the adjustment, its property would be subject to the laws of just one municipality; and

WHEREAS, the proposed boundary adjustment would not affect any voters in either municipality and would be in the best interests of both municipalities.

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

SECTION 1. That this Council hereby agrees to a boundary adjustment with Orange Village and requests that Cuyahoga County adjust the boundaries of the City of Pepper Pike and Orange Village in the manner provided by law so that the municipal boundary between the two communities as is graphically depicted in "Exhibit A," and to take such further actions as may be required-by-law.

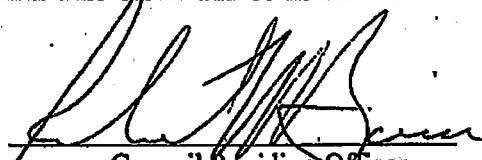
SECTION 2. That the City of Pepper Pike agrees to pay an equal share of the costs of this boundary adjustment with Orange Village.

SECTION 3. That the Clerk of Council is hereby authorized and directed to certify a copy of this ordinance to the Cuyahoga County Executive.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation 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 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 25, 2012


Council Presiding Officer

Submitted to the Mayor for approval on this 25th day of April, 2012

Approved by the Mayor this

25th day of April, 2012

ATTEST:

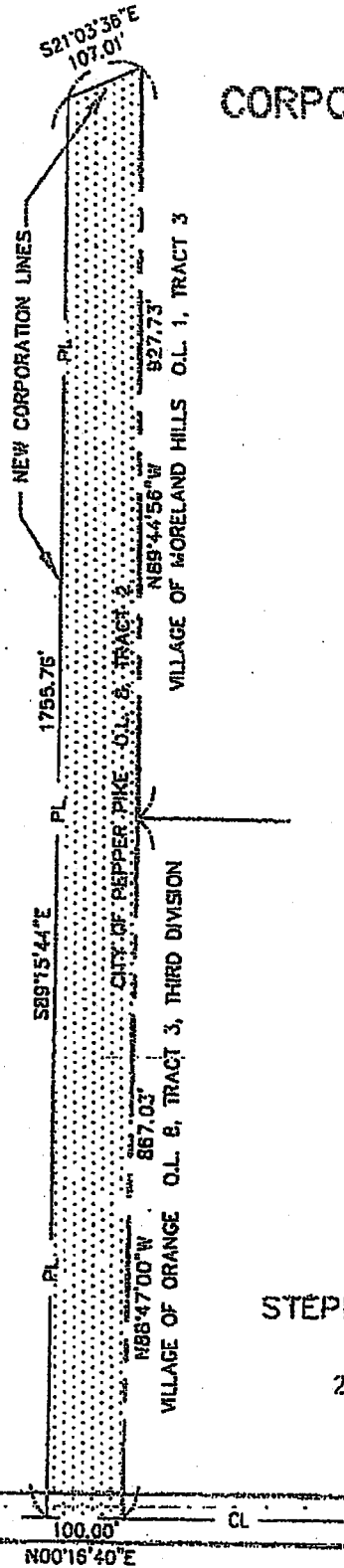

Clerk of Council


Mayor

This is to certify that the above is a true correct copy of ORDINANCE 2012-11 passed by the Council of the City of Pepper Pike at its meeting on APRIL 25 2012


CLERK OF COUNCIL

VILLAGE OF ORANGE
 CORPORATION LINE RELOCATION



STEPHEN HOVANCSEK & ASSOCIATES
 CONSULTING ENGINEERS
 2 MERIT DRIVE RICHMOND HEIGHTS, OHIO
 PHONE 216-731-6255

SCALE: 1"=200'
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