

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

APRIL 12, 2021

6:10 PM

or immediately following the Services, Utilities, Technology & Cable Committee Meeting

1. Discussion Items

- (a) Tobacco Point of Sale Policy - Clara Varndell

2. Motion Items

- (a) Motion authorizing the City Manager to advertise for public bids for the BAT Studio Roof Replacement project.

3. Review Legislation

ORD. NO. 34-2021 - An ordinance establishing Section 1274.09(k) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

ORD. NO. 39-2021 - An emergency ordinance amending Ordinance NO. 36-98 by expanding the purpose of the Brunswick Lake Fund #360. - **1st Reading** (To be brought from the Committee-of-the Whole, *Administration/Todd Fischer*)

RES. NO. 40-2021 - An emergency resolution accepting the petition for annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

ORD. NO. 41-2021 - An emergency ordinance authorizing the City Manager to enter into a Real Estate Transfer Agreement with the Brunswick City School District. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Matt Jones*)

RES. NO. 42-2021 - An emergency resolution supporting the proposed Pearl Road Reconstruction Project and urging State and Federal Legislators to support funding for the project. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

4. General Discussion

5. Executive Session

- (a) Motion to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion or compensation of a public employee.

6. Adjournment

THE CITY OF BRUNSWICK
PROPOSED MOTION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Jim Foster

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for public bids for the BAT Studio Roof Replacement project.

BACKGROUND: New request

PURPOSE AND EXPLANATION: The proposed project calls for the removal of the entire existing shingled roof of the BAT Studio building, 4274 Manhattan Avenue due to weather damage and age and replace with a new roof. This project is being administered through Administrative Services due to Travelers Insurance claim #FEF7748.

IMPLEMENTATION SCHEDULE: Should authorization to bid be secured at the April 12, 2021 Committee of the Whole meeting the project will be advertised as soon as possible. The project is anticipated to begin on or about August 1.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Once actual bids are received, they will be reviewed. This project is expected to be funded through Travelers Insurance claim #FEF7748, minus a \$2,500.00 deductible. The Finance Department will present a future budget amendment request to City Council for an additional \$2,500 insurance appropriation to cover the insurance deductible along with an estimated \$32,000 estimated receipt and equal appropriation amount for the expected insurance proceeds and the estimated cost of a new roof.

RECOMMENDED ACTION: Passage of a motion which authorizes the City Manager to advertise for and seek public bids for the BAT Studio Roof Replacement project.

ADDITIONAL INFORMATION:

PROPOSED LEGISLATION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 34-2021** - An ordinance establishing Section 1274.09(k) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: Section 1274.09(k) of the Codified Ordinances is hereby established to read as follows: "Customers shall not be permitted to enter upon the property or dwelling unit upon which the home occupation is conducted."

PURPOSE AND EXPLANATION: This will provide continuity with Section 1280.11 Home Offices, subsection (c) of the Codified Ordinances, which states "Customers shall not come to the dwelling."

IMPLEMENTATION SCHEDULE:

Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

First reading on April 12, 2021; then refer back to the Planning Commission for a public

hearing.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 34-2021

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING SECTION 1274.09(k) OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 1274.09(k) of the Codified Ordinances is hereby established to read
as follows:

“(k) Customers shall not be permitted to enter upon the property or dwelling unit
upon which the home occupation is conducted.”

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest
period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest, Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 39-2021** - An emergency ordinance amending Ordinance NO. 36-98 by expanding the purpose of the Brunswick Lake Fund #360. - **1st Reading** (To be brought from the Committee-of-the Whole, *Administration/Todd Fischer*)

BACKGROUND: On March 16, 1998 City Council adopted Ordinance #36-98 to create the Brunswick Lake Fund #360. The original purpose of this fund was to account for the purchase of, and all related costs associated with, land parcels, and the establishment of the Brunswick Lake area. The Brunswick Lake area with an improved dam and dredged lake, now also includes retail, restaurants, a medical facility, housing, a hotel, and a park with walking paths and a nature center. In addition, the City and the Medina County Park District previously entered into a cooperative agreement for the Medina County Park District to maintain the park area, including the nature center. Now, the City is desirous in increasing the connectivity and accessibility to Brunswick Lake park by expanding the purpose of the Brunswick Lake Fund #360. The City Administration is requesting that the purpose of the Brunswick Lake Fund #360 be expanded to include any and all associated costs necessary to increase the connectivity and accessibility to Brunswick Lake Park. This would include, but not be limited to, installation of multi-use trails, acquisition of property, etc. The City desires to install a multi-use path from Plum Creek Park north to Brunswick Lake Park. The City has received \$801,500 in grants from the Ohio Department of Natural Resources to assist in the completion of the first two phases of the trail from Plum Creek Park north. The City believes the completion of these first two phases along a third phase would ultimately complete a ten foot-wide, asphalt, multi-use trail that will link critical recreational and institutional assets with residential neighborhoods, a school, local businesses and two parks. This would become the first linear multi-purpose trail in Northern Medina County.

PURPOSE AND EXPLANATION: See Background above

IMPLEMENTATION SCHEDULE: City Administration plans to present the above info to the Committee of the Whole on Monday April 12, 2021. The Administration will request for this Ordinance to be placed on the April 12, 2020 Council agenda as an emergency with suspension of the rules to reduce the amount of

time it will be necessary to connect Plum Creek Park to Brunswick Lake Park.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

In March of 2021, the Brunswick Lake Fund #360 had \$672,376.05 in unappropriated funds. The City is desirous in expanding the purpose for the Brunswick Lake Fund #360 and to use the remaining funds to expand the connectivity and accessibility of the Brunswick Lake Park. Budget amendments to increase the appropriations will be necessary if this legislation is approved. All costs over \$25,000 will be required to be approved by City Council. Construction costs would also be required to be competitively bid per City law and would be required to be separately encumbered through the purchase order process provided sufficient appropriations were in place at the time.

**RECOMMENDED
ACTION:**

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

City Administration is requesting emergency with suspension of the rules in order to begin planning and completing Phase III of the trail as soon as possible. The first two phases of the trails are expected to begin during 2021.

**ADDITIONAL
INFORMATION:**

Wanted to add a special thank you to the Ohio Department on Natural Resources, Envision, Chagrin Valley Engineering, City Administration and City Council for making this multi-purpose trail link project and vision a possibility.

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 36-98

By Mr. Wadsworth, Mr. Umpleby & Mr. Rocha

AN EMERGENCY ORDINANCE TO CREATE A CAPITAL PROJECT
FUND ENTITLED: BRUNSWICK LAKE FUND

WHEREAS: The City of Brunswick will be purchasing the
Brunswick Lake property from the Trust for Public
Land: and

WHEREAS: The City needs to account for this purchase along
with all related costs, and account for the sale of
parcels: and

WHEREAS: Council would like to comply with state statute
which requires the receipt and expenditures of this
venture be accounted for in a separate fund.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the following fund is hereby created:

The Brunswick Lake Fund #360

SECTION 2: That this ordinance is hereby declared to be an
emergency measure immediately necessary for the
preservation of the public health, welfare, and
safety, and for the additional reason that it would
be in the best interest of the City to comply with
state statute and account for the receipts and
expenditures of this venture in a separate fund, as
the purchase of said property is set to take place
the end of March 1998. Therefore, the same shall be
in full force and effect from and after its passage
by the required number of votes.

PASSED: 1st reading March 16, 1998

Rules Suspended: AYES 6 NAYS 0

ADOPTED: March 16, 1998 AYES 6 NAYS 0

ATTEST: _____
Clerk of Council
Barbara J. Roth

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 39-2021

BY: Mrs. Hanek, Mrs. Zak and Mr. Delsanter

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 36-98 BY
EXPANDING THE PURPOSE OF THE BRUNSWICK LAKE FUND #360.

WHEREAS: On March 16, 1998, City Council adopted Ordinance No. 36-98, which established the Brunswick Lake Fund #360 to account for the purchase of property for the establishment of the Brunswick Lake area, including all costs related thereto;

WHEREAS: Since the passage of Ordinance No. 36-98, the Brunswick Lake area has been developed to include retail, restaurants, a medical facility, housing, a hotel and a park with walking paths and a nature center; and

WHEREAS: The City is desirous of increasing the connectivity and accessibility to Brunswick Lake Park, which would include, without limitation, installation of multi-use trails and acquisition of property necessary thereto.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the purpose of the Brunswick Lake Fund #360 shall be expanded to account for: (a) expenditures related to any and all costs associated with any and all projects resulting in an increase in the connectivity and accessibility to Brunswick Lake Park, including, without limitation, installation of multi-use trails and acquisition of property necessary thereto; and (b) the receipt of all funds relative to any and all projects resulting in an increase in the connectivity and accessibility to Brunswick Lake Park, including, without limitation, installation of multi-use trails and acquisition of property necessary thereto

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, or welfare and for the additional reason to meet Ohio Department of Natural Resources grant funding timelines. Therefore, the same shall be in full force from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 40-2021** - An emergency resolution accepting the petition for annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND:

**PURPOSE AND
EXPLANATION:**

Annexation to be considered by City Council as an emergency with suspension of rules on April 12, 2021

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 40-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF 1.7311 ACRES OF LAND KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

WHEREAS: The Medina County Commissioners, on February 9, 2021, by Resolution No. 21-0118 attached hereto as Exhibit "A", approved the Petition for Regular Annexation on Application of Owner of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio;

WHEREAS: Pursuant to Ohio Revised Code Section 709.04, the legislative authority of the City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the board of county commissioners, the petition, map and all other papers on file relating to the annexation proceedings with the clerk of the municipal corporation, which occurred on February 9, 2021; and

WHEREAS: The Clerk of the municipal corporation is required to lay the transcript and the accompanying map or plat and petition before the legislative authority.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the Petition for Regular Annexation on Application of Owner of 1.7311 acres of land known as being part of Brunswick Hills Township is hereby accepted.

SECTION 2: That the Clerk is hereby authorized and ordered to make three (3) copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and all resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Each certificate shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the municipal corporation, if applicable.

SECTION 3: That the Clerk is hereby authorized and ordered to forthwith deliver one such copy of this Resolution to the Medina County Auditor, one such copy to the Medina County Recorder, and one such copy to the Ohio Secretary of State.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to comply with the time requirements of Ohio Revised Code Section 709.04. Therefore, the same shall be in full force and effect from

and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

Medina County Commissioners

Stephen D. Hambley
William F. Hutson
Colleen M. Swedyk

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

February 9, 2021

VIA REGULAR MAIL AND EMAIL

Fijabi Julien-Gallam
Clerk of Council
4095 Center Road
Brunswick, OH 44212

Re: Regular Annexation – 1.7311 acres
299 N. Carpenter Road, Brunswick, Ohio 44212

Dear Fijabi;

Enclosed please find a certified copy of Resolution No. 21-0118 approving the petition for the regular annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick which was approved by the Board of Commissioners on this date.

Thank you.

Sincerely,



Rhonda J. Beck
Clerk of the Board

cc: Brunswick Hills Township
Joshua Lamb, Esq.
Medina County Auditor

REGULAR MEETING – TUESDAY, FEBRUARY 9, 2021

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

Stephen D. Hambley

Colleen M. Swedyk

William F. Hutson

Mr. Hambley offered the following resolution and moved the adoption of same, which was duly seconded by Mrs. Swedyk.

RESOLUTION NO. 21-0118

APPROVING THE PETITION FOR THE REGULAR ANNEXATION OF
1.7311 ACRES OF LAND KNOWN AS BEING PART OF
BRUNSWICK HILLS TOWNSHIP
TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO

WHEREAS, a petition for annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio was filed with the Clerk of the Board of Medina County Commissioners on November 12, 2020 in accordance with Ohio Revised Code Section 709.02, and

WHEREAS, the day and hour and has come for the rendering of a decision by the Board of County Commissioners on said petition for annexation, and

WHEREAS, the State of Ohio has provided landowners a number of legal methods for annexations of property to municipal corporations to occur that balance the desires, needs and benefits of the petitioners, municipality and townships, and

WHEREAS, proper procedures were followed and notices given, and a public hearing commenced on February 2, 2021 in accordance with Section 709.032 of the Ohio Revised Code, and

WHEREAS, the Board of County Commissioners now finds that based on the preponderance of the substantial, reliable, and probative evidence on the entire record that said petition meets the following requirements and conditions:

1. The petition meets all of the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Ohio Revised Code:
 - a. the territory proposed to be annexed is contiguous to the City of Brunswick;
 - b. the petition was signed by a majority of the authorized owners of real estate within the territory to be annexed;
 - c. each petition's signature includes the date it was obtained and no signature was obtained more than 180 days before the date of filing;
 - d. the petition contains an accurate legal description of the perimeter and an accurate map/plot of the territory to be annexed;
 - e. the petition states the person who would act as agent for the petitioner; and
 - f. the agent filed with the petition a list of all tract, lots or parcels within and adjacent to the territory to be annexed, including names, addresses of owners, and permanent parcel numbers.
2. The petition meets the following requirements set forth in Section 709.03 of the Ohio Revised Code:
 - a. The Clerk of the Board of County Commissioners notified the agent of the date, time, and place of the hearing;
 - b. the agent provided proof the required notices to: (1) the clerk of the municipality; (2) the fiscal officer of the township involved; and (3) the clerk of the board of commissioners;
 - c. the agent provided the required notices to: (1) all property owners within the territory proposed for annexation, and (2) adjacent property owners;
 - d. the agent has provided proof of the required notice published in a newspaper of general circulation;
 - e. the legislative authority of the municipality has adopted a statement by ordinance/resolution relative to services the municipality will provide with an approximate date by which it will provide said services upon annexation; and

The Clerk of the Board of County Commissioners of Medina County, Ohio does hereby certify that the foregoing is a true and correct copy of the resolution adopted by said Board on 2/9/21.
Monica J. Beck

REGULAR MEETING – TUESDAY, FEBRUARY 9, 2021
RESOLUTION NO. 21-0118 (CONT'D.)

- f. the municipality filed its statement of municipal services with the board of county commissioners at least 20 days before the date of the annexation hearing.
3. The petition meets all of the requirements set forth in Section 709.033 of the Ohio Revised Code:
 - a. the petition meets all of the requires set forth in and was filed in the manner provided in Section 709.02 of the Ohio Revised Code;
 - b. the persons signing the petition are owners of real estate located in the territory proposed to be annexed and at the time the petition was filed, the number of valid signatures on the petition constitutes a majority of the owners of the real estate in that territory;
 - c. the municipal corporation to which the territory is proposed to be annexed has complied with Division (D) of Section 709.03 of the Ohio Revised Code;
 - d. the territory proposed to be annexed is not unreasonably large;
 - e. on balance, the general good the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and
 - f. no street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem.

The Board of Medina County Commissioners, upon review of substantive, reliable and probative evidence, finds that:

- 1) The annexation involves a 1.7311 acres parcel located on the east side of North Carpenter Road between Boston Road and Grafton Road in Brunswick Hills Township, identified as PPN 001-02B-05-004, owned by Ermitano Santiago and Anna Santiago located at 299 North Carpenter Road, Brunswick, Ohio 44212. It is not unreasonably large and is adjacent and contiguous to the land of the municipal corporation of the City of Brunswick;
- 2) Two individuals own the property and both owners signed the petition; therefore, the petition contains signatures of the majority (51%) of owners;
- 3) The City of Brunswick Resolution No. 97-2020 adopted December 21, 2020 declared intention by the City of Brunswick to provide municipal services to the subject property; the landowner is in agreement the annexed territory would receive adequate services sufficient to establish the general good of the territory being annexed;
- 4) The petitioner has proved that the land after annexation will enjoy a level of services comparable or adequate to that enjoyed prior to the annexation;
- 5) No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Medina County, Ohio that having found that the conditions of the Ohio Revised Code have been met, the Petition to Annex 1.7311 acres of land from Brunswick Hills Township to the City of Brunswick, Medina County, Ohio, attached as Exhibit A, is hereby approved and granted in accordance with the law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the agent for the petitioners, fiscal of the township, and clerk of the municipality, and that a complete record of the annexation proceeding be sent to the clerk of the municipality after the expiration of 30 days after journalization if no appeal has been timely filed under Section 709.07 of the Revised Code.

Voting AYE thereon: Mr. Hambley, Mrs. Swedyk and Mr. Hutson

Adopted: February 9, 2021

Prepared by: Commissioners' Office

**PETITION FOR REGULAR ANNEXATION OF LAND TO THE CITY OF
BRUNSWICK FROM BRUNSWICK HILLS TOWNSHIP**

To: Board of Commissioners of Medina County, Ohio
144 North Broadway Street
Medina, Ohio 44256

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being all the legal owners of the real property located at 299 N. Carpenter Road, Brunswick, Ohio 44212 (the "Property"), which is contiguous and adjacent to the City of Brunswick, hereby petitions the Board of Commissioners for Medina County for the regular annexation of the Property to the City of Brunswick from the Brunswick Hills Township.

An accurate legal description of the Property to be annexed to the City of Brunswick is attached hereto as Exhibit A and is made a part hereof. An accurate map of the Property sought to be annexed is set forth in Exhibit B, which is attached hereto and made a part hereof. There are two (2) owners of the Property.

Pursuant to O.R.C. §709.02(D), the list of the Property to be annexed to the City of Brunswick is set forth in Exhibit C, which is attached hereto and made a part hereof. The undersigned are the sole owners of the Property sought to be annexed. All the owners of the Property subject to this petition for annexation have consented to this petition and have executed the same.

Pursuant to O.R.C. §709.02(D), a list of all properties adjacent to and/or directly across the street from the Property sought to be annexed are contained in Exhibit C hereto (including but not limited to the name and mailing address of each owner and the permanent parcel number of the relevant properties).

The name of the person hereby appointed to act as agent for the undersigned petitioner is Joshua E. Lamb, Trigilio, Stephenson & Dattilo, PLL., 5750 Cooper Foster Park Road, Suite 102, Lorain, Ohio 44053, Telephone No. (440) 988-9500, Fax No. (440) 988-9511, who can be emailed at jlamb@tsohiolaw.com.

Ermitano Santiago
Ermitano Santiago

Date: 9-18-2020

Ada Iris Santiago
Ada Iris Santiago

Date: 9-18-2020

State of Ohio :
County of Lorain : ss.

This is an acknowledgment clause. No oath or affirmation was administered to the signers.

On this 18th day of September, 2020, before me, a Notary Public, in and for said County and State, personally came Ermitano Santiago and Ada Iris Santiago, the Petitioners in the foregoing Petition for Regular Annexation, who acknowledged that they executed the foregoing instrument and the same is their free act and deed.

Rebecca L. Lengyel
Notary Public



Rebecca L. Lengyel
Notary Public, State of Ohio
My Commission Expires 8/20/2023

EXHIBIT A

Situated in the Township of Brunswick Hills, County of Medina and State of Ohio: And known as being a part of Original Brunswick Township Lot No. 23 in Tract No. 2, bounded and described as follows:

Beginning at an iron pin found on the centerline of Carpenter Road (C.H. 103) (60 feet wide) at the northwest corner of said Lot No. 23. Said iron pin also being at the northwest corner of land conveyed to Grace F. & Earle L. Behner by deed recorded in Volume 117, Page 172 of Medina County Records;

Thence South 2 deg. 30' 00" West, along the centerline of Carpenter Road and the west line of Lot No. 23, 121.42 feet to the southwest corner of land conveyed by Earle L. & Grace F. Behner to James H. and Jacqueline Hollan by deed recorded in Volume 354, Page 457 of Medina County Records and the principal place of beginning of the parcel herein described;

Thence South 81 deg. 57' 49" East, along the south line of land so conveyed to James H. & Jacqueline Hollan, 605.40 feet to an iron pin set on the westerly line of Interstate Highway 71. Said line passing through an iron pin found 29.55 feet, as measured along said line, from the centerline of Carpenter Road;

Thence South 2 deg. 52' 06" East, along the westerly line of Interstate Highway 71, 111.50 feet to an iron pin set at an angle therein;

Thence South 1 deg. 22' 00" East, along the westerly line of Interstate Highway 71, 13.11 feet to an iron pin set at the northeast corner of land conveyed by Earle L. & Grace F. Behner to Noubar Kouyoumdjian by deed recorded in Volume 367, Page 377 of Medina County Records;

Thence North 82 deg. 08' 18" West along the north line of land so conveyed to Noubar Kouyoumdjian, 616.59 feet to the northwest corner thereof, the centerline of Carpenter Road and the west line of Lot No. 23. Said line passing through an iron pin found 29.40 feet, as measured along said line, from the centerline of Carpenter Road;

Thence North 2 deg. 30' 00" East, along the centerline of Carpenter Road and the west line of Lot No. 23, 124.88 feet to the principal place of beginning and containing 1.7311 Acres of Land, more or less, according to a survey prepared by Carl L. Craddock, Registered Surveyor No. 5762 for and in behalf of Bock & Clark, under Project No. 87214, dated December 7, 1987 and subject to all legal highways.

Permanent Parcel No. 001-02B-05-004

EXHIBIT "B"

PLAT OF REGULAR ANNEXATION of 1.7311 acres in Brunswick Hills Township to the City of Brunswick

Situated in the Township of Brunswick Hills, County of Medina, and State of Ohio, and known as being part of Original Brunswick Township Lot No. 23 in Tract No. 2

LOCATION MAP

LATITUDE: 41.2679
LONGITUDE: -81.8072

SITE

CARPENTER ROAD (60', C.H. 103)

ORIGINAL LOT 24, TRACT 2
ORIGINAL LOT 23, TRACT 2

MIA A. Symon
Doc. No. 2020000001
01/01/2020
P.P.N. 001-028-06-003
255 N Carpenter Road, Brunswick, OH 44212

PARCEL TO BE ANNEXED
76,407 sq. ft.
1.7311 acres

Emanuel Santiago & Ada Iris Santiago
O.R. 263 Page 440, 07/31/1985
O.R. 625 Page 81, 05/27/1993
P.P.N. 001-028-05-004
1.7311 acres (deed)
298 N Carpenter Road, Brunswick, OH 44212

Barbara S. Snyder
O.R. 233 Page 142
01/16/1985
P.P.N. 001-028-07-004
311 N Carpenter Road, Brunswick, OH 44212



1" = 50'

STATE OF OHIO
INTERSTATE 71
(P.P.N. 001-039-07-013)

APPROVALS
THIS PLAT WAS DULY ACCEPTED BY THE
BRUNSWICK CITY COUNCIL AT ITS REGULAR
MEETING HELD ON THE ____ DAY OF
____, 20__

ORDINANCE NO. ____

CLERK OF COUNCIL (PRINT & SIGN)

THIS PLAT WAS DULY ACCEPTED BY THE
MEDINA COUNTY COMMISSIONERS ON THE
____ DAY OF
____, 20__

COMMISSIONER (PRINT & SIGN)

COMMISSIONER (PRINT & SIGN)

COMMISSIONER (PRINT & SIGN)

APPROVALS
APPROVED FOR TRANSFER THIS ____ DAY OF
____, 20__

TAX MAP DRAFTSMAN (PRINT & SIGN)

RECEIVED FOR TRANSFER THIS ____ DAY OF
____, 20__

MEDINA COUNTY CLERK (PRINT & SIGN)

RECEIVED AND RECORDED THIS ____ DAY OF
____, 20__
AT ____ A.M./P.M. RECORDED IN PLAT
DOCUMENT NO. ____
FILE: ____

MEDINA COUNTY RECORDER (PRINT & SIGN)

ACCEPTANCE
KNOW ALL MEN BY THESE PRESENTS THAT EMANUEL SANTIAGO AND ADA IRIS
SANTIAGO, OWNERS OF THE LANDS EMBRACED WITHIN THIS PLAT, HEREBY
ACKNOWLEDGE THIS PLAT AND HAVE CAUSED THE SAME TO BE PLATTED AND
ANNEXED TO THE CITY OF BRUNSWICK.

Emanuel Santiago
EMANUEL SANTIAGO

Ada Iris Santiago
ADA IRIS SANTIAGO

COUNTY OF MEDINA STATE OF OHIO
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, WHO ACKNOWLEDGED
APPEARED EMANUEL SANTIAGO AND ADA IRIS SANTIAGO, WHO ACKNOWLEDGED
THE FOREGOING INSTRUMENT AND THE SINGING OF THIS PLAT TO BE THEIR OWN
FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT
MEDINA, OHIO THIS ____ DAY OF ____ 20__

Notary Public
NOTARY PUBLIC

MY COMMISSION EXPIRES



Barbara S. Snyder
Notary Public, State of Ohio
My Commission Expires 11/11/21

North Star Surveying, LLC
2772 Marks Road Valley City, OH 44280
440-822-5707 jared.schell@gmail.com

Jared R. Schell, PS # 8633
August 3, 2020



EXHIBIT "C"**INFORMATION RELATING TO OWNERS OF REAL PROPERTY
SOUGHT TO BE ANNEXED**

Owners' Name and Address	Permanent Parcel Number	Total Acreage of Property to be Annexed
Ermitano Santiago & Ada Iris Santiago 299 North Carpenter Road Brunswick, Ohio 44212	001-02B-05-004	1.7311

**LIST OF OWNERS OF PROPERTY ADJACENT TO AND DIRECTLY
ACROSS THE STREET FROM PETITIONERS**

Owner's Name and Mailing Address	Permanent Parcel Number
Mark A. Sigmon 285 North Carpenter Road Brunswick, Ohio 44212 & 5872 Wedgewood Road Medina, Ohio 44256	001-02B-05-003
Eleanor S. Snyder 311 North Carpenter Road Brunswick, Ohio 44212	001-02B-07-004
Sandra C. Seitz 298 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-073
Diane Renee Zavcer and Rosemary Gleydura 286 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-069
Philip U. Coker and Ashley M. Coker 310 North Carpenter Road Brunswick, Ohio 44212	003-18B-15-159
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-07-013
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-08-001

Enclave at Autumn Creek Homeowners Association Inc. c/o Steven M. Ott, Statutory Agent 1300 E. 9 th Street, Suite 1520 Cleveland, Ohio 44114 & 5090 Park Avenue W Seville, Ohio 44273	003-18B-22-254
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CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 97-2020

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 1.7311 ACRE PARCEL OF LAND (PPN 001-02B-05-004) ON NORTH CARPENTER ROAD.

WHEREAS: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick, and

WHEREAS: The City of Brunswick does not object to this Petition.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 1.7311 acres of land on North Carpenter Road (PPN 001-02B-05-004), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

SECTION 2: That the Council of the City of Brunswick hereby urges the County to undertake a careful and deliberate study of all matters presented in the Petition for Regular Annexation on Application of Owners, as attached hereto as Exhibit "A", and to approve the proposed annexation of such property to the City of Brunswick.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading November 23, 2020

2nd Reading December 14, 2020

3rd Reading December 21, 2020

ADOPTED: December 21, 2020 AYES 7 NAYS 0

ATTEST:


Acting Clerk of Council
Holly Quenlos

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 12/21/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: RES. NO. 97-2020 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 1.7311 acre parcel of land (PPN 001-02B-05-004) on North Carpenter Road. - 3rd Reading (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date.

IMPLEMENTATION SCHEDULE: The approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Be passed as an emergency measure upon three (3) readings.

NOTICE OF FILING OF PETITION FOR REGULAR ANNEXATION

Date: November 12, 2020

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Clerk of Brunswick City Council
c/o Fijabi Julien-Gallam
4095 Center Road
Brunswick, Ohio 44212

This notice is given to you in your capacity as Clerk of City Council of Brunswick, Ohio.

You are advised that a Petition for Regular Annexation was filed by Ermitano Santiago and Ada Iris Santiago in Medina County, Ohio with the Board of Commissioners of Medina County, Ohio on November 12, 2020 at 9:37 a.m., for the annexation of 1.7311 acres located at 299 North Carpenter Road, Brunswick, Ohio 44212 from Brunswick Hills Township, Ohio to the City of Brunswick, Ohio.

The Medina County Board of Commissioners has scheduled the hearing on the Petition for Regular Annexation for Tuesday, February 2, 2021 at 10:00 a.m. in the Medina County Commissioners' Hearing Room, 144 N. Broadway Street, Room 201, Medina, Ohio 44256.

A true and correct copy of the time-stamped Petition for Regular Annexation that was filed with the Medina County Board of Commissioners, along with all attachments or documents accompanying the Petition for Regular Annexation, is attached hereto.



Joshua E. Lamb, Agent for
Petitioners Ermitano Santiago and
Ada Iris Santiago
5750 Cooper Foster Park Road,
Suite 102
Lorain, Ohio 44053
(440) 988-9500

**PETITION FOR REGULAR ANNEXATION OF LAND TO THE CITY OF
BRUNSWICK FROM BRUNSWICK HILLS TOWNSHIP**

To: Board of Commissioners of Medina County, Ohio
144 North Broadway Street
Medina, Ohio 44256

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being all the legal owners of the real property located at 299 N. Carpenter Road, Brunswick, Ohio 44212 (the "Property"), which is contiguous and adjacent to the City of Brunswick, hereby petitions the Board of Commissioners for Medina County for the regular annexation of the Property to the City of Brunswick from the Brunswick Hills Township.

An accurate legal description of the Property to be annexed to the City of Brunswick is attached hereto as Exhibit A and is made a part hereof. An accurate map of the Property sought to be annexed is set forth in Exhibit B, which is attached hereto and made a part hereof. There are two (2) owners of the Property.

Pursuant to O.R.C. §709.02(D), the list of the Property to be annexed to the City of Brunswick is set forth in Exhibit C, which is attached hereto and made a part hereof. The undersigned are the sole owners of the Property sought to be annexed. All the owners of the Property subject to this petition for annexation have consented to this petition and have executed the same.

Pursuant to O.R.C. §709.02(D), a list of all properties adjacent to and/or directly across the street from the Property sought to be annexed are contained in Exhibit C hereto (including but not limited to the name and mailing address of each owner and the permanent parcel number of the relevant properties).

The name of the person hereby appointed to act as agent for the undersigned petitioner is Joshua E. Lamb, Trigilio, Stephenson & Dattilo, PLL., 5750 Cooper Foster Park Road, Suite 102, Lorain, Ohio 44053, Telephone No. (440) 988-9500, Fax No. (440) 988-9511, who can be emailed at jlamb@tsohiolaw.com.

Ermitano Santiago
Ermitano Santiago

Date: 9-18-2020

Ada Iris Santiago
Ada Iris Santiago

Date: 9-18-2020

State of Ohio :
County of Lorain : ss.

This is an acknowledgment clause. No oath or affirmation was administered to the signers.

On this 18th day of September, 2020, before me, a Notary Public, in and for said County and State, personally came Ermitano Santiago and Ada Iris Santiago, the Petitioners in the foregoing Petition for Regular Annexation, who acknowledged that they executed the foregoing instrument and the same is their free act and deed.

Rebecca L. Lengyel
Notary Public



Rebecca L. Lengyel
Notary Public, State of Ohio
My Commission Expires 8/20/2023

EXHIBIT A

Situated in the Township of Brunswick Hills, County of Medina and State of Ohio: And known as being a part of Original Brunswick Township Lot No. 23 in Tract No. 2, bounded and described as follows:

Beginning at an iron pin found on the centerline of Carpenter Road (C.H. 103) (60 feet wide) at the northwest corner of said Lot No. 23. Said iron pin also being at the northwest corner of land conveyed to Grace F. & Earle L. Behner by deed recorded in Volume 117, Page 172 of Medina County Records;

Thence South 2 deg. 30' 00" West, along the centerline of Carpenter Road and the west line of Lot No. 23, 121.42 feet to the southwest corner of land conveyed by Earle L. & Grace F. Behner to James H. and Jacqueline Hollan by deed recorded in Volume 354, Page 457 of Medina County Records and the principal place of beginning of the parcel herein described;

Thence South 81 deg. 57' 49" East, along the south line of land so conveyed to James H. & Jacqueline Hollan, 605.40 feet to an iron pin set on the westerly line of Interstate Highway 71. Said line passing through an iron pin found 29.55 feet, as measured along said line, from the centerline of Carpenter Road;

Thence South 2 deg. 52' 06" East, along the westerly line of Interstate Highway 71, 111.50 feet to an iron pin set at an angle therein;

Thence South 1 deg. 22' 00" East, along the westerly line of Interstate Highway 71, 13.11 feet to an iron pin set at the northeast corner of land conveyed by Earle L. & Grace F. Behner to Noubar Kouyoumdjian by deed recorded in Volume 367, Page 377 of Medina County Records;

Thence North 82 deg. 08' 18" West along the north line of land so conveyed to Noubar Kouyoumdjian, 616.59 feet to the northwest corner thereof, the centerline of Carpenter Road and the west line of Lot No. 23. Said line passing through an iron pin found 29.40 feet, as measured along said line, from the centerline of Carpenter Road;

Thence North 2 deg. 30' 00" East, along the centerline of Carpenter Road and the west line of Lot No. 23, 124.88 feet to the principal place of beginning and containing 1.7311 Acres of Land, more or less, according to a survey prepared by Carl L. Craddock, Registered Surveyor No. 5762 for and in behalf of Bock & Clark, under Project No. 87214, dated December 7, 1987 and subject to all legal highways.

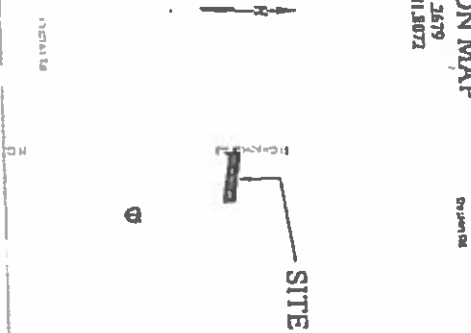
Permanent Parcel No. 001-02B-05-004

PLAT OF REGULAR ANNEXATION of 1.7311 acres in Brunswick Hills Township to the City of Brunswick

Situated in the Township of Brunswick Hills, County of Medina, and State of Ohio, and known as being part of Original Brunswick Township Lot No. 23 in Tract No. 2

LOCATION MAP

LATITUDE: 41.2679
LONGITUDE: -81.8072



CARPENTER ROAD (60', C.H. 103)

ORIGINAL LOT 24, TRACT 2
ORIGINAL LOT 23, TRACT 2

Left A. Sporn
Dec. 16, 2000
61607200
P.P.N. 001-028-05-003
265 N Carpenter Road, Brunswick, OH 44212

Ernesto Santiago & Ada Ila Santiago
O.R. 283 Page 440, 07/31/1985
O.R. 625 Page 81, 05/27/1993
P.P.N. 001-028-05-004
1.7311 acres (deed)
299 N Carpenter Road, Brunswick, OH 44212

PARCEL TO BE ANNEXED
76.487 sq. ft.
1.7311 acres

Edward B. Sargent
O.R. 235 Page 142
61761985
P.P.N. 001-028-07-004
311 N Carpenter Road, Brunswick, OH 44212



ACCEPTANCE
KNOW ALL MEN BY THESE PRESENTS THAT ERNESTO SANTIAGO AND ADA ILA SANTIAGO, OWNERS OF THE LAND SUBJACENT WITHIN THIS PLAT, HEREBY ACKNOWLEDGE THIS PLAT AND HAVE CAUSED THE SAME TO BE PLATED AND ANNEXED TO THE CITY OF BRUNSWICK.

Ernesto Santiago
ERNESTO SANTIAGO
Ada Ila Santiago
ADA ILA SANTIAGO

COUNTY OF MEDINA, STATE OF OHIO
BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ERNESTO SANTIAGO AND ADA ILA SANTIAGO, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR OWN FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT London, OHIO THIS 16th DAY OF April, 2020.

Blaine C. Schmitt
Blaine C. Schmitt
NOTARY PUBLIC
My Commission Expires 12/31/21



North Star Surveying, LLC
2722 Matis Road, Valley City, OH 44280
440-822-5707 jensodt.schmitt@gmail.com

Jensodt Schmitt, P.S. # 6623
August 3, 2020



APPROVALS
APPROVED FOR TRANSFER THIS _____ DAY OF _____ 20____
TAX MAP DEPARTMENT (PRINT & SIGN)
RECEIVED FOR TRANSFER THIS _____ DAY OF _____ 20____
MEDINA COUNTY CLERK (PRINT & SIGN)
RECEIVED AND RECORDED THIS _____ DAY OF _____ 20____
AT _____ A.M./P.M. RECORDED IN PLAT
DOCUMENT NO. _____
FEE: _____
MEDINA COUNTY RECORDER (PRINT & SIGN)
CLERK OF COUNCIL (PRINT & SIGN)
THIS PLAT WAS DULY ACCEPTED BY THE
MEDINA COUNTY COMMISSIONERS ON THE
_____ DAY OF _____ 20____.
COMMISSIONER (PRINT & SIGN)
COMMISSIONER (PRINT & SIGN)
COMMISSIONER (PRINT & SIGN)

EXHIBIT "C"**INFORMATION RELATING TO OWNERS OF REAL PROPERTY
SOUGHT TO BE ANNEXED**

Owners' Name and Address	Permanent Parcel Number	Total Acreage of Property to be Annexed
Ermitano Santiago & Ada Iris Santiago 299 North Carpenter Road Brunswick, Ohio 44212	001-02B-05-004	1.7311

**LIST OF OWNERS OF PROPERTY ADJACENT TO AND DIRECTLY
ACROSS THE STREET FROM PETITIONERS**

Owner's Name and Mailing Address	Permanent Parcel Number
Mark A. Sigmon 285 North Carpenter Road Brunswick, Ohio 44212 & 5872 Wedgewood Road Medina, Ohio 44256	001-02B-05-003
Eleanor S. Snyder 311 North Carpenter Road Brunswick, Ohio 44212	001-02B-07-004
Sandra C. Seitz 298 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-073
Diane Renee Zavcer and Rosemary Gleydura 286 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-069
Philip U. Coker and Ashley M. Coker 310 North Carpenter Road Brunswick, Ohio 44212	003-18B-15-159
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-07-013
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-08-001

Enclave at Autumn Creek Homeowners Association Inc. c/o Steven M. Ott, Statutory Agent 1300 E. 9 th Street, Suite 1520 Cleveland, Ohio 44114 & 5090 Park Avenue W Seville, Ohio 44273	003-18B-22-254
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Medina County Commissioners

Adam Friedrich
Patricia G. Geissman
William F. Hutson

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

NOTICE TO AGENT FOR THE PETITIONERS OF DATE, TIME AND PLACE SET BY BOARD OF MEDINA COUNTY COMMISSIONERS TO HEAR REGULAR ANNEXATION PETITION

DATE: November 12, 2020

TO: Agent for the Petitioners

In accordance to Ohio Revised Code Section 709.03(A), you, as agent for the petitioners, are hereby notified that the date, time and place are set for the Board of Medina County Commissioners to hear the regular annexation petition filed with the Board on November 12, 2020 to annex 1.7311 acres located in Brunswick Hills Township to the City of Brunswick

Date: Tuesday, February 2, 2021
Time: 10:00 AM
Location: Commissioners' Hearing Room
144 N. Broadway St., Room 201
Medina, OH 44256

Please arrive at the above location no later than 9:30 a.m.


Rhonda Beck, Clerk
Board of Medina County
Commissioners

Delivered via email:
jlamb@tschiotlaw.com
fgallam@brunswick.oh.us
kesber@brunswickhillstwp.org

PROPOSED LEGISLATION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Matt Jones

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 41-2021** - An emergency ordinance authorizing the City Manager to enter into a Real Estate Transfer Agreement with the Brunswick City School District. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Matt Jones*)

BACKGROUND: New legislation request

**PURPOSE AND
EXPLANATION:**

The Plum Creek Greenway Phase 1 project will construct a 10-foot-wide asphalt trail from Plum Creek Park to Mooney Park. A portion of the trail will be located on property currently owned by the Brunswick City School District. As a condition of the ODNR Clean Ohio Trails grant funding, the property must be transferred to the City before construction can begin. In exchange for the school district property, the City will transfer a strip of property on the south side of Manhattan Avenue to the School District to allow for an improved vehicular access point to Brunswick Middle School.

IMPLEMENTATION

SCHEDULE: The property transfer will occur immediately upon approval by City Council and the Brunswick School Board. The trail is planned for construction this summer.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this property transfer may commence and be completed in time for the trail to be built during the 2021 construction season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 41-2021

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO A REAL ESTATE TRANSFER AGREEMENT WITH THE
BRUNSWICK CITY SCHOOL DISTRICT.

WHEREAS: The City of Brunswick is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061 (the “City Property”);

WHEREAS: The Brunswick City School District is the owner of the real property located at 1931 Huntington Circle, Brunswick, Ohio known as PPN 003-18D-22-029 (the “School District Property”);

WHEREAS: Pursuant to City of Brunswick Charter Section 8.01(b), City Council may, by Ordinance, authorize the transfer and conveyance by deed of any real property owned by the City and not needed for municipal purposes to the School District to be used as an athletic field, a playground for children or for school sites, upon such terms as are agreed to between the City and the School District;

WHEREAS: Pursuant to Ohio Revised Code Section 3313.40, the City and School District are further authorized to exchange real property if they City and School District determine that the exchange will be mutually beneficial;

WHEREAS: As part of the funding for the construction of the Plum Creek Greenway Phase I Trail Project (the “Project”), the Ohio Department of Natural Resources requires the City to own a portion of the School District Property consisting of approximately 0.7636 acres upon which the Project will be constructed; and

WHEREAS: In consideration for the conveyance of such portion of the School District Property to the City, the School District has requested exchange of an approximate 0.0675 acre portion of the City Property to the School District.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a Real Estate Transfer Agreement with the School District in the general form as attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 2: That this Council hereby declares that the portion of the City Property to be conveyed to the School District is not needed for any municipal purpose and that the proposed property exchange is mutually beneficial to the City and School District.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for

the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to meet Ohio Department of Natural Resources grant funding timelines. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

REAL ESTATE TRANSFER AGREEMENT

THIS REAL ESTATE TRANSFER AGREEMENT (the “Agreement”) is entered into by and between City of Brunswick, a chartered municipal corporation existing and operating pursuant to the laws of the State of Ohio (the “City”) and the Brunswick City School District, a political subdivision of the State of Ohio (the “School District”).

WHEREAS, the City is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061 (the “City Property”);

WHEREAS, the School District is the owner of the real property located at 1931 Huntington Circle, Brunswick, Ohio known as PPN 003-18D-22-029 (the “School District Property”);

WHEREAS, pursuant to City of Brunswick Charter Section 8.01(b), Brunswick City Council may, by ordinance, authorize the transfer and conveyance by deed of any real property, owned by it and not needed for Municipal purposes, to the Board of Education of the City of Brunswick, to be used as an athletic field, a playground for children or for school sites, upon such terms as are agreed to between the City of Brunswick and the Board of Education;

WHEREAS, pursuant to Ohio Revised Code 3313.40, the City and the School District are further authorized to exchange real property if the City and the School District determined that the exchange will be mutually beneficial;

WHEREAS, as part of the funding for construction of the Plum Creek Greenway Phase I Trail Project, the Ohio Department of Natural Resources requires the City to own the portion of the School District Property, as further depicted in Exhibit A and described in Exhibit B, upon which a portion of the Trail will be constructed; and

WHEREAS, the School District is desirous of obtaining a portion of the City Property, as further depicted in Exhibit C and described in Exhibit D, to allow access to School facilities from Manhattan Avenue; and

WHEREAS, the City and the School District have determined that an exchange of the properties set forth in this Agreement will be mutually beneficial.

NOW, THEREFORE, in exchange for good and valuable consideration in the amount of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, the City and the School District hereby agree as follows:

1) Property Transfer. Within three (3) business days of satisfaction of all Contingencies to Closing detailed in Section 5 herein (the “Closing” or “Closing Date”), the parties hereto shall exchange, by Quit Claim Deeds (collectively the “Deeds”), the following real property (collectively the “Properties”):

- a) The School District shall convey to the City the portion of the School District Property identified as “Split Parcel #1A”, including all rights

appurtenant thereto, consisting of approximately 0.7636 acres depicted in the Plat of Survey/Lot Split attached hereto as Exhibit “A” and as further described on Exhibit “B” attached hereto, both of which are incorporated herein by reference.

- b) The City shall convey to the School District the portion of the City Property identified as “Split Parcel, 0.0675 Acres”, including all rights appurtenant thereto, consisting of approximately 0.0675 acres depicted in the Map of Survey attached hereto as Exhibit “C” and as further described on Exhibit “D” attached hereto, both of which are incorporated herein by reference.

2) “AS IS” Nature of Sale. The parties acknowledge and agree that the respective Properties are being conveyed “AS IS – WHERE IS” and that except as expressly set forth herein, neither party has not made, does not make and will not make any warranties or representations, express or implied, or arising by operation of law, regarding the respective Properties.

3) Escrow Agent/Title Company. The Escrow Agent/Title Company for this transaction shall be Guardian Title & Guaranty Agency, Inc., 7550 Lucerne Drive, Suite 310, Middleburg Heights, Ohio 44130. Upon full execution of this Agreement (the “Effective Date”), an executed copy of this Agreement shall be deposited with the Title Company and this Agreement shall serve as the escrow instructions (the “Escrow”). The Title Company may attach its standard conditions of acceptance thereto; provided, however, that in the event said standard conditions of acceptance are inconsistent with or in conflict with the terms and provisions hereof, then the terms and provisions of this Agreement shall control.

4) Title Matters.

A. Upon the Effective Date of this Agreement, the City shall immediately order separate commitments (the “Title Commitments”) from the Title Company to issue an owner’s title insurance policy for the respective Properties, who shall cause the respective Title Commitments to be completed within ten (10) business days of the Effective Date hereof. The Title Company shall simultaneously deliver copies of the respective Title Commitments, the vesting deed(s), and all documents referenced therein, to the parties. The Title Commitments are subject to review and approval by each respective party no later than ten (10) calendar days following receipt (the “Objection Notice Deadline”). If either party objects to any such title exception (the “Unpermitted Encumbrances”), such party must deliver written notice (the “Objection Notice”) to the other party on or prior to the Objection Notice Deadline. Any and each such title exception to which each respective party does not timely object in writing on or prior to the Objection Notice Deadline shall thereafter constitute a “Permitted Encumbrance”. Upon receipt of the Objection Notice, such receiving party shall have ten (10) calendar days in which to cause the removal or correction of the Unpermitted Encumbrances or otherwise assure the objecting party that such Unpermitted Encumbrances will be removed or corrected prior to the Closing Date (it being understood that each party may, but shall not be required to, remove or correct any Unpermitted Encumbrance). If such receiving party fails or refuses to cause the removal or correction of the Unpermitted Encumbrances or otherwise fails to assure the objecting party that such Unpermitted Encumbrances will be removed or corrected prior to the Closing Date within said ten (10) calendar day period, the objecting party may elect, upon written notice to the

other party to be received on or before the tenth (10th) calendar day following such party's failure or refusal, to: (x) accept title as such party is able to convey, in which event all exceptions in Schedule B of the Title Commitment, including without limitation, the Unpermitted Encumbrances set forth in the Objection Notice and not removed or corrected, shall become Permitted Encumbrances; or (y) terminate this Agreement and, except as otherwise expressly provided in this Agreement, neither party shall have any further rights, obligations, or liability hereunder.

B. The City shall be responsible for the preparation, completion and filing of the Plat of Survey/Lot Split and legal description of Exhibits A and B. The School District shall be responsible for the preparation, completion and filing of the Map of Survey and legal description of Exhibits C and D.

5) Contingencies to Closing. The transaction contemplated herein is contingent upon the following:

- a) Approval and recording of necessary Lot Split Plats.
 - b) Delivery of all documents as required by Section 7 herein.
 - c) Formal approval of this Agreement as may be required by the Brunswick City Council and School District Board of Education. If such approvals are rejected by either part, this Agreement shall terminate and, except as otherwise expressly provided in this Agreement, neither party shall have any further rights, obligations, or liability hereunder.
- 6) Closing Costs, Charges and Prorations.
- a) At Closing, the Title Company shall charge the City with respect to the conveyance of the Split Parcel, 0.0675 Acres: (i) one-half (1/2) the cost of the transfer fees, conveyance taxes, Escrow fees, Owner's Title Insurance Policy cost, Title Examination fees, Deed recording fees, preparation of the Lot Split Plat and legal description, Lot Split Plat recording fees, , and all other customary transfer fees; (ii) one-half of the costs listed in Article 6(b)(i); (iii) the cost of removing any Unpermitted Exceptions which the City has agreed to remove; (iv) the cost of releasing all existing liens of record upon the City Property; and (v) proration of real estate taxes and assessments chargeable to the City relative to the City Property on the Closing Date, if any.
 - b) At Closing, the Title Company shall charge the School District with respect to the conveyance of the Split Parcel #1A: (i) one-half (1/2) the cost of the transfer fees, conveyance taxes, Escrow fees, Owner's Title Insurance Policy cost, Title Examination fees, Deed recording fees, preparation of the Lot Split Plat and legal description, Lot Split Plat recording fees, and all other customary transfer fees; (ii) one-half of the costs listed in Article 6(a)(i); (iii) the cost of removing any Unpermitted Exceptions which the School District has agreed to remove; (iv) the cost of releasing all existing liens of record upon the School District Property; and (v) proration of real

estate taxes and assessments chargeable to the School District relative to the School District Property on the Closing Date, if any.

- c) Each party shall bear its own legal fees and, for the property that it is conveying, Deed preparation expenses.

7) Closing Deliveries.

- a) At Closing, the City shall:

- i) deliver to the School District a duly executed and recordable Deed conveying the portion of the City Property to the School District, subject only to the Permitted Exceptions; and
- ii) deliver such additional documents as shall be reasonably required to consummate the transaction contemplated by this Agreement.

- b) At Closing, the School District shall:

- i) deliver to the City a duly executed and recordable Deed conveying the portion of the School District Property to the City, subject only to the Permitted Exceptions; and
- ii) deliver such additional documents as shall be reasonably required to consummate the transaction contemplated by this Agreement.

8) Notices. Any notice which may be or is required to be given pursuant to the provisions of this Agreement shall be personally delivered, sent by certified or registered mail, by overnight delivery service, or by electronic mail as follows:

If to the City:

Carl S. DeForest, City Manager
4095 Center Road
Brunswick, Ohio 44212
cdeforest@brunswick.oh.us

With a copy to:

Kenneth J. Fisher, Law Director
Kenneth J. Fisher Co., L.P.A.
50 Public Square, Suite 2100
Cleveland, Ohio 44113
kfisher@fisher-lpa.com

If to the School District:

Michael Mayell, Superintendent

3643 Center Road
Brunswick, Ohio 44212
Mmayell@bcsoh.org

With a copy to:

Squire Patton Boggs (US) LLP
41 South High Street
2000 Huntington Center
Columbus, Ohio 43215
Attention: Matthew L. Sagone, Esq.
Email: matthew.sagone@squirepb.com

Delivery of the notice shall be deemed effective upon receipt. Either party hereto may change the notification address above by sending a notice in writing to the other party at the address set forth hereinabove of the new notice address.

9) Binding Effect. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, nominees and assigns. Each person executing this Agreement in a representative capacity warrants their authority to do so.

10) Entire Agreement. This Agreement shall constitute the entire agreement between the parties hereto. No oral understanding shall be of any effect. Any other understanding or changes of this Agreement must be in writing and signed by both parties hereto. Whenever any period of time is specified herein for the taking of any action or the giving of any notice, the period shall be computed by excluding the day upon which the period is specified to commence and including the last day of the period specified.

11) Miscellaneous. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. The invalidity or unenforceability of any term or provision of this Agreement or the non-application of such term or provision to any person or circumstance shall not impair or affect the remainder of this Agreement, and its application to other persons and circumstances and the remaining terms and provisions hereof shall not be invalidated but shall remain in full force and effect. Time is of the essence in this Agreement in each and all of its provisions. Any extension of time granted for the performance of any duty under this Agreement shall not be considered an extension of time for the performance of any other right or obligation under this Agreement. Captions, titles to sections and paragraph headings used herein are for convenience of reference and shall not be deemed to a limit or alter any provisions hereof.

12) Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original copy and all of which, when taken together, will be deemed one and the same. Signatures or counterparts delivered by email, facsimile or other electronic means shall be deemed binding originals.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Real Estate Transfer Agreement as of the dates indicated below.

CITY OF BRUNSWICK

BRUNSWICK CITY SCHOOL DISTRICT

Carl S. DeForest, City Manager

Date: _____

Rich Nowak, President

Date: _____

Mark Pepera, Treasurer

Date: _____

Approved as to form:

Kenneth J. Fisher, Law Director

EXHIBIT A

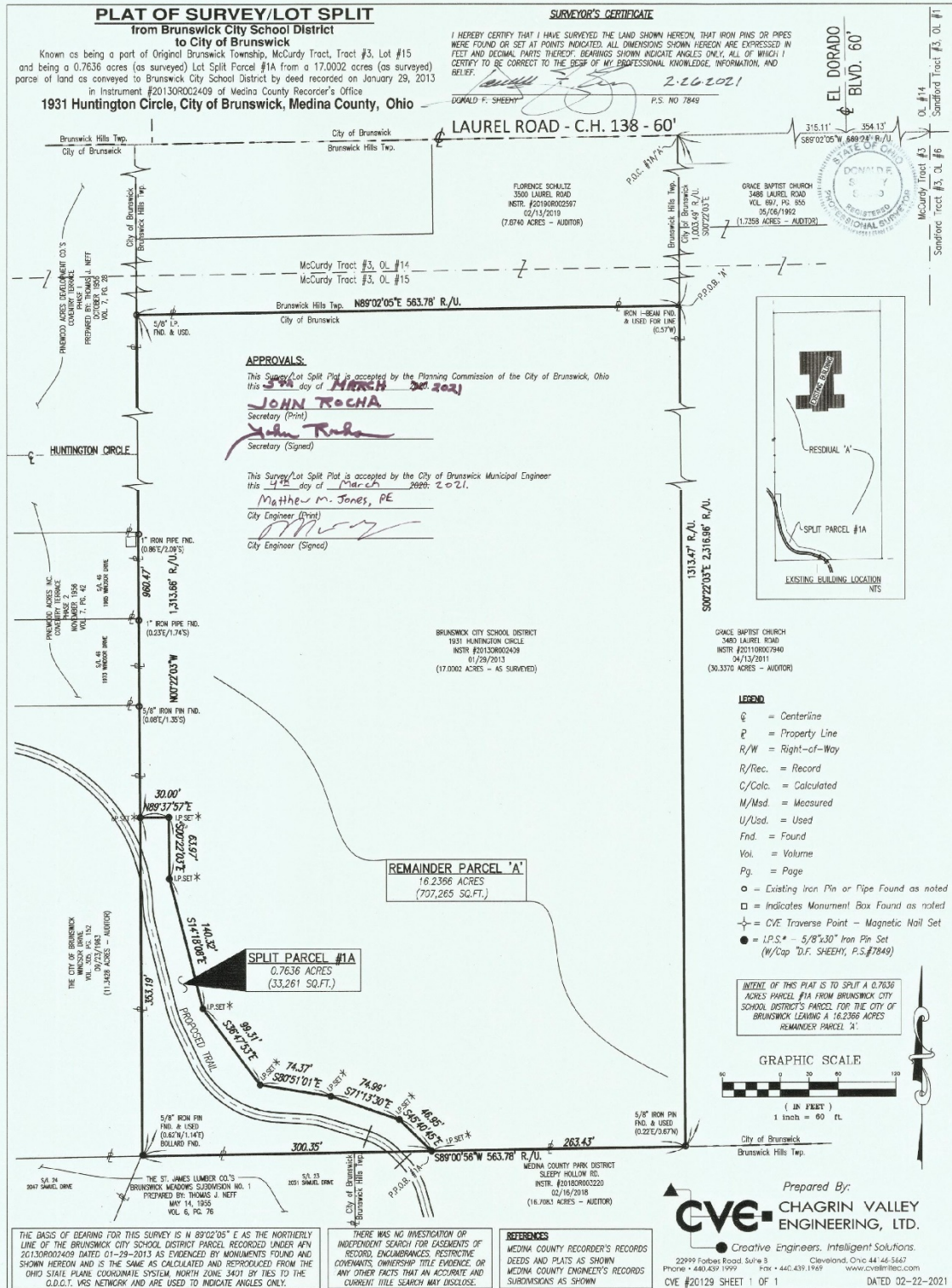


EXHIBIT B

LEGAL DESCRIPTION
0.7636 ACRES LOT SPLIT PARCEL #1A
FROM: BRUNSWICK CITY SCHOOL DISTRICT
TO: CITY OF BRUNSWICK
CITY OF BRUNSWICK, COUNTY OF MEDINA, OHIO

Page 1 of 2

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being a part of Original Brunswick Township, McCurdy Tract #3, Lot #15 and being a **0.7636 acres (33,261 sq.ft.) Lot Split Parcel #1A** from the 17.0002 acres (as surveyed) Parcel of land as conveyed to the Brunswick City School District by deed recorded on January 29, 2013 in Instrument #2013OR002409 of Medina County Recorder's Office and further bounded and described as follows;

Beginning on the centerline of Laurel Road – C.H. 138 (60 feet wide) at the Northwestern corner of a 1.7358 acres (Auditor) parcel of land as conveyed to Grace Baptist Church by deed recorded on May 06, 1992 in Volume 697, Page 655 of Medina County Recorder's Office, said point being the Northeastly corner of Brunswick Hills Township and being South 89°02'05" West, distant 669.24 feet as measured along said centerline from the intersection with the Easterly line of said Original Lot #14 of said Township;

Thence **South 00°22'03" East**, along the Easterly line of said Brunswick Hills Township's line, the Westerly line of said Grace Baptist Church's land and the Westerly line of a 30.3370 acres (Auditor) second parcel of land as conveyed to said Grace Baptist Church by deed recorded on April 13, 2011 in Instrument #2011OR007940 of Medina County Recorder's Office, a distance of **2,316.96 feet** (5/8" iron pin found – 0.22'E/0.67'N) to the Southwesterly corner thereof on the Northerly line of a 16.7083 acres (Auditor) Parcel of land as conveyed to Medina County Park District by deed recorded on February 16, 2018 in Instrument #2018OR003220 of Medina County Recorder's Office, said line being the Northerly line of Brunswick Hills Township;

Thence **South 89°00'56" West**, along said Northerly line of Medina County Park District's land, Brunswick Hills Township line, a distance of **263.43 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849) and the Principal Place of Beginning of the Premises herein intended to be described;

Course 1: Thence continuing **South 89°00'56" West**, along said Northerly line of Medina County Park District's land and the Northerly line of the "St. James Lumber Co's Brunswick Meadow Subdivision #1" as recorded in Plat Volume 6, Page 76 of Medina County Plat Records, a distance of **300.35 feet** (5/8" iron pin found w/bollard - 0.62'N/1.14'E) to the Southeasterly corner of a 11.3428 acres (Auditor) Coventry Terrace Phase 2-A as shown on the plat of "Pinewood Acres, Inc. Coventry Terrace Phase-2" as recorded in Volume 7, Page 42 of Medina County Recorder's Office as conveyed to the City of Brunswick by deed recorded on September 23, 1963 in Volume 305, Page 152 of Medina County Recorder's Office;

- Course 2:** Thence **North 00°22'03" West**, along the Easterly line of said Phase 2-A, City of Brunswick's land, a distance of **353.19 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 3:** Thence **North 89°37'57" East**, perpendicular to said Easterly line of Phase 2-A, City of Brunswick's land, a distance of **30.00 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 4:** Thence **South 00°22'03" East**, parallel with and at a perpendicular distance of 30.00 feet East of said Easterly line of Phase 2-A, City of Brunswick's land, a distance of **63.97 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 5:** Thence **South 14°18'08" East**, a distance of **140.32 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 6:** Thence **South 36°47'53" East**, a distance of **99.31 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 7:** Thence **South 80°51'01" East**, a distance of **74.37 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 8:** Thence **South 71°13'30" East**, a distance of **74.99 feet** to a 5/8" x 30" iron pin set (capped "D.F. Sheehy, S-7849);
- Course 9:** Thence **South 45°40'45" East**, a distance of **46.95 feet** to the Principal Place of Beginning and containing an area of **0.7636 acres (33,261 sq.ft.)** of land as surveyed, calculated and described from Medina County Recorder's Office according to a survey by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering Ltd., in January 2021, be the same more or less but subject to all legal highways and easements of record;

The **Basis of Bearings** for this legal description is **North 89°02'05" East** as the Northerly line of the Brunswick City Scholl District parcel under Instrument #2013OR002409 dated January 29, 2013 as evidenced by monuments found and shown hereon and is the same as calculated and reproduced from the Ohio State Plane Coordinate System, North Zone 3401 by ties to the O.D.O.T. VRS Network and are used to indicate angles only;

CVE #20129 - LS-1A
January 22, 2021 (jaw)
January 25, 2021 (bas)

EXHIBIT C

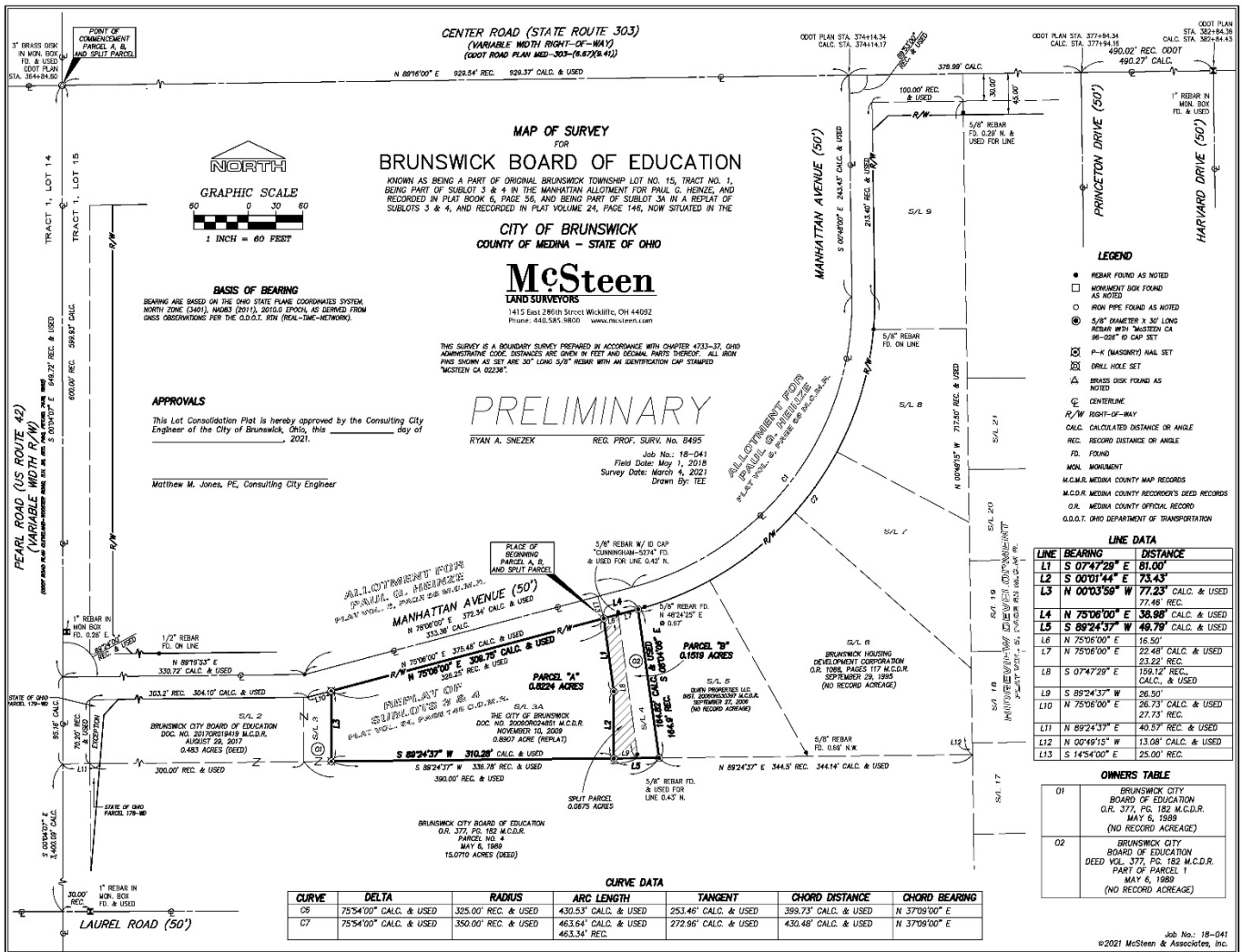


EXHIBIT D



Project No. 18-041
March 4, 2021

LEGAL DESCRIPTION
Split Parcel
Brunswick City Board of Education
Brunswick, Ohio

Situated in the City of Brunswick, County of Medina, and State of Ohio, being part of Original Brunswick Township Lot No. 15, Tract No. 1, being part of Sublot 4 in the Manhattan Allotment for Paul G. Heinze, and recorded in Plat Book 6, Page 56, and being part of Sublot 3A in a Replat of Sublots 3 & 4, and recorded in Plat Volume 24, Page 146, and being part of a parcel of land conveyed to The City of Brunswick by deed recorded on November 10, 2009 in Document Number 2009OR024851 (0.8907 acres) of Medina County Recorder's Records, and more fully described as follows:

Commencing at a 3-inch brass disk in monument box (ODOT Plan Sta. 364+84.80) found on the westerly line of Lot 15, at the centerline intersection of Pearl Road (U.S. Route 42) (Variable Width Right-of-Way) and Center Road (State Route 303) (Variable Width Right-of-Way); Thence, South 00°-04'-07" East along the westerly line of Lot 15 and the centerline of Pearl Road, 649.72 feet to the centerline intersection of Pearl Road and Manhattan Avenue (50 feet wide); Thence North 89°-19'-53" East, along the centerline of Manhattan Avenue, 330.72 feet to an angle point; Thence North 78°-06'-00" East continuing along the centerline of Manhattan Avenue, 333.36 feet to a point; Thence South 14°-54'-00" East, 25.00 feet to an iron pin set on the southerly right-of-way of Manhattan Avenue, and being the **PLACE OF BEGINNING** of the parcel herein described;

Course No. 1: Thence **North 75° 06' 00" East**, along the southerly right-of-way line of Manhattan Avenue, **16.50 feet**; to the northwest corner of a land conveyed to Brunswick City Board of Education by deed recorded on May 6, 1989 in Deed Volume 377, Page 182 (part of Parcel 1) (No Record Acreage), (a 5/8-inch rebar with ID cap "Cunningham-5274" was found North 0.42 feet);

Course No. 2: Thence **South 07° 47' 29" East**, along the westerly line of said Board of Education Parcel, passing a 5/8-inch rebar at 158.69 feet, a total of **159.12 feet** to the northerly line of land conveyed to Brunswick City Board of Education by deed recorded on May 6, 1989 in Deed Volume 377, Page 182 (Parcel 4) (15.0710 acres);

Course No. 3: Thence **South 89° 24' 37" West**, along the northerly line of said Board of Education Parcel, **26.50 feet** to an iron pin set;

Page 1 of 2



Project No. 18-041
March 4, 2021

LEGAL DESCRIPTION
Split Parcel
Brunswick City Board of Education
Brunswick, Ohio

Course No. 4: Thence **North 00° 01' 44" West**, along a new split line, **73.43 feet** to an iron pin set at an angle point;

Course No. 5: Thence **North 07° 47' 29" West**, continuing along said new split line, **81.00 feet**, to the **PLACE OF BEGINNING**, containing **0.0675 acres**, more or less, but subject to all highways, covenants, and easements of legal record surveyed in March 2021 by Ryan A. Snezek, Registered Professional Land Surveyor No. 8495 on behalf of **McSteen Land Surveyors** under Project No. 18-041,

Bearing are based on the Ohio State Plane Coordinates System, North Zone(3401), NAD83 (2011), 2010.0 Epoch, as derived from GNSS Observations per the ODOT CORS/VRS Real Time Network. Distances are given in feet and decimal parts thereof. All iron pins shown as set are 30" long 5/8" rebar with an identification cap stamped "McSTEEN CA 02236".

Ryan A. Snezek
Registered Professional Land Surveyor No. 8495

PROPOSED LEGISLATION



DATE: 4/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 42-2021** - An emergency resolution supporting the proposed Pearl Road Reconstruction Project and urging State and Federal Legislators to support funding for the project. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

BACKGROUND: The reconstruction of 3.85 miles SR 42 proposed reconstruction of SR 42 from 1,450 feet north of Sleepy Hollow Road to Boston Road has been requested through the local Metropolitan Planning Agency NOACA and has been approved. The funding authorized is only a portion of what is needed to fully complete the reconstruction of the roadway. NOACA approved \$2,146,588 which is less than what is needed. With the proposed infrastructure bill being debated at the federal level, the Federal Transportation and Infrastructure Committee is considering the funding of specific projects. It is anticipated that an additional \$4,000,000 is needed to complete this project properly.

PURPOSE AND EXPLANATION: This resolution documents the support of the Brunswick City Council to perform a transformational project to solve a long term road repair and drainage improvements of SR 42. The intent is to obtain an additional \$4,000,000 in Federal Member Sponsored Funding in order to rehabilitate this State Route fully. The additional funding would be used to supplement the existing funds provided by NOACA and remain consistent with the existing scope of services. This additional funding will be used to increase the quantity of concrete base repairs, curb replacement, sidewalk installation and replacement along with storm water structure repairs.

IMPLEMENTATION

SCHEDULE: The request for additional funding is due April 14, 2021. Construction is expected to begin spring of 2022 and last through 2023.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The City anticipates local cost share for this project will be 20%. Local costs share are planned

to be funded out of the Capital Projects Road Improvement Fund #333 once City Council adopts sufficient appropriations for the project. The City is also in discussions to determine if ODOT grant funds can be used to help offset some of the local cost share for this project.

**RECOMMENDED
ACTION:**

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of the municipality, and for the further reason that potential funding for this project may be available with a deadline to request the funding by April 14, 2021.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 42-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION SUPPORTING THE PROPOSED PEARL ROAD RECONSTRUCTION PROJECT AND URGING STATE AND FEDERAL LEGISLATORS TO SUPPORT FUNDING FOR THE PROJECT.

- WHEREAS: The proposed Pearl Road Reconstruction Project (the “Project”) is a transformational project relative to the reconstruction of 3.85 miles of Pearl Road/State Route 42 from 1,450 feet north of Sleepy Hollow Road to Boston Road, the estimated cost of which exceeds \$6,000,000.00;
- WHEREAS: The Northeast Ohio Areawide Coordinating Agency (“NOACA”), a metropolitan planning organization, has authorized funding for the Project in the amount of \$2,146,588.00, leaving a Project funding shortfall of approximately \$4,000,000.00;
- WHEREAS: This Resolution documents this Council’s support of the transformational Project, which will provide long-term road repair and drainage improvements, including, without limitation, an increase in the quantity of: (a) concrete base repairs; (b) curb replacements; (c) sidewalk installations and replacements; and (d) stormwater structure repairs;
- WHEREAS: With the proposed infrastructure bill being debated at the federal level, the Federal Transportation and Infrastructure Committee is considering funding of specific projects; and
- WHEREAS: It is the intent of this Resolution to obtain Federal Member Sponsored Funding in the amount of \$4,000,000.00 to fully and properly fund the transformation Project.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:
- SECTION 1: This Council hereby fully supports the proposed transformational Project and urges State and Federal Legislators to support funding for the Project in an additional amount of \$4,000,000.00.
- SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as State and Federal legislative funding decisions are imminent. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC