

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0209

Sponsored by: County Executive Budish/Department of Public Works	A Resolution approving the vacation of a certain portion of Warrensville Center Road to Van Aken Shopping Center, Ltd. in connection with the Van Aken Project; authorizing the County Executive to execute all documents required in connection with said transaction; and declaring the necessity that this Resolution become immediately effective.
Co-sponsored by: Councilmembers Brown and Jones	

WHEREAS, the County Executive/Department of Public Works has requested approval of the County's vacationing of that certain portion of Warrensville Center Road located in the City of Shaker Heights, Ohio (the "Property") as more particularly shown on the "Vacation Plat" dated June 24, 2016 and prepared by GPD Group, a copy of which is attached hereto as Exhibit A (the "Vacation Plat"), to Van Aken Shopping Center, Ltd. in connection with a mixed-use real estate development project (the "Van Aken Project"); and

WHEREAS, pursuant to the authority granted under Ohio Revised Code §5553.02, County Council is authorized to vacate a public road, or a portion thereof, when it is of the opinion that it will be for the public convenience or welfare to do so; and

WHEREAS, pursuant to Ohio Revised Code §5553.05, County Council held a public hearing and viewed the proposed vacation on or about November 16, 2016, and held a final hearing on the proposed vacation on or about November 29, 2016 in Cuyahoga County Council Chambers; and

WHEREAS, in accordance with Ohio Revised Code §5553.06, the County Engineer has certified the accuracy of the attached Vacation Plat, has furnished an accurate and detailed description of each tract of land for the proposed vacation, and has made a report in writing to County Council on or before the November 29, 2016 final hearing; and

WHEREAS, County Council has determined that the vacation of the Property is for the public convenience or welfare and therefore should be properly vacated pursuant to §5553.04 of the Ohio Revised Code; and

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

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

SECTION 1. That the certain portion of Warrensville Center Road located in the City of Shaker Heights, Ohio, as more particularly shown on the Vacation Plat dated June 24, 2016 and prepared by GPD Group, a copy of which is attached hereto as Exhibit A is hereby vacated to Van Aken Shopping Center, Ltd., and that such Vacation Plat shall be recorded by the Cuyahoga County Department of Public Works upon receipt of a certified copy of this Resolution.

SECTION 2. That the County Executive is authorized to execute and record the Vacation Plat and to execute any other documents required to effectuate such vacation consistent with this Resolution.

SECTION 3. 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 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the 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, including Section 121.22 of the Ohio Revised Code.

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

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

Nays: None

David R. Bauer / 11/30/2016
County Council President Date

Chris Bell / 12-1-16
County Executive Date

Janice M. Schmotzer / 11/29/2016
Clerk of Council Date

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

Legislation Amended in Committee: November 16, 2016

Additional Sponsorship Requested on the Floor: November 29, 2016

Journal CC024
November 29, 2016

Exhibit A

Vacation Plat

CITY OF SHAKER HEIGHTS, OHIO
 THE UNDERSIGNED, CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE VACATION PLAT AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, ON SEPTEMBER 9, 2016.

DATE: _____
 COUNTY OF CUYHOGA
 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED _____
 WHO ACKNOWLEDGED THAT THE SIGNATURE OF THE PERSONS MENTIONED WAS A VOLUNTARY ACT AND DEED,
 IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND OFFICIAL SEAL.
 AT _____, OHIO,
 THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC: _____

CITY OF SHAKER HEIGHTS, OHIO
 THE UNDERSIGNED, CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE VACATION PLAT AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, ON SEPTEMBER 9, 2016.

DATE: _____
 COUNTY OF CUYHOGA
 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED _____
 WHO ACKNOWLEDGED THAT THE SIGNATURE OF THE PERSONS MENTIONED WAS A VOLUNTARY ACT AND DEED,
 IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND OFFICIAL SEAL.
 AT _____, OHIO,
 THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC: _____

CITY OF SHAKER HEIGHTS, OHIO
 THE UNDERSIGNED, CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE VACATION PLAT AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF SHAKER HEIGHTS, OHIO, ON SEPTEMBER 9, 2016.

DATE: _____
 COUNTY OF CUYHOGA
 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED _____
 WHO ACKNOWLEDGED THAT THE SIGNATURE OF THE PERSONS MENTIONED WAS A VOLUNTARY ACT AND DEED,
 IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND OFFICIAL SEAL.
 AT _____, OHIO,
 THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC: _____

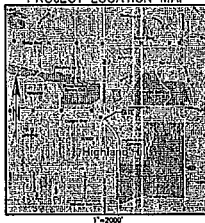
RESOLUTION
 APPROVED THIS _____ DAY OF _____, 2016, BY THE CITY OF SHAKER HEIGHTS CITY COUNCIL,
 FOR THE REASONS HEREIN SET FORTH, BY THE FOLLOWING VOTE:

NAME OF RESOLVER: _____
 APPROVED THIS _____ DAY OF _____, 2016, BY THE SHAKER HEIGHTS PLANNING COMMISSION.
 RESOLUTION CITY PLANNING COMMISSION NUMBER: _____
 APPROVED THIS _____ DAY OF _____, 2016, BY THE SHAKER HEIGHTS CITY ENGINEER.
 CITY ENGINEER: _____

DECLARATION
 I HEREBY CERTIFY THAT THE INFORMATION ABOVE CONTAINED IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SIGNATURES ARE CORRECTLY IN GENERAL.
 CLERK OF CITY: _____

VACATION PLAT

PORTIONS OF VAN AKEN BOULEVARD AND
 WARRENSVILLE CENTER ROAD
 PART OF ORIGINAL WARRENSVILLE TOWNSHIP LOT 56
 CITY OF SHAKER HEIGHTS, CUYHOGA COUNTY, OHIO
 SEPTEMBER 9, 2016



1"=200'

PARCEL NUMBER	OWNER	ADDRESS	AREA (SQ. FT.)	AREA (AC.)
100-100-001	ALBERT J. BROWN	100-100-001	1,000	0.023
100-100-002	ALBERT J. BROWN	100-100-002	1,000	0.023
100-100-003	ALBERT J. BROWN	100-100-003	1,000	0.023
100-100-004	ALBERT J. BROWN	100-100-004	1,000	0.023
100-100-005	ALBERT J. BROWN	100-100-005	1,000	0.023

GPD GROUP
 10000 W. 100th St., Suite 100
 Overland Park, KS 66214
 913.666.1000

CITY OF SHAKER HEIGHTS
 VAN AKEN BOULEVARD &
 WARRENSVILLE CENTER ROAD
 VACATION PLAT

2015172.00
 10/16/16

