

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

SEPTEMBER 9, 2024

6:00 PM

**or Immediately Following
Economic Development Committee**

1. Discussion Items
 - (a) Medina County Board of Developmental Disabilities Update (Stacey Maleckar)
 - (b) Review and approve the Council's Office 2025 Budget
 - (c) Discuss date for the 2025 City Manager Budget & 5-Year Capital Plan Hearing
2. Motion Items
 - (a) A motion requesting authorization for the City Manager to issue a request for proposals for the sponsorship of the Brunswick Community Recreation & Fitness Center.
 - (b) Motion to reject all bids received on August 28, 2024 for the Richie Drive Storm Sewer project and to authorize the City Manager to advertise the project for a public rebid.
3. Review Legislation
 - (a) **RES. NO. 69-2024** - An emergency resolution accepting the petition for annexation of an 18.9780± acre property (consisting of PPNS 001-02A-21-008 AND 001-02A-21-009) located on Pearl Road known as being part of Brunswick Hills Township to the City of Brunswick, Media County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)
 - (b) **ORD. NO. 72-2024** - An ordinance amending Section 222.01 (a) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)
 - (c) **RES. NO. 73-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Geo-Sci Laboratory, Inc. to provide emergency testing services for the New Fire Station Headquarters Project in an amount not to exceed \$60,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)
 - (d) **RES. NO. 76-2024** - A resolution in support of the Brunswick City School District Renewal Operating Levy.- **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Joseph Delsanter*)

- (e) **RES. NO. 78-2024** - A resolution officially adopting the Brunswick City logo as the symbol for the Brunswick City Flag. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Kristy Piper*)

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 and to discuss the subject of pending or imminent court action.

6. Adjournment

PROPOSED MOTION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

MOTION: Motion to reject all bids received on August 28, 2024 for the Richie Drive Storm Sewer project and to authorize the City Manager to advertise the project for a public rebid.

BACKGROUND: Authorization for public bid was granted by City Council motion on July 22, 2024. Bids were opened on August 28, 2024. Two bids were received. The lowest bid exceeded the engineer's estimate by 20.37 percent, necessitating the rejection of all bids. See purpose and explanation for more details.

PURPOSE AND EXPLANATION: The engineer's estimate for the Richie Drive Storm Sewer project was announced at \$85,000.00. Two bids were received, and the lowest bidder was Driven Excavating at \$102,317.00. Since the lowest bid was more than 20% above the engineer's estimate, it is recommended that City Council reject all bids and that the project be rebid with reduced quantities to stay within the current budget. The proposed project will seek to remove and replace a failed storm sewer crossover pipe and install approximately 200 feet of new storm sewer on the east side of Richie Drive, redirection storm sewer flow away from rear yards and into the existing storm sewer system on Grafton Road.

IMPLEMENTATION SCHEDULE: The City Engineer intends to rebid the project later this month. Construction is anticipated to begin in October pending a successful rebid.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The project is being funded with Stormwater Utility Fee dollars from the Storm Water Management Enterprise Fund #224 - Account#224-0455-56881. The revised engineer's construction cost estimate is \$120,000.00. Note that the revised estimate includes the temporary concrete driving surface item which was previously included as an alternate.

RECOMMENDED ACTION: Passage of a motion which authorizes the City Manager to reject all bids received on August 28, 2024 for the Richie Drive Storm Sewer project, and to authorize the City Manager to advertise the project for a public rebid.

ADDITIONAL

INFORMATION:

PROPOSED LEGISLATION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 69-2024** - An emergency resolution accepting the petition for annexation of an 18.9780± acre property (consisting of PPNS 001-02A-21-008 AND 001-02A-21-009) located on Pearl Road known as being part of Brunswick Hills Township to the City of Brunswick, Media County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: On May 28, 2024, the Medina County Commissioners adopted Resolution No. 24-0421 approving the petition for the regular annexation of 18.9780 acres of land known as being part of Brunswick Hills Township to the City of Brunswick. 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 with the clerk of the municipal corporation, which occurred on July 1, 2024.

PURPOSE AND EXPLANATION: This legislation is to accept 18.9780 acres of land from Brunswick Hills Township into the City of Brunswick. Resolution No. 30-2024 was adopted on April 8, 2024, declaring the City's intention to provide municipal services.

IMPLEMENTATION SCHEDULE: One reading, emergency with suspension of the rules.

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?

Recommendation to adopt as an emergency with suspension of the rules so that it will be effective immediately.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 69-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF AN 18.9780± ACRE PROPERTY (CONSISTING OF PPNS 001-02A-21-008 AND 001-02A-21-009) LOCATED ON PEARL ROAD KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

WHEREAS: On May 28, 2024, the Medina County Commissioners adopted Resolution No. 24-0421, as attached hereto as Exhibit “A”, approving the Petition for Regular Annexation on Application of Owner of 18.9780± acres of land (001-02A-21-008 and 001-02A-21-009) 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 July 1, 2024; 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 18.9780± acres of land (001-02A-21-008 and 001-02A-21-009) 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



Medina County Board of Commissioners

Stephen D. Hambley

Aaron M. Harrison

Colleen M. Swedyk

May 28, 2024

VIA HAND DELIVERY

Laura Timura, Clerk of Council
City of Brunswick
4095 Center Road
Brunswick, OH 44212

RE: Regular Annexation Petition
18.9780 Acres - Brunswick Hills Township and the City of Brunswick

Dear Ms. Timura;

Enclosed please find Commissioners' Resolution 24-0421 approving the petition for annexation of 18.9780 acres of land known as being part of Brunswick Hills Township to the City of Brunswick Medina County approved on May 28, 2024 as well as a copy of documents contained in our original file. The original plat which has been signed by the commissioners is also being provided to you along with these documents for further consideration and processing by the City of Brunswick.

If you have any questions, please feel free to contact our office.

Thank you.

A handwritten signature in blue ink that reads "Rhonda Beck".

Rhonda Beck
Clerk, Board of County Commissioners

Enc.

I received the annexation file and plat for the above-referenced annexation this 1st day of July, 2024.

A handwritten signature in black ink that reads "Laura Timura".
Council Clerk

cc: Fiscal Officer, Brunswick Hills Township
Mark McGrievy, Esq. – Agent for Petitioner
Medina County Auditor

REGULAR MEETING – TUESDAY, MAY 28, 2024

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

Aaron M. Harrison

Colleen M. Swedyk

Stephen D. Hambley

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

RESOLUTION NO. 24-0421

**APPROVING THE PETITION FOR THE REGULAR ANNEXATION OF 18.9780 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 18.9780 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 March 12, 2024 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 May 21, 2024 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 of 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
 - 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.

REGULAR MEETING – TUESDAY, MAY 28, 2024
RESOLUTION NO. 24-0421 (CONT'D.)

3. The petition meets all of the requirements set forth in Section 709.033 of the Ohio Revised Code:
- 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;
 - 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;
 - 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;
 - the territory proposed to be annexed is not unreasonably large;
 - 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
 - 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:

- The annexation involves 18.9780 acres in Brunswick Hills Township, identified as PPN(s) 001-02A-21-008 and 001-02A-21-009 owned by SHN Brunswick, LLC located at 866 and 880 Pearl 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;
- One entity owns the property and the owner's agent signed the petition; therefore, the petition contains signatures of the majority (51%) of owners;
- The City of Brunswick Resolution No. 30-2024 adopted April 8, 2024 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;
- The petitioner has proven that the land after annexation will enjoy a level of services comparable or adequate to that enjoyed prior to the annexation;
- 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 18.9780 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 upon journalization of this resolution, a certified copy of this resolution be sent to the agent for the petitioners, the fiscal officer of the township, and clerk of the municipality.

BE IT FURTHER RESOLVED that after the expiration of thirty (30) days after journalization of this resolution, if no appeal has been timely filed under section 709.07 of the Ohio Revised Code, a certified copy of the entire record of the annexation proceedings, including all resolutions of the board, signed by a majority of the members of the board, the petition, map, and all other papers on file, the record of proceedings, if a copy is available, and exhibits presented at the hearing relating to the annexation proceedings, shall be sent to the auditor or clerk of the municipal corporation to which the annexation is proposed.

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

Adopted: May 28, 2024

Prepared by: Commissioners' Office

**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 5/28/24
Rhonda J. Beck

**PETITION FOR ANNEXATION
TO THE CITY OF BRUNSWICK
OF 18.9780 ACRES, MORE OF LESS
IN THE TOWNSHIP OF BRUNSWICK HILLS
(Regular Petition O.R.C. 709.02)**

MEDINA CO COMMISSIO
MAR 12 '24 AM 10:35

**TO THE BOARD OF COUNTY COMMISSIONERS
OF MEDINA COUNTY, OHIO**

Dated: March 7, 2024

The undersigned Petitioner, being the sole owner of the real estate hereinafter known as Medina County Permanent Parcel Numbers 001-02A-21-008 and 001-02A-21-009, which parcels consist of 18.9780 acres more or less, as more fully described in Exhibit A attached hereto and made part hereof ("Property") hereby petitions, pursuant to Ohio Revised Code Section 709.02, for the annexation of the Property to the City of Brunswick, Medina County, Ohio.

In support of its petition Petitioner states as follows:

1. A legal description of the perimeter of the is attached hereto as Exhibit A and made a part hereof.
2. A plat map of the Property is attached hereto as Exhibit B and made a part hereof. The Property is adjacent to the City of Brunswick.
3. The undersigned is the sole owner, as defined in ORC709.02(E), of all of the land in the area proposed to be annexed.
4. A list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, parcels located adjacent to that territory or directly across the road from it is attached hereto as Exhibit C and made a part hereof.
5. The undersigned Petitioner hereby designates Mark P. McGrievy, Esq. of L'Hommedieu & McGrievy, LLC, 100 North Main Street, Suite 350, Chagrin Falls, Ohio 44022, as its Agent as required by Section 709.02 of the Ohio Revised Code, with full power to amend, increase or decrease the area, to do any and all things essential hereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the Petitioner. Mr. McGrievy's email address is mark@lmlegalgroup.com and his phone number is 216-635-0016.

Petitioner;

SHN BRUNSWICK, LLC,
an Ohio limited liability company

Dated: MAR 8 2024

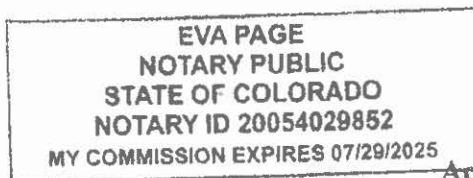
By: [Signature]

Frank P. Biller, its Manager

STATE OF COLORADO)
).SS:
COUNTY OF DOUGLAS)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Frank P. Biller as the Manager of SHN Brunswick, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument in such capacity for and on behalf of such limited liability company and the same is his free act and deed in such capacity on behalf of SHN Brunswick, LLC. This is an acknowledgment clause. No oath or affirmation was administered to the signer.

IN TESTIMONY WHEREOF, I have set my hand and official seal Parker.
Colorado this 8 day of MAR, 2024.



[Signature]
Notary Public

Acceptance of Appointment

The undersigned, name therein agent for Petitioner, hereby acknowledges and accepts the appointment of agent for said Petitioner.

[Signature]
Mark P. McGrievy

EXHIBIT A

LEGAL DESCRIPTION

(See Attached)



18.9708 Acre Annexation from Brunswick Hills Township
To the City of Brunswick

Situated in Township of Brunswick Hills, County of Medina, State of Ohio, and known as being part of Original Brunswick Township Lot 7, Tract No. 1 and further being known as all of the lands conveyed to SHN Brunswick, LLC by deed of record in Document Number 2023OR006328 dated 5/5/2023 as recorded in the Medina County Recorder's Office, and being more particularly described as follows:

COMMENCING at a 1" iron pipe found inside a monument box at the centerline intersection of Pearl Road (60' Wide) and Grafton Road (60' Wide);

Thence along the centerline of Pearl Road, South 00°16'21" East a distance of 3275.69 feet to a mag nail set at the northeasterly corner of Parcel 1 of said SHN Brunswick, LLC tract and the southeasterly corner of Block 'B' of Oak Ridge Preserve as recorded in Document Number 2023PL000022, said point being the POINT OF BEGINNING;

Thence continuing along said centerline and the easterly line of said SHN Brunswick, LLC tract, South 00°16'21" East a distance of 306.45 feet to a mag nail set at the southeasterly corner of Parcel 2 of said SHN Brunswick, LLC tract and the northeasterly corner of the lands conveyed to John R. and Barbara A. Rocha as recorded in Deed Volume 373, Page 893 dated 5/6/1987;

Thence leaving said centerline, along the southerly line of said SHN Brunswick, LLC tract and the northerly line of said Rocha tract, South 88°13'39" West, passing an iron pin found capped "Schwartz S-7193" at 29.95 feet, a total distance of 2696.70 feet to an iron pin found capped "Schwartz S-7193" at the southwesterly corner of Parcel 2 of said SHN Brunswick, LLC tract, said point also being the northwesterly corner of the lands conveyed to Thomas G. Simon, Trustee as recorded in Document Number 2007OR034023 dated 12/28/2007 and said point being along the easterly line of Eagle Oaks Subdivision No. 7 as recorded in Plat Volume 15, Page 24;

Thence along the westerly line of said SHN Brunswick, LLC tract and the easterly line of said Eagle Oaks Subdivision, North 00°27'07" West, passing a 5/8" iron pin found at 76.49 feet, a total distance of 306.51 feet to an iron pin found capped "Schwartz S-7193" at the northwesterly corner of Parcel 1 of said Sanctuary Health tract, said point also being the southwesterly corner of Block 'A' of Vicky Drive Allotment as recorded in Document Number 2021PL000032;

Thence along the northerly line of said Sanctuary Health tract and the southerly line of said Vicky Drive Allotment, **North 88°13'46" East**, passing a 1/2" iron pin found at 2668.56 feet, a total distance of **2697.66 feet** to the POINT OF BEGINNING, containing 18.9708 acres, more or less.

This description as surveyed by Nicholas J. Del Valle, P.S. 8822, of The Mannik & Smith Group, Inc. dated 7/31/2023.

Subject to all legal rights-of-way and/or easement, if any, of record.

Bearings used herein are based on the centerline of Pearl Road being South 00°16'21" East as referenced to the Ohio State Plane Coordinate System, North Zone, NAD83, NSRS 2011 Adjustment.



Nicholas J. Del Valle
Professional Surveyor No. 8822



2.29.24

Date

EXHIBIT B

ANNEXATION PLAT

See Attached.



BASIS OF BEARINGS
THE BEARINGS UPON THIS PLAT ARE BASED ON THE CENTERLINE OF PEARL ROAD BEING SOUTH 00°16'21" EAST BEING REFERENCED TO THE OHIO STATE PLANE COORDINATE SYSTEM OHIO NORTH ZONE NAD83 (NHS 701 ADJ.)



REGULAR ANNEXATION PLAT FOR 18.9708 ACRES FROM BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK

SITUATED IN THE TOWNSHIP OF BRUNSWICK HILLS
COUNTY OF MEDINA AND STATE OF OHIO, BEING PART
OF THE ORIGINAL LOT 7, TRACT 1 OF SAID TOWNSHIP

LEGEND

- CITY OF BRUNSWICK
- BRUNSWICK HILLS TOWNSHIP
- MONUMENT BOX FOUND
- IRON PIN/PIPE FOUND
SIZE & TYPE AS NOTED
- MAG NAIL SET
- PRESENTLY ROAD OCCUPIED

POINT OF COMMENCEMENT
1" IRON PIN FOUND & USED IN
MONUMENT BOX

GRAFTON ROAD

POINT OF BEGINNING
1/2" IRON PIN
FOUND & USED @ 2668.56'
BLOCK 'B'

OAK RIDGE PRESERVE
DOC NO. 2023PL000022

VICKY DRIVE ALLOTMENT
DOC NO. 2021PL000032

IRON PIN FOUND & USED
CAPPED 'SCHWARTZ S-7193'
BLOCK 'A'

18.9708 ACRES
INCLUDING 0.2108 ACRES P.R.O.

SHIN BRUNSWICK, L.L.C.
DOC NO. 2023OR006328
RECORDED 5/5/2023

THOMAS G. SIMON, TRUSTEE
PPN 001-02A-25-001
DOC NO. 2007OR034023
RECORDED 12/28/2007

PARCEL 1
PPN 001-02A-21-008
6.19 ACRES (D)(M)

PARCEL 2
PPN 001-02A-21-009
12.82 ACRES (D)
12.78 ACRES (M)

886 PEARL ROAD

880 PEARL ROAD

IRON PIN FOUND @ 29.95'
CAPPED 'SCHWARTZ S-7193'

JOHN R. & BARBARA A. ROCHA
PPN 001-02A-25-002
VOL. 373, PAGE 893
RECORDED 5/6/1987

MAG NAIL IN 1.5" IRON
PIPE FOUND & USED
@ 30.00'

EAGLE OAKS SUBDIVISION NO. 7
PLAT VOL. 15, PAGE 24
EAGLE OAKS SUBDIVISION NO. 9
PLAT VOL. 16, PAGE 32

THIS ANNEXATION PLAT WAS DULY ACCEPTED BY THE BRUNSWICK CITY
COUNCIL AT ITS REGULAR MEETING HELD ON THE ____ DAY OF
____, 2024 BY ORDINANCE NO. ____

PRESIDENT

DEPUTY CLERK OF COUNCIL

APPROVED BY THE MEDINA COUNTY BOARD OF COMMISSIONERS THIS
DAY OF ____ 2024

COMMISSIONER

COMMISSIONER

COMMISSIONER

APPROVED FOR TRANSFER THIS ____ DAY OF ____ 2024

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS ____ DAY OF ____ 2024

MEDINA COUNTY AUDITOR

RECEIVED AND RECORDED THIS ____ DAY OF ____ 2024
BY THE MEDINA COUNTY RECORDER'S OFFICE

RECORDED IN PLAT DOCUMENT NO. ____

MEDINA COUNTY RECORDER

WE, THE UNDERSIGNED REPRESENTATIVE OF THE OWNERS OF THE
LAND EMBRACED WITHIN THIS ANNEXATION PLAT, HEREBY
ACKNOWLEDGE THIS PLAT AND ANNEXATION TO BE OUR FREE ACT
AND DEED. WE CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR
ASSESSMENTS AGAINST THE LANDS EMBRACED WITHIN THIS PLAT.

SHIN BRUNSWICK, L.L.C. - OWNER REPRESENTATIVE

PRINT NAME

STATE OF OHIO

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED THE ABOVE NAMED THOMAS G. SIMON
WHO ACKNOWLEDGED THE MAKING OF THE FOREGOING
INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT
AND DEED IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY OFFICIAL SEAL AT ____ THIS ____ DAY
OF ____ 2024

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I DO HEREBY CERTIFY THAT I HAVE SURVEYED THE
LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH
THE PROVISIONS OF CHAPTER 4733.37 OF THE OHIO
ADMINISTRATIVE CODE, THAT THIS MAP IS A
CORRECT REPRESENTATION OF THE LAND SURVEYED
AND THAT I HAVE FOUND OR SET THE PINS AND
MONUMENTS SHOWN ON THIS MAP. MAP IS BASED ON
A FIELD SURVEY COMPLETED ON JULY 31, 2023

NICHOLAS J. DEL VALLE
LICENSED PROFESSIONAL SURVEYOR
OHIO LICENSE NO. 8822
DATE: 7-31-23

EVA PAGE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054029852
MY COMMISSION EXPIRES 07/29/2025

EXHIBIT C

ANNEXATION PARCELS AND ADJACENT PROPERTIES

PROPERTIES SUBJECT TO PETITION (PARCELS TO BE ANNEXED)

<u>Petitioner Name</u>	<u>Address of Property</u>	<u>Tax Mailing Address</u>	<u>Parcel Number</u>
SHN Brunswick, LLC	866 Pearl Road Brunswick, OH 44212	10940 S. Parker Road, Suite 136 Parker, CO 80134	001-02A-21-008
SHN Brunswick, LLC	880 Pearl Road Brunswick, OH 44212	10940 S. Parker Road, Suite 136 Parker, CO 80134	001-02A-21-009

PROPERTIES ADJACENT TO ANNEXATION PROPERTIES

<u>Owner Name</u>	<u>Address of Property</u>	<u>Tax Mailing Address</u>	<u>Parcel Number</u>
Thomas G. Simon, Trustee of the Thomas G. Simon 2005 Trust U/A/D May 26, 2005	Woodward Ave. Brunswick, OH 44212	2 Berea Commons, STE 1 Berea, OH 44017	001-02A-25-001
John R. and Barbara A. Rocha	894 Pearl Road Brunswick, OH 44212	989 Substation Rd. Brunswick, OH 44212	001-02A-25-002

[CONTINUED ON FOLLOWING PAGE]

Ray Hemeyer, Trustee	859 Pearl Road Brunswick, OH 44212	4120 Canterbury Dr. Brunswick, OH 44212	003-18B-24-007
Eagle Oakes Property Owners Association Inc.	Pepperwood Dr. Brunswick, OH 44212	PO Box 622 Brunswick, OH 44212	003-18A-03-083
Geraldine Szaraz	4605 Redwood Drive Brunswick, OH 44212	4605 Redwood Drive Brunswick, OH 44212	003-18A-06-112
Paula J. Birr	4601 Redwood Drive Brunswick, OH 44212	4601 Redwood Drive Brunswick, OH 44212	003-18A-06-111
Thomas Zabor	891 Pearl Road Brunswick, OH 44212	5680 Pearl Road Parma, OH 44129	003-18B-24-006
Oak Ridge Preserve LLC	Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-243
Oak Ridge Preserve LLC	4376 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-234
Oak Ridge Preserve LLC	4382 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-233
Oak Ridge Preserve LLC	4386 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-232

Oak Ridge Preserve LLC	4390 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-231
Oak Ridge Preserve LLC	4394 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-230
Oak Ridge Preserve LLC	4398 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-229
Oak Ridge Preserve LLC	4402 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-228
Oak Ridge Preserve LLC	4406 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-227
Oak Ridge Preserve LLC	4412 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-226
Oak Ridge Preserve LLC	4428 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-225
Oak Ridge Preserve LLC	Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-242
Overlook Pointe Homeowners Association	Vicky Dr 003 - Brunswick City (Brunswick City SD)	Overlook Pointe Homeowners 22700 Royalton Rd Strongsville, OH 44149	003-18A-04-207

David S. & Doreen J. Leuenberger, Trustee	4504 Vicky Dr Brunswick, OH 44212	David Leuenberger, 4504 Vicky Dr Brunswick, OH 44212	003-18A-04-199
Edward J. & Justine M. Seifert	4508 Vicky Dr Brunswick, OH 44212	Edward & Justine Seifert 4508 Vicky Dr Brunswick, OH 44212	003-18A-04-200
Thomas M. & Maria L. Kahle	4514 Vicky Dr Brunswick, OH 44212	Thomas & Maria Kahle 14751 Greystone Dr Brookpark, OH 44142	003-18A-04-201
Robert A. & Stacie L. Lieb	4522 Vicky Dr Brunswick, OH 44212	Robert & Stacie Lieb 4522 Vicky Dr Brunswick, OH 44212	003-18A-04-202
Scott Stanton	4530 Vicky Dr Brunswick, OH 44212	Scott Stanton 4530 Vicky Dr Brunswick, OH 44212	003-18A-04-203
Eric M. & Kristin M. Girard	4536 Vicky Dr Brunswick, OH 44212	Eric & Kristin Girard 4536 Vicky Dr Brunswick, OH 44212	003-18A-03-196
Overlook Pointe Homeowners Association	Vicky Dr 003 - Brunswick City (Brunswick City SD)	Overlook Pointe Homeowners 22700 Royalton Rd Strongsville, OH 44149	003-18A-03-200

18.9780 acres – Brunswick Hills Township to the City of Brunswick

Commissioner Stephen D. Hambley called the meeting to order at 11:00 a.m. with Aaron M. Harrison and Colleen M. Swedyk present. The hearing was for the consideration of a regular annexation of 18.9780 acres of land from Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. The petition was filed with the Commissioners' office on March 12, 2024 in accordance with Ohio Revised Code Section 709.02. A court reporter was present for the proceedings.

Mark McGrievy, Esq., Agent for Petitioner, was sworn in prior to providing testimony. Mr. McGrievy testified that they are petitioning for a regular annexation of the 18.9780 acres from the township of Brunswick Hills to the City of Brunswick. The main issue is water services on the property that are readily available. The opportunity makes sense for both Brunswick Hills Township and the City of Brunswick. They believe they have provided everything that is necessary to the commissioners for the petition, and the City of Brunswick has an emergency resolution in place regarding this property. In answer to a question by Commissioner Swedyk, Mr. McGrievy explained that this was filed as a regular annexation based on the recommendation of the law director of the City of Brunswick.

Mr. Hambley confirmed with the Clerk of the Board that there have been no challenges to the validity of petition signatures, the petition contains signatures of the majority of owners, no signature were obtained more than 180 days before filing of the petition with the Clerk, an accurate legal description of the perimeter and accurate plat of the territory proposed for annexation were filed, and the agent was listed in the petition and a list of adjacent property owners was attached. The Clerk of the Board confirmed all required procedures were followed, and no objections were received. Note was made that the Brunswick Hills Township Trustees had previously made a request for verification of signatures and the petitioner satisfactorily provided a response.

Mr. McGrievy thanked the commissioners for their consideration.

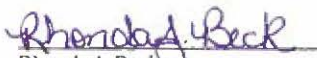
There was no one else in attendance wishing to provide testimony.

Commissioner Swedyk noted that the frontage of this property is very small. Commissioner Hambley stated that he understands that water quality within that general area is an issue. You can get sufficient water quality for a home but because of the strata, any kind of commercial structure development within that, even if it remained in the township, would not have been able to get a permit.

Mr. Harrison moved to adjourn the hearing; Mrs. Swedyk seconded the motion. Mr. Hambley stated that the board will enter its decision on the journal within thirty (30) days of this hearing. There was no further discussion. Roll call showed all commissioners voting AYE. The hearing adjourned at 11:07 a.m.

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this twenty-first day of May, 2024.

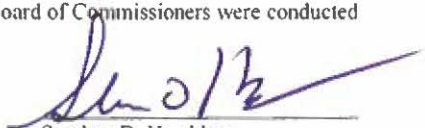
Respectfully submitted,

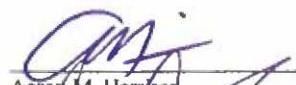

Rhonda J. Beck
Clerk to the Commissioners

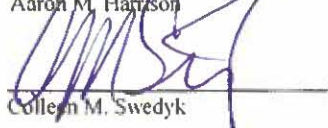
COMMISSIONERS

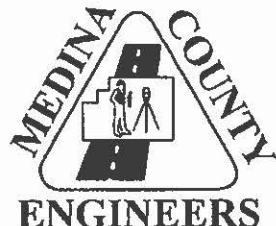
OF

MEDINA COUNTY


Stephen D. Hambley


Aaron M. Harrison


Colleen M. Swedyk



MEDINA COUNTY ENGINEER

Andrew J. Conrad, P.E., P.S.

ENGINEERING DEPARTMENT

P.O. BOX 825
791 W. SMITH RD.
MEDINA, OH 44258

PHONE (330) 723-9561
FAX (330) 723-9661

MEMORANDUM

TO: Rhonda Beck, Clerk

FROM: Michael Martin, Tax Maps

RE: Regular Annexation Petition and Plat Review – to annex 18.9708 acres from the Township of Brunswick Hills to the City of Brunswick.

DATE: March 12, 2024

I reviewed the Annexation Plat and Legal Description (from the surveyor) and found that both are accurate and correct for transfer.

I have also received a copy of the petition. We will need a deed prepared with a legal description that is the same as the legal on the petition except in the first line saying "Situated in the City of Brunswick...". Will need to signed and dated with the surveyor's stamp on it.

All other things are correct.

Thank you,

A handwritten signature in cursive script that reads "Michael A. Martin".

Michael A Martin



Medina County Board of Commissioners

Stephen D. Hambley

Aaron M. Harrison

Colleen M. Swedyk

March 12, 2024

Via Email and Regular U.S. Mail

Mark P. McGrievy, Esq.
L'Hommedieu & McGrievy, LLC
100 North Main Street, Ste. 350
Chagrin Falls, OH 44022

RE: Petition for Regular Annexation – 18.9780 acres
Brunswick Hills Township to the City of Brunswick

Dear Mr. McGrievy,

The Medina County Board of Commissioners is in receipt of the regular petition for annexation received from your office on this date. I have enclosed a time-stamped copy of the petition for your records. Please advise if you wish for future correspondence to be sent via email, or is regular mail is your preferred method. My email address is rbeck@ohmedinaco.org.

The Board of Medina County Commissioners will conduct a hearing on the above-referenced petition for annexation submitted by your office today after their regular meeting on **Tuesday, May 21, 2024, at 11:00 a.m.** providing no objections are received between now and then. Our office will arrange for a court reporter to be present at this hearing.

I have also included a copy of the Memorandum received from the Medina County Engineer – Tax Maps Department, which indicates notes regarding the preparation of a deed and requirements that will need to be met. You may contact Michael Martin at 330-723-9561 with any questions regarding the memo.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Beck".

Rhonda Beck
Clerk of the Board of County Commissioners



L|M Legal Group

L'Hommedieu & McGrievy, LLC

mark@lmlegalgroup.com

March 26, 2024

MEDINA CO COMMISSIO
MAR 27 '24 12:17

Rhonda J. Beck
Clerk of the Board
Medina County Board of Commissioners
144 N. Broadway St.
Medina, Ohio 44256

**RE: Regular Annexation Petition 18.9780 Acres
Parcel Nos. 001-02A-21-008 and 001-02A-21-009
Brunswick Hills Township to the City of Brunswick**

Dear Ms. Beck:

Enclosed please find one certified mail return receipt and one US Postal Service Notice of Delivery for Proof of Service of notification of the Petition for Annexation that was filed by my office on March 12, 2024 for the above reference property. Please note that our notification of this filing was received by the City of Brunswick Clerk of Council on March 20, 2024 and by the Trustees of Brunswick Hills Township on March 26, 2024.

Should you require anything further, please contact this office.

Very truly yours,

L'HOMMEDIEU & MCGRIEVY, LLC


Mark P. McGrievy, Esq.

Enclosures

100 N. Main Street, Suite 350, Chagrin Falls, Ohio 44022
Phone: 216-635-0002 / Fax: 216-635-0012
www.lmlegalgroup.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

City of Brunswick
495 Center Road
Brunswick, OH 44212



9590 9402 1297 5285 6798 41

Article Number (Transfer from service label)

7020 1290 0000 0662 0645

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Carol Dickens

☐ Agent☐ Addressee

B. Received by (Printed Name)

Carol Dickens

C. Date of Delivery

3-20

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Registered Mail☐ Registered Mail Restricted Delivery

or \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

CERTIFIED MAIL® RECEIPT
Domestic Mail OnlyFor delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40

Postage \$1.87

Total Package and Fees \$6.27

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postmark
Here

03/18/2024

Sent To
City of Brunswick
Street and Apt. No., or PO Box No.
495 Center Road
City, State, ZIP+4®
Brunswick, OH 44212

PS Form 3800, April 2015 PSN 7530-02-000-1037 See Reverse for Instructions

5490 2980 0000 0621 0202

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail OnlyFor delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40

Postage \$1.87

Total Package and Fees \$6.27

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postmark
Here

03/18/2024

Sent To
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-1037 See Reverse for Instructions

2590 2980 0000 0621 0202

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70201290000008620652

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Latest Update

Your item was delivered to an individual at the address at 1:06 pm on March 26, 2024 in
BRUNSWICK, OH 44212.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, Left with Individual

BRUNSWICK, OH 44212

March 26, 2024, 1:06 pm

[See All Tracking History](#)

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CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 30-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO AN 18.9780± ACRE PROPERTY (CONSISTING OF PPNs 001-02A-21-008 AND 001-02A-21-009) LOCATED ON PEARL 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 two (2) parcels of property located on Pearl Road be annexed from Brunswick Hills Township to the City of Brunswick, and

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

WHEREAS: 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 18.9780± acres of property located on Pearl Road (consisting of PPNs 001-02A-21-008 and 001-02A-21-009), 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.

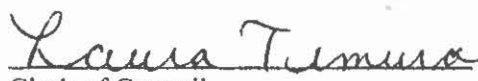
SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the May 21, 2024 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 April 8, 2024

Rules Suspended: AYES 6 NAYS 0

ADOPTED: April 8, 2024 AYES 6 NAYS 0

ATTEST:


Clerk of Council
Laura E. Timura, CMC

April 25, 2024

Sent via email to

rbeck@ohmedinaco.org

Medina County Board of Commissioners
144 North Broadway Street, Room 201
Medina, Ohio 44256

Sent via email to

mark@lmlegalgroup.com

SHN Brunswick LLC
c/o Mark P. McGrievy
L'Hommedieu & McGrievy, LLC
100 North Main Street, Suite 350
Chagrin Falls, Ohio 44022
Agent for Petitioner

**Re: Petition for Annexation to the City of Brunswick of
18.4780 acres, more or less in the Township of Brunswick Hills
Regular Petition ORC 709.02
Request for Verification of Certain Signatures**

Medina County Board of Commissioners/SHN Brunswick, LLC:

The Brunswick Hills Township Board of Trustees, pursuant to Ohio Revised Code Section 709.031(C) respectfully requests that reasonable proof be presented of the authority of the person who signed the annexation petition, as that person signed on behalf of any person other than a natural being, the state, or political subdivision of the state. The annexation petition was filed on behalf of SHN Brunswick, LLC, an Ohio Limited Liability Company, by Frank P. Biller, who describes himself as its manager.

Pursuant to ORC 709.031(C) this request is made in writing and has been filed at least fifteen (15) days prior to the hearing on the annexation by the Brunswick Hills Township Board of Trustees.

Respectfully,



Patrica Murphy, Trustee
Brunswick Hills Township



Christina Kusnerak, Trustee
Brunswick Hills Township



Ryan Nixon, Trustee
Brunswick Hills Township

From: Jan Isakoff
To: dkusnerak@brunswickhillstwp.org; tmurphy@brunswickhillstwp.org; mnixon@brunswickhillstwp.org
Cc: Rhonda Beck; Mark McGrievy
Subject: Evidence of SHN Manager Brunswick Hills Annexation+
Date: Monday, May 6, 2024 3:40:20 PM
Attachments: [image002.png](#)
[image004.png](#)
[Recorded Affidavit of Facts \(Biller\).pdf](#)
[SHN Brunswick Operating Agreement \(Executed\).pdf](#)

Good Afternoon,

Reference is made to a letter from your office dated April 25, 2024 requesting confirmation that Frank Biller is in fact the Manager of SHN Brunswick, LLC. We have attached a fully executed Operating Agreement for SHN Brunswick, LLC and a recorded Affidavit of Fact showing Mr. Biller as the Manager of SHN Brunswick, LLC. We trust that the two documents are sufficient evidence of Mr. Biller's Manager's position.

Best Regards, Jan Isakoff



JANICE ISAKOFF

Senior Counsel

100 N. Main Street, Suite 350

Chagrin Falls, Ohio 44022

Phone: (216) 635-0013

Fax: (216) 635-0012

E-mail : jan@lmlegalgroup.com

This transmission: (i) is subject to attorney-client privilege, (ii) contains attorney work product, and/or (iii) is otherwise confidential. If you are not the intended recipient, use and disclosure of this message is prohibited. If you have received this in error, please (i) do not print, forward or copy this e-mail, (ii) notify us of the error by a reply to this e-mail, and (iii) completely delete the message and any attachments from your computer.

2023OR006329

LINDA HOFFMANN
MEDINA COUNTY RECORDER
MEDINA, OH
RECORDED ON
05/05/2023 09:55 AM

REC FEE: 50.00
PAGES: 4
DOC TYPE: AFFID

AFFIDAVIT OF FACTS
CONCERNING REAL ESTATE
(pursuant to O.R.C. 5301.252)

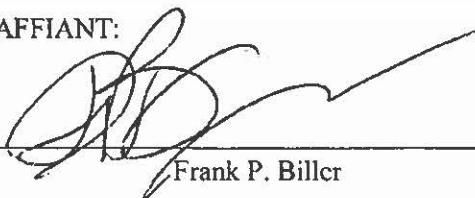
STATE OF CO)
) ss:
COUNTY OF Douglas)

I, Frank P. Biller ("Affiant"), being first duly cautioned and sworn, and having personal knowledge of the facts and being competent to testify as to these matters, depose and say as follows:

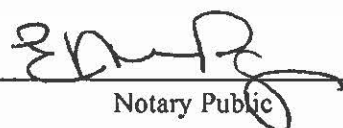
1. I am the manager of both Sanctuary Health Network, LLC and SHN Brunswick, LLC.
2. Sanctuary Health Network, LLC, owns certain real properties located at 886 Pearl Road, Brunswick, Ohio 44212 and 880 Pearl Road, Brunswick, Ohio 44212, as more fully described in Exhibit A, attached hereto (the "Properties").
3. Sanctuary Health Network, LLC received ownership of the Property pursuant to the Prior Instrument filed on November 3, 2020, as Document Number 2020OR027960 in the records of the Medina County, Ohio Recorder's Office.
4. Sanctuary Health Network, LLC desires to transfer the Properties via quit-claim deed to SHN Brunswick, LLC for business purposes.
5. Sanctuary Health Network, LLC is the sole member of SHN Brunswick, LLC.
6. The real property conveyance from Sanctuary Health Network, LLC to SHN Brunswick, LLC is exempt from conveyance fees under exemption letter (m) of the DTE100ex, as no money or other valuable and tangible consideration is to be paid for the Property and the transaction is not a gift.
7. I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is a true, correct, and complete statement.

FURTHER AFFIANT SAYETH NAUGHT.

AFFIANT:


Frank P. Biller

Sworn to before me and subscribed in my presence this 2 day of May, 2023.


Notary Public

This Instrument Prepared by:
L'HOMMEDIEU & MCGRIEVEY, LLC
100 N. Main Street, Suite 350
Chagrin Falls, Ohio 44022
Joseph McHugh, Esq.
(216) 635-0002

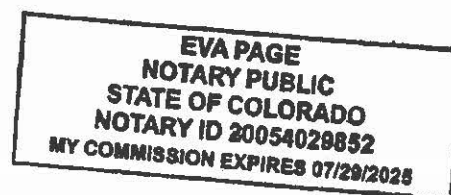


EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1:

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. 7, Tract No. 1, and bounded and described as follows: Beginning on the center line of Pearl Road (60 feet wide) at a point distant South 1° 55' 00" West measured along the said center line, 3277.00 feet from its intersection with the center line of Grafton Road; Thence North 89° 51' 00" West along the Southerly line of land conveyed to Archie A. and Rose M. Leitell by deed dated May 19, 1954 and recorded in Deed Volume 216, Page 147 of Medina County Records, 2700.67 feet to a point on the Westerly line of Original Lot 7; Thence South 1° 35' 00" West along the said Westerly line of Original Lot 7, 100 feet to a point; Thence South 89° 51' 00" East and parallel with the said Southerly line of land so conveyed to Archie A. and Rose M. Leitell, 2699.80 feet to a point on the center line of Pearl Road; Thence North 1° 55' 00" East along the said center line of Pearl Road, 100 feet to the place of beginning, be the same more or less. Containing 6.19 acres.

Tax Parcel No: 001-02A-21-008

AKA 866 Pearl Road, Brunswick, Ohio 44212

Parcel 2:

Situated in the Township of Brunswick Hills, County of Medina, and State of Ohio, and known as being a part of Lot 7, Tract 1 of Original Brunswick Township, bounded and described as follows: Beginning at a point in the center of State Highway #25, 3277.0 feet South 1 deg. 55 min. West along the center of S.H. 25 from the point of intersection of the centerlines of S.H. 25 and C.H. 42 and extending South 1 deg. 55 min. West along the center of S.H. 25, 306.8 feet to a point; Thence North 89 deg. 51 min. West 2698.0 feet to an iron pin in the West line of Lot 7; Thence North 1 deg. 35 min. East along the West line of Lot 7, 306.8 feet to an iron pin; Thence South 89 deg. 51 min. East along the South line of land now owned by Rose M. and Jane Mary Leitch 2700.67 feet to a point in the center of S.H. 25 and the place of beginning, containing within said boundaries 19.01 acres of land, be the same more or less, as surveyed April 14, 1949, by Wayne Anderson and A.W. Nettleton, Registered Surveyors, 599 and 1577.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE:

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. 7, Tract 1 and bounded and described as follows: Beginning on the centerline of Pearl Road (60 feet wide) at a point distant, South 1° 55' 00" West measured along the said centerline, 3277.00 feet from the intersection with the centerline of Grafton Road; Thence North 89° 51' 00" West along the Southerly line of land conveyed to Rose M. and Jane Mary Leitch, 2700.67 feet to a point on the Westerly line of said Original Lot 7; Thence South 1° 35' 00" West along the said Westerly line of Original Lot 7, 100.00 feet to a point; Thence South 89° 51' 00" East and parallel with the said Southerly line of

land so conveyed to Rose M. and Jane Mary Leitch, 2699.80 feet to a point on the centerline of Pearl Road; Thence North $1^{\circ} 55' 00''$ East along the said centerline of Pearl Road, 100.00 feet to the place of beginning be the same more or less, containing 6.19 acres.

Leaving, after exception, 12.82 acres, more or less.

Tax Parcel No: 001-02A-21-009

AKA 880 Pearl Road, Brunswick, Ohio 44212

OPERATING AGREEMENT
OF
SHN BRUSNWICK, LLC

THIS OPERATING AGREEMENT (the "Agreement") of SHN BRUSNWICK, LLC, an Ohio limited liability company (the "Company"), is made effective as of January 25, 2023 ("Effective Date"), by its sole member, Sanctuary Health Network, LLC, an Ohio limited liability company (the "Member"), pursuant to the provisions of the 1706.01 *et. Seq.*, of the Ohio Revised Code (the "LLC Law") on the following terms and conditions:

1. **Formation of Company and Company Information.** The Company was formed upon the filing of the Company's Articles of Organization with the Ohio Secretary of State on or about January 25, 2023. The Ohio Entity Number for the Company is 4988993. The Tax Identification Number of the Company is 92-3066975.
2. **Sole Member.** The Member is the sole member of the Company.
3. **Purpose.** The purposes of the Company will be to engage in any other operations, businesses or activities permitted under the LLC Law and any other applicable law or regulation. The Company is empowered to do any and all acts and things necessary, appropriate, proper, advisable, incidental to or convenient for the furtherance and accomplishment of the purposes and business described herein and for the protection and benefit of the Company.
4. **Principal Place of Business.** The principal place of business of the Company will be located at 10940 South Parker Road, Suite 136, Parker, Colorado 80134, or other place as the Manager may determine from time to time. The Company will maintain, at its principal office, all records pertaining to the Company as required by the LLC Law.
5. **Term.** The term of the Company will commence on the Effective Date and will continue until dissolved in accordance with the provisions of this Agreement.
6. **Filings.**
 - (a) The Manager will take any and all actions as may be reasonably necessary to perfect and maintain the status of the Company as a limited liability company or similar type of entity under the laws of any states or jurisdictions other than Ohio in which the Company engages in business.
 - (b) Upon the dissolution of the Company, the Manager will cause to be executed and filed a certificate of cancellation in accordance with the LLC Law and the law of any other states or jurisdictions in which the Company has qualified to conduct business.
7. **Profits, Losses and Distributions.** The profits, losses and distributions of the Company are allocated and shall be made 100% to the Member.
8. **Management.** The initial Manager of the Company shall be Frank P. Biller. The Manager may be removed and replaced at any time, and from time to time, at the sole discretion

of the Member. The management of the Company shall be vested in the Manager. The Manager is authorized to undertake and perform all acts on behalf of the Company, whether or not undertaken or performed for apparently carrying on in the usual way the business and affairs of the Company, and without limiting the generality of the foregoing, the Manager shall have the power and authority to borrow money, to sell, exchange, lease, transfer and encumber all or any part of the assets, whether real or personal, of the Company, as security for any obligation of the Company or others, to guarantee the obligations of others, to secure any such guarantee, to obtain insurance and bonding, and to perform each and every other act and deed of any kind whatsoever, all in the sole and absolute discretion of the Manager to carryout the purposes of the Company as set forth in this Agreement.

9. **Officers.** The Manager may designate one or more individuals to be an officer of the Company (an "Officer") and any Officer so designated shall have such title, authority, and duties as the Manager may delegate to him or her. Any Officer may be removed with or without cause by the Manager. The Manager and the Officers shall not be responsible to the Company or the Member for any loss, liability, damage, claim, judgment, cost, obligation or expense sustained, incurred or resulting directly or indirectly from the acts or omissions of the Manager or the Officer to the extent that the Manager or Officer reasonably and in good faith believed such act or omission to be within the express or implied scope of the authority and responsibility vested in the Manager or Officer.

10. **Indemnification.** The Company shall indemnify each Manager and officer of the Company to the fullest extent permitted under the LLC Law.

11. **Reliance on Acts of Manager.** No financial institution or any other person, firm or corporation dealing with the Manager will be required to ascertain whether the Manager is acting in accordance with this Agreement, but such financial institution or such other person, firm or corporation will be protected in relying solely upon the deed, transfer, or assurance of, and the execution of such instrument or instruments by the Manager.

12. **Books and Records.** The Company will keep adequate books and records at its principal place of business, setting forth a true and accurate account of all transactions and other matters arising out of and in connection with the conduct of the Company's business, which books and records will be otherwise kept in accordance with the provisions of the LLC Law. The Member or his designated representative will have the right, at any reasonable time, to have access to and to inspect and copy the contents of such books or records.

13. **Fiscal Year.** The accounting period and fiscal year of the Company will end on December 31 of each year.

14. **Dissolution Events.** The Company will dissolve and commence winding up and liquidation upon the first to occur of any of the following (each, a "Dissolution Event"):

- (a) The decision of the Member to dissolve, wind up, and liquidate the Company; or

(b) The happening of any other event that makes it unlawful, impossible, or impractical to carry on the business of the Company.

15. **Winding Up.** Upon the occurrence of a Dissolution Event, the Company will continue solely for the purposes of winding up its affairs in an orderly manner, liquidating its assets, and satisfying the claims of its creditors and the Member. The Company's assets will be liquidated as promptly as is consistent with obtaining the fair value thereof, and the proceeds therefrom, to the extent sufficient therefor, will be applied and distributed in the following order:

(a) First, to the payment and discharge of all of the Company's debts and liabilities to creditors other than the Member;

(b) Second, to the payment and discharge of all of the Company's debts and liabilities to the Member; and

(c) The balance, if any, to the Member.

Any distribution to the Member pursuant to clauses 15(b) or (c) above will be net of any amounts owed to the Company by such Member. The Member will not receive any additional compensation for any services performed pursuant to this Section 15.

16. **Authority to Amend.** Amendments to this Agreement will require the approval of the Member.

17. **Governing Law.** The laws of the State of Ohio, without regard to its laws of conflicts, will govern the validity of this Agreement, the construction of its terms, and the interpretation of the rights and duties of the Member.

[Signature Page Follows]

IN WITNESS WHEREOF the Member and the Company, through its Manager, effective as of the date first set forth above, have executed this Agreement.

SHN BRUSNWICK, LLC,
an Ohio limited liability company

By: 
Frank P. Biller, its Manager

SOLE MEMBER

Sanctuary Health Network, LLC,
an Ohio limited liability company

By: 
Frank P. Biller, its Manager



Petition for Annexation From Brunswick Hills Township to City of Brunswick

Hearing Date:	May 21, 2024	Twp. Zoning:	C-2 Community Commercial District
Petitioner(s):	SHN Brunswick LLC		R-3 Residential District
No. of Parcels:	2	Utilities:	Central Water & Sewer
Site Area:	18.9780 acres	School District:	Brunswick City Schools
Parcel Number(s):	001-02A-21-008, -009	Reviewer:	Denise Testa

EXECUTIVE SUMMARY

The parcels are located on the west side of Pearl Road including residential structures and deciduous forest that are adjacent to the City of Brunswick on three parcel lines. Both parcels include the C-2 Community Commercial District and the R-3 Residential District based on the Township Zoning Map.

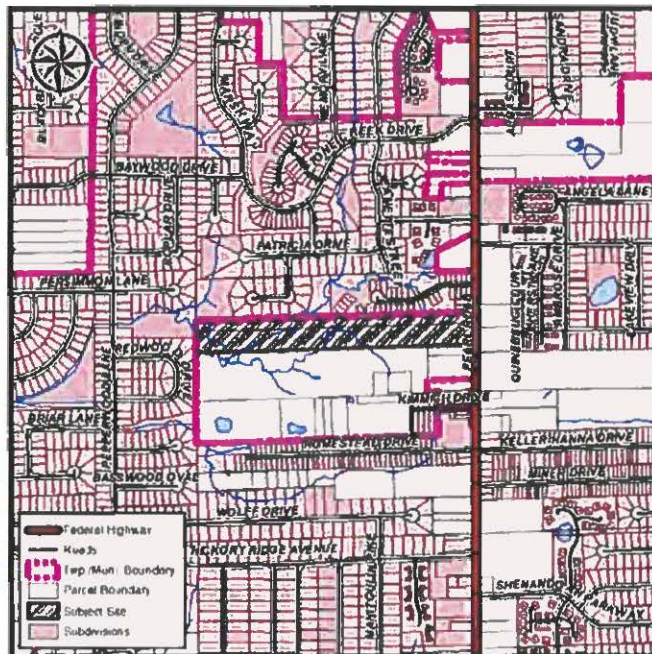
ADJACENT ZONING/LAND USE

Direction	Zoning	Land Use
North	SPD-7 Special Planning District R-L Low Density Residential	Residential (Brunswick)
South	C-2 Community Commercial District R-3 Residential District	Residential (Brunswick Hills)
West	R-L Low Density Residential	Residential (Brunswick)
East	C-G General Commercial	Residential/Deciduous Forest (Brunswick)

Background

Pursuant to Ohio Revised Code (ORC) Chapter 709, Mark McGrievy, Esq., agent for the parcels included in the attached legal description, applied to the Medina County Board of Commissioners in a petition received March 12, 2024, to annex property currently located in Brunswick Hills Township and contiguous to the City of Brunswick.

The Medina County Commissioners reviewed the checklist of submission requirements and determined the application and attachments are complete. Under the annexation law, this application is a "Regular Annexation."



Access

The parcels currently have access to Pearl Road.

Site Conditions

The parcels consist of residences fronting Pearl Road and deciduous forest on the western portions.

Brunswick Hills Township Zoning Resolution

According to the Township Zoning Resolution (Resolution), the purpose of the C-2 Commercial District is to, "...provide an environment for a wide range of business enterprises and promote a mix of commercial uses that will provide goods and services for the larger community area. Establishments within this district are encouraged to be part of planned and integrated groupings of stores which adequately address traffic impacts. This district must be located in areas which have access to public water and sanitary sewer services and to major roadways."

The Resolution indicates the purpose of the R-3 Residential District is to, "...provide for a variety of housing opportunities at moderate to higher densities in strategic locations within the Township. It is intended that this district will be adequately served by public water and sanitary sewer services and will have access on major roadways. Clustering of dwellings and preservation of natural areas is encouraged to minimize impacts and to maintain the established character and rural vistas."

City of Brunswick Zoning Districts

The Brunswick Zoning Code provides descriptions of the R-L Low Density Residential District, SPD Special Planning District, and C-G General Commercial District.

The R-L Low Density Residential District is established to encourage the development of low density single family residential neighborhoods. Densities up to 2.2 families per acre are available with the use of the special single family cluster provisions in Chapter 1284. It is intended that the development permitted in the R-L district be serviced with public sewer and water facilities and accommodate residential structures of the type and character that presently exist in the District.

The purposes of the SPD Special Planning District are as follows:

- (a) to regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the Zoning Code;
- (b) to promote creative and sensitive site planning;
- (c) to provide for a greater range or mixture of compatible uses than would be allowable in the standard zoning districts of this Code, while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment;

- (d) to provide an effective method for the City to guide the development of such areas so as to preserve unique characteristics or to provide for the greater range or mixture of land uses when appropriate; and
- (e) to create a regulatory structure which will allow more flexible and creative design of the built environment, within the limits of the approved conceptual development plan, than is possible with the lot-by-lot design approach of a conventional zoning district.

The C-G General Commercial District is established to provide for needs for both convenience goods and the more common and often recurring shopping goods, personal services and household services. The C-G District also provides locations for multifamily development which do not detract from the commercial potential of frontage property on Pearl Road (U.S. 42) and Center Road (S.R. 303).

Revenue

Brunswick Hills Township has 2.60 inside mills (1.40 general fund & 1.20 road and bridge.) There are a total of 13.95 outside voted mills, which breaks down to 6.2 mills for Fire/EMS & 7.75 mills for Police. The tax bill based on a \$100,000 value for a residential property is \$970.91 per half year and for commercial property is \$1,118.84 per half year.

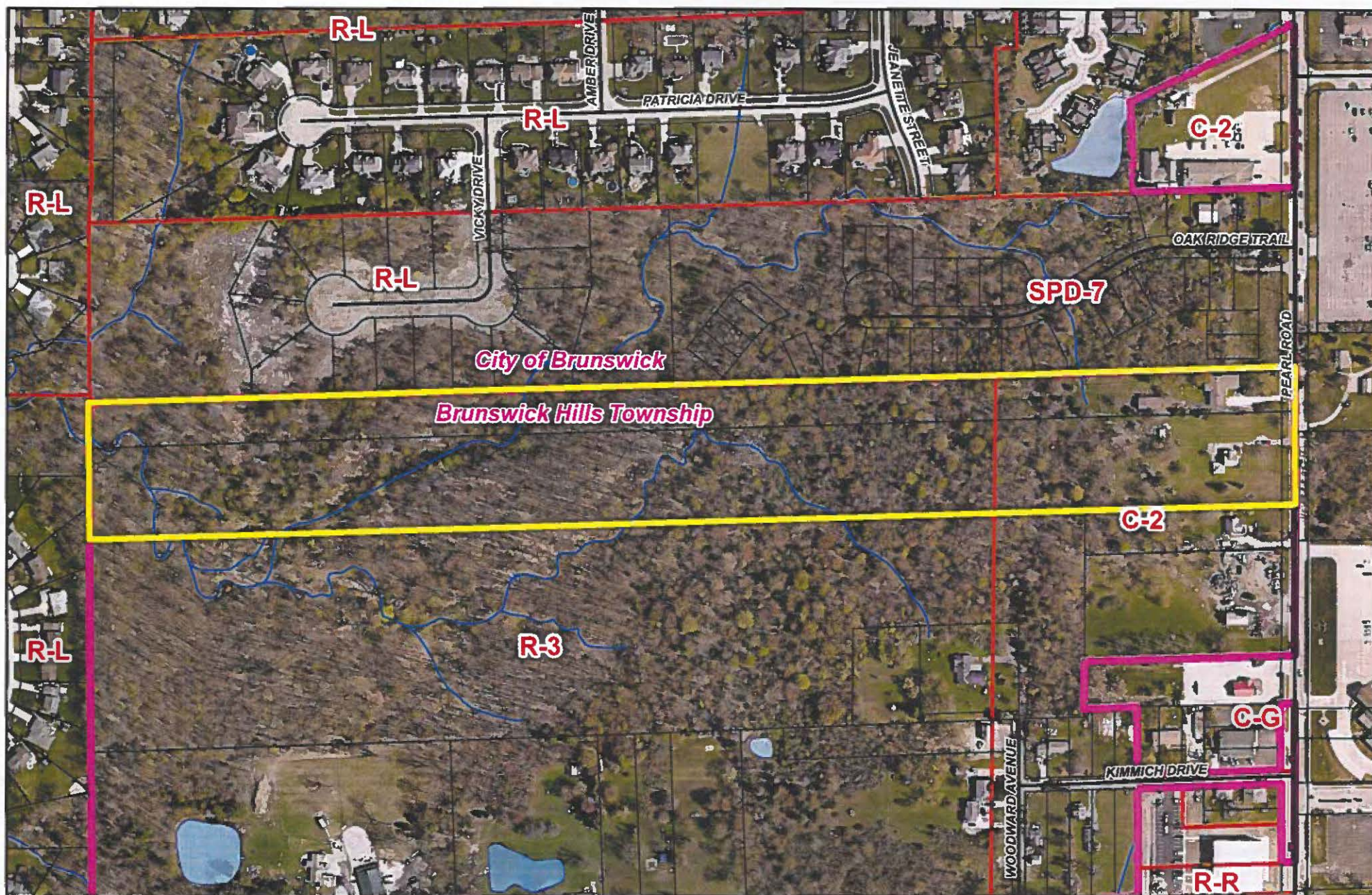
Brunswick City has 2.60 inside mills (2.30 general fund & .30 police pension.) There are a total of 2.02 outside voted mills, which breaks down to 1.2 mills for Road & Bridge & 0.82 mills for new Fire Station Building. The tax bill based on a \$100,000 value for a residential property is \$846.24 per half year and for commercial property is \$952.28 per half year.

The Brunswick City narrative has recently changed because they have a new levy being collected. Both of these taxing districts are part of the Medina County Park District and Medina County Library; therefore, no revenue changes for either of those entities will occur once the annexation is in place.

Expenditures

Public Services Provision Statement: On April 8, 2024, Brunswick City Council voted to approve Resolution 30-2024 as seen below.

“The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 18.9780± acres of property located on Pearl Road (consisting of PPNs 001-02A-21-008 and 001-02A-21-009), 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.”



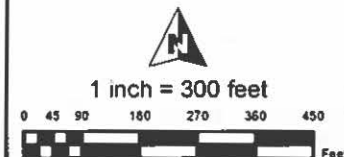
**Medina
County
Ohio**

Visit us on the web at www.planning.co.medina.oh.us



SHN Brunswick LLC Properties
Regular Annexation
Brunswick Hills Township to City
of Brunswick

Hearing Date: 5/21/2024
Utilities: Central Sewer & Water
School Dist: Brunswick City
Area: 18.9780 acres



CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 30-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO AN 18.9780± ACRE PROPERTY (CONSISTING OF PPNS 001-02A-21-008 AND 001-02A-21-009) LOCATED ON PEARL 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 two (2) parcels of property located on Pearl Road be annexed from Brunswick Hills Township to the City of Brunswick, and
- WHEREAS: The City of Brunswick does not object to this Petition.
- WHEREAS: 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 18.9780± acres of property located on Pearl Road (consisting of PPNS 001-02A-21-008 and 001-02A-21-009), 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 May 21, 2024 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 April 8, 2024

Rules Suspended:

AYES 6

NAYS 0

ADOPTED: April 8, 2024

AYES 6

NAYS 0

ATTEST:


Clerk of Council
Laura E. Timura, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 4/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 30-2024** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to an 18.9780± acre property (consisting of PPNs 001-02A-21-008 and 001-02A-21-009) located on Pearl Road. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

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: Should the Medina County Commissioners grant the annexation of 18.9780± acres of property located on Pearl Road (consisting of PPNs 001-02A-21-008 and 001-02A-21-009), 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.

IMPLEMENTATION SCHEDULE: One reading, emergency with suspension of the rules.

FINANCIAL INFO:

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?

The approved legislation must be filed with the Medina County Commissioners' Office by May 1, 2024.

**PETITION FOR ANNEXATION
TO THE CITY OF BRUNSWICK
OF 18.9780 ACRES, MORE OF LESS
IN THE TOWNSHIP OF BRUNSWICK HILLS
(Regular Petition O.R.C. 709.02)**

MEDINA CO COMMISSIONERS
MAR 12 24 PM 10:35

**TO THE BOARD OF COUNTY COMMISSIONERS
OF MEDINA COUNTY, OHIO**

Dated: March 7, 2024

The undersigned Petitioner, being the sole owner of the real estate hereinafter known as Medina County Permanent Parcel Numbers 001-02A-21-008 and 001-02A-21-009, which parcels consist of 18.9780 acres more or less, as more fully described in Exhibit A attached hereto and made part hereof ("Property") hereby petitions, pursuant to Ohio Revised Code Section 709.02, for the annexation of the Property to the City of Brunswick, Medina County, Ohio.

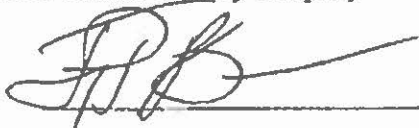
In support of its petition Petitioner states as follows:.

1. A legal description of the perimeter of the is attached hereto as Exhibit A and made a part hereof.
2. A plat map of the Property is attached hereto as Exhibit B and made a part hereof. The Property is adjacent to the City of Brunswick.
3. The undersigned is the sole owner, as defined in ORC709.02(E), of all of the land in the area proposed to be annexed.
4. A list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, parcels located adjacent to that territory or directly across the road from it is attached hereto as Exhibit C and made a part hereof.
5. The undersigned Petitioner hereby designates Mark P. McGrievy, Esq. of L'Hommedieu & McGrievy, LLC, 100 North Main Street, Suite 350, Chagrin Falls, Ohio 44022, as its Agent as required by Section 709.02 of the Ohio Revised Code, with full power to amend, increase or decrease the area, to do any and all things essential hereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the Petitioner. Mr. McGrievy's email address is mark@lmlegalgroup.com and his phone number is 216-635-0016.

Petitioner;

SHN BRUNSWICK, LLC,
an Ohio limited liability company

Dated: MAR 8 2024

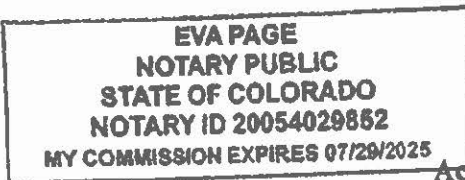
By: 

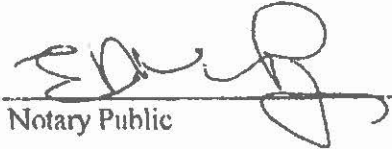
Frank P. Biller, its Manager

STATE OF COLORADO)
).SS:
COUNTY OF DOUGLAS)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Frank P. Biller as the Manager of SHN Brunswick, LLC, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument in such capacity for and on behalf of such limited liability company and the same is his free act and deed in such capacity on behalf of SHN Brunswick, LLC. This is an acknowledgment clause. No oath or affirmation was administered to the signer.

IN TESTIMONY WHEREOF, I have set my hand and official seal Parker,
Colorado this 8 day of MAR, 2024.




Notary Public

Acceptance of Appointment

The undersigned, name therein agent for Petitioner, hereby acknowledges and accepts the appointment of agent for said Petitioner.


Mark P. McGrievy

EXHIBIT A

LEGAL DESCRIPTION
(See Attached)

**18.9708 Acre Annexation from Brunswick Hills Township
To the City of Brunswick**

Situated in Township of Brunswick Hills, County of Medina, State of Ohio, and known as being part of Original Brunswick Township Lot 7, Tract No. 1 and further being known as all of the lands conveyed to SHN Brunswick, LLC by deed of record in Document Number 2023OR006328 dated 5/5/2023 as recorded in the Medina County Recorder's Office, and being more particularly described as follows:

COMMENCING at a 1" iron pipe found inside a monument box at the centerline intersection of Pearl Road (60' Wide) and Grafton Road (60' Wide);

Thence along the centerline of Pearl Road, South 00°16'21" East a distance of 3275.69 feet to a mag nail set at the northeasterly corner of Parcel 1 of said SHN Brunswick, LLC tract and the southeasterly corner of Block 'B' of Oak Ridge Preserve as recorded in Document Number 2023PL000022, said point being the POINT OF BEGINNING;

Thence continuing along said centerline and the easterly line of said SHN Brunswick, LLC tract, South 00°16'21" East a distance of 306.45 feet to a mag nail set at the southeasterly corner of Parcel 2 of said SHN Brunswick, LLC tract and the northeasterly corner of the lands conveyed to John R. and Barbara A. Rocha as recorded in Deed Volume 373, Page 893 dated 5/6/1987;

Thence leaving said centerline, along the southerly line of said SHN Brunswick, LLC tract and the northerly line of said Rocha tract, South 88°13'39" West, passing an iron pin found capped "Schwartz S-7193" at 29.95 feet, a total distance of 2696.70 feet to an iron pin found capped "Schwartz S-7193" at the southwesterly corner of Parcel 2 of said SHN Brunswick, LLC tract, said point also being the northwesterly corner of the lands conveyed to Thomas G. Simon, Trustee as recorded in Document Number 2007OR034023 dated 12/28/2007 and said point being along the easterly line of Eagle Oaks Subdivision No. 7 as recorded in Plat Volume 15, Page 24;

Thence along the westerly line of said SHN Brunswick, LLC tract and the easterly line of said Eagle Oaks Subdivision, North 00°27'07" West, passing a 5/8" iron pin found at 76.49 feet, a total distance of 306.51 feet to an iron pin found capped "Schwartz S-7193" at the northwesterly corner of Parcel 1 of said Sanctuary Health tract, said point also being the southwesterly corner of Block 'A' of Vicky Drive Allotment as recorded in Document Number 2021PL000032;

Thence along the northerly line of said Sanctuary Health tract and the southerly line of said Vicky Drive Allotment, **North 88°13'46" East**, passing a 1/2" iron pin found at 2668.56 feet, a total distance of **2697.66 feet** to the POINT OF BEGINNING, containing 18.9708 acres, more or less.

This description as surveyed by Nicholas J. Del Valle, P.S. 8822, of The Mannik & Smith Group, Inc. dated 7/31/2023.

Subject to all legal rights-of-way and/or easement, if any, of record.

Bearings used herein are based on the centerline of Pearl Road being South 00°16'21" East as referenced to the Ohio State Plane Coordinate System, North Zone, NAD83, NSRS 2011 Adjustment.



Nicholas J. Del Valle
Professional Surveyor No. 8822



2.29.24
Date

EXHIBIT B
ANNEXATION PLAT

See Attached.



BASIS OF BEARINGS

THE BEARINGS UPON THIS PLAT ARE BASED ON THE CENTERLINE OF PEARL ROAD BEING SOUTH 88°16'21" EAST BEING REFERENCED TO THE OHIO STATE PLANE COORDINATE SYSTEM, OHIO NORTH ZONE, NAD83 (GRS 2011 ADJ.)



REGULAR ANNEXATION PLAT FOR 18.9708 ACRES FROM BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK

SITUATED IN THE TOWNSHIP OF BRUNSWICK HILLS,
COUNTY OF MEDINA AND STATE OF OHIO, BEING PART
OF THE ORIGINAL LOT 7, TRACT 1 OF SAID TOWNSHIP

LEGEND

CITY OF BRUNSWICK

BRUNSWICK HILLS TOWNSHIP

MONUMENT BOX FOUND

IRON PIPE/PIPE FOUND
SIZE & TYPE AS NOTED

① M. & S. MAG NAIL SET

P.R.O. PRESENTLY ROAD OCCUPIED

POINT OF COMMENCEMENT
1" IRON PIN FOUND & USED IN
MONUMENT BOX

GRAFTON ROAD

POINT OF BEGINNING

1/2" IRON PIN
FOUND & USED @ 2668.56'
BLOCK 'B'

OAK RIDGE PRESERVE
DOC. NO. 2023PL000022

VICKY CRIVE ALLOTMENT
DOC. NO. 2021FL000032

IRON PIN FOUND & USED
CAPPED 'SCHWARTZ S-7193'

18.9708 ACRES
INCLUDING 0.2108 ACRES P.R.O.

SHIN BRUNSWICK, LLC
DOC. NO. 2023OR006328
RECORDED 5/5/2023

THOMAS G. SIMON, TRUSTEE
PPN 001-02A-25-001
DOC. NO. 2007OR034023
RECORDED 12/28/2007

PARCEL 1
PPN 001-02A-21-008
6.19 ACRES (D/M)

386 PEARL ROAD

PARCEL 2
PPN 001-02A-21-009
12.82 ACRES (D)
12.78 ACRES (M)

880 PEARL ROAD

IRON PIN FOUND @ 29.95'
CAPPED 'SCHWARTZ S-7193'

JOHN R. & BARBARA A. ROCHA
PPN 001-02A-25-002
VOL. 373, PAGE 883
RECORDED 5/6/1987

MAG NAIL IN 1 1/2" IRON
PIPE FOUND & USED
@ 38.00'

EAGLE OAKS SUBDIVISION NO. 7
PLAT VOL. 15, PAGE 24
EAGLE OAKS SUBDIVISION NO. 9
PLAT VOL. 16, PAGE 32

THIS ANNEXATION PLAT WAS DULY ACCEPTED BY THE BRUNSWICK CITY
COUNCIL AT ITS REGULAR MEETING HELD ON THE ____ DAY OF
____, 2024 BY ORDINANCE NO. _____

PRESIDENT

DEPUTY CLERK OF COUNCIL

APPROVED BY THE MEDINA COUNTY BOARD OF COMMISSIONERS THIS
____ DAY OF _____, 2024.

COMMISSIONER

COMMISSIONER

COMMISSIONER

APPROVED FOR TRANSFER THIS ____ DAY OF _____, 2024.

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS ____ DAY OF _____, 2024.

MEDINA COUNTY AUDITOR

RECEIVED AND RECORDED THIS ____ DAY OF _____, 2024
BY THE MEDINA COUNTY RECORDER'S OFFICE

RECORDED IN PLAT DOCUMENT NO. _____

MEDINA COUNTY RECORDER

WE, THE UNDERSIGNED REPRESENTATIVE OF THE OWNERS OF THE
LAND ENBRACED WITHIN THIS ANNEXATION PLAT, HEREBY
ACKNOWLEDGE THIS PLAT AND ANNEXATION TO BE OUR FREE ACT
AND DEED. WE CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR
ASSASSINATIONS AGAINST THE LANDS ENBRACED WITHIN THIS PLAT.

SHIN BRUNSWICK, LLC - OWNER REPRESENTATIVE

PRINT NAME

STATE OF OHIO
COUNTY

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED THE ABOVE NAMED _____
WHO ACKNOWLEDGED THE MAKING OF THIS FOREGOING
INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT
AND DEED, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY OFFICIAL SEAL AT _____ THIS ____ DAY
OF _____, 2024.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I DO HEREBY CERTIFY THAT I HAVE SURVEYED THE
LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH
THE PROVISIONS OF CHAPTER 4733-37 OF THE OHIO
ADMINISTRATIVE CODE, THAT THIS MAP IS A
CORRECT REPRESENTATION OF THE LAND SURVEYED
AND THAT I HAVE FOUND OR SET THE PINS AND
MONUMENTS SHOWN ON THIS MAP. MAP IS BASED ON
A FIELD SURVEY COMPLETED ON JULY 1, 2023.

NOTARIES J. DEL VALLE
LICENSED PROFESSIONAL SURVEYOR
OHIO LICENSE NO. _____
DATE: _____

EVA PAGE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054029852
MY COMMISSION EXPIRES 07/20/2025

EXHIBIT C

ANNEXATION PARCELS AND ADJACENT PROPERTIES

PROPERTIES SUBJECT TO PETITION (PARCELS TO BE ANNEXED)

<u>Petitioner Name</u>	<u>Address of Property</u>	<u>Tax Mailing Address</u>	<u>Parcel Number</u>
SHN Brunswick, LLC	866 Pearl Road Brunswick, OH 44212	10940 S. Parker Road, Suite 136 Parker, CO 80134	001-02A-21-008
SHN Brunswick, LLC	880 Pearl Road Brunswick, OH 44212	10940 S. Parker Road, Suite 136 Parker, CO 80134	001-02A-21-009

PROPERTIES ADJACENT TO ANNEXATION PROPERTIES

<u>Owner Name</u>	<u>Address of Property</u>	<u>Tax Mailing Address</u>	<u>Parcel Number</u>
Thomas G. Simon, Trustee of the Thomas G. Simon 2005 Trust U/A/D May 26, 2005	Woodward Ave. Brunswick, OH 44212	2 Berea Commons, STE 1 Berea, OH 44017	001-02A-25-001
John R. and Barbara A. Rocha	894 Pearl Road Brunswick, OH 44212	989 Substation Rd. Brunswick, OH 44212	001-02A-25-002

[CONTINUED ON FOLLOWING PAGE]

Ray Hemeyer, Trustee	859 Pearl Road Brunswick, OH 44212	4120 Canterbury Dr. Brunswick, OH 44212	003-18B-24-007
Eagle Oakes Property Owners Association Inc.	Pepperwood Dr. Brunswick, OH 44212	PO Box 622 Brunswick, OH 44212	003-18A-03-083
Geraldine Szaraz	4605 Redwood Drive Brunswick, OH 44212	4605 Redwood Drive Brunswick, OH 44212	003-18A-06-112
Paula J. Birr	4601 Redwood Drive Brunswick, OH 44212	4601 Redwood Drive Brunswick, OH 44212	003-18A-06-111
Thomas Zabor	891 Pearl Road Brunswick, OH 44212	5680 Pearl Road Parma, OH 44129	003-18B-24-006
Oak Ridge Preserve LLC	Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-243
Oak Ridge Preserve LLC	4376 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-234
Oak Ridge Preserve LLC	4382 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-233
Oak Ridge Preserve LLC	4386 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-232

Oak Ridge Preserve LLC	4390 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-231
Oak Ridge Preserve LLC	4394 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-230
Oak Ridge Preserve LLC	4398 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-229
Oak Ridge Preserve LLC	4402 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-228
Oak Ridge Preserve LLC	4406 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-227
Oak Ridge Preserve LLC	4412 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-226
Oak Ridge Preserve LLC	4428 Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-225
Oak Ridge Preserve LLC	Oak Ridge Trail 003 - Brunswick City (Brunswick City SD)	Oak Ridge Preserve LLC 2927 Nationwide Pkwy Brunswick, OH 44212	003-18A-04-242
Overlook Pointe Homeowners Association	Vicky Dr 003 - Brunswick City (Brunswick City SD)	Overlook Pointe Homeowners 22700 Royalton Rd Strongsville, OH 44149	003-18A-04-207

David S. & Doreen J. Leuenberger, Trustee	4504 Vicky Dr Brunswick, OH 44212	David Leuenberger, 4504 Vicky Dr Brunswick, OH 44212	003-18A-04-199
Edward J. & Justine M. Seifert	4508 Vicky Dr Brunswick, OH 44212	Edward & Justine Seifert 4508 Vicky Dr Brunswick, OH 44212	003-18A-04-200
Thomas M. & Maria L. Kahle	4514 Vicky Dr Brunswick, OH 44212	Thomas & Maria Kahle 14751 Greystone Dr Brookpark, OH 44142	003-18A-04-201
Robert A. & Stacie L. Lieb	4522 Vicky Dr Brunswick, OH 44212	Robert & Stacie Lieb 4522 Vicky Dr Brunswick, OH 44212	003-18A-04-202
Scott Stanton	4530 Vicky Dr Brunswick, OH 44212	Scott Stanton 4530 Vicky Dr Brunswick, OH 44212	003-18A-04-203
Eric M. & Kristin M. Girard	4536 Vicky Dr Brunswick, OH 44212	Eric & Kristin Girard 4536 Vicky Dr Brunswick, OH 44212	003-18A-03-196
Overlook Pointe Homeowners Association	Vicky Dr 003 - Brunswick City (Brunswick City SD)	Overlook Pointe Homeowners 22700 Royalton Rd Strongsville, OH 44149	003-18A-03-200

PROPOSED LEGISLATION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 72-2024** - An ordinance amending Section 222.01 (a) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: Charter Section 3.15(d) provides that all ordinances and resolutions shall be posted in the Brunswick City Library, Brunswick City Hall, the City's Official Website and any other location designated by Council.

In addition to those locations identified in Charter Section 3.15(d), Codified Ordinance Section 221.01(a) provides that all ordinances and resolutions shall also be posted at Brunswick Area Television, Brunswick Division of Police and Brunswick Recreation Center.

PURPOSE AND EXPLANATION: This ordinance is necessary to amend Section 222.01 (a). The amendment would only require posting as defined in Charter Section 3.15(d).

IMPLEMENTATION SCHEDULE: Three readings.

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?

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMER 72-2024

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING SECTION 222.01 (a) OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: Charter Section 3.15(d) provides that all ordinances and resolutions shall be posted in the Brunswick City Library, Brunswick City Hall, the City's Official Website, and any other location designated by Council.

WHEREAS: In addition to those locations identified in Charter Section 3.15(d), Codified Ordinance Section 221.01(a) provides that all ordinances and resolutions shall also be posted at Brunswick Area Television, Brunswick Division of Police and Brunswick Recreation Center.

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

SECTION 1: That Section 221.01(a) of the Codified Ordinances is hereby amended to read as follows:

“(a) Ordinances, resolutions, statements, orders, proclamations, notices, and reports by law to be published ~~pursuant to Ohio R.C. 731.25~~ shall be published as directed by Charter Section 3.15(d), as same may be amended from time to time by posting the same upon bulletin boards provided for such purpose at the following places:

~~The Municipal Complex, 4095 Center Road;~~
~~Brunswick Area Television, 4274 Manhattan Avenue;~~
~~Brunswick Division of Police, 4095 Center Road;~~
~~Brunswick Library, 3649 Center Road;~~
~~Brunswick Recreation Center, 3637 Center Road;~~

~~which five places are declared to be five of the most public places with the City.”~~

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
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Greg Glauner

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 73-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Geo-Sci Laboratory, Inc. to provide emergency testing services for the New Fire Station Headquarters Project in an amount not to exceed \$60,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: The City of Brunswick is in the process of construction of a new fire station at 1094 Hadcock Road. Certain necessary additional expenditures have been brought to the Administration's attention with the requirement of various scientific testing, the first of which is specific soil testing. This testing must occur before proceeding with construction, and delay of approval would result in a delay of the project until after the September Council meeting when Council would be presented with the legislation to approve the expenditure. Charter Section 7.09b1 states "Emergency expenditures may be made without Council's prior approval when obtaining Council's prior approval would be impracticable and provided that such emergency expenditures are promptly thereafter presented to Council for its approval." As such, the City Manager has authorized this work to be done, so as not to delay the construction timeline, with the intent to present the legislation to City Council at the next scheduled meeting for ratification.

PURPOSE AND EXPLANATION: The purpose of this legislation is to approve an emergency expenditure to Geo-Sci Laboratory, Inc., in a not to exceed amount of \$60,000, for scientific testing necessary for the fire station construction project, that was authorized by the City Manager, per Charter section, with the intent to have legislation presented to City Council at the next scheduled meeting.

IMPLEMENTATION SCHEDULE: It is requested that this legislation be approved as an emergency measure with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This expenditure is necessary for the construction of the new fire station and is an eligible expenditure from the City's bond proceeds. This expenditure will be posted to the Fire Station Construction Fund #359 - account#359-0437-56881.

**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?
To ensure compliance with Charter requirements for emergency expenditures and, therefore, not delay the construction process timeline of the fire station.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 73-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GEO-SCI LABORATORY, INC. TO PROVIDE EMERGENCY TESTING SERVICES FOR THE NEW FIRE STATION HEADQUARTERS PROJECT IN AN AMOUNT NOT TO EXCEED \$60,000.00.

- WHEREAS: On or about October 23, 2023, City Council adopted Resolution No. 92-2023 authorizing the City Manager to enter into an Agreement with RFC Contracting, LLC as Construction Manager (the “CM”) for the provision of Construction Manager At Risk services (“CMR Services”) for the new Fire Station Headquarters Project (the “Project”) in an amount not to exceed \$800,000.00, which CMR Services exclude, without limitation, third-party testing and inspection fees.
- WHEREAS: The CM obtained three (3) separate proposals for the provision of necessary third-party testing services, including, without limitation, concrete testing, soil compaction testing, laboratory soil analysis, foundation bearing inspection, subgrade proof roll analysis and engineering support (collectively the “Testing Services”).
- WHEREAS: The proposal received from Geo-Sci Laboratory, Inc., with an estimated cost of \$52,771.40, was determined to be lowest and/or best bid.
- WHEREAS: This Resolution authorizes expenditures to Geo-Sci Laboratory, Inc. in an amount not to exceed \$60,000.00 to address, without delaying the Project to obtain additional approvals, unknown conditions, fluctuations in the variable costs and/or the scope of the Testing Services that may arise.
- WHEREAS: Certain aspects of the Testing Services must be completed prior to proceeding with the construction of the Project and delay of the approval thereof would result in a delay of the Project until after Council reconvenes from August recess.
- WHEREAS: Pursuant to Charter Section 7.09(b)(1), emergency expenditures may be made without prior Council approval when obtaining Council’s prior approval would be impracticable, provided that such emergency expenditures are promptly thereafter presented to Council for approval.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:
- SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Geo-Sci Laboratory, Inc., the lowest and/or best bidder, to provide emergency Testing Services for the Project in an amount not to exceed \$60,000.00.

SECTION 2: That the actions of the City Manager to enter into an Agreement with Geo-Sci Laboratory, Inc. to provide emergency Testing Services for the Project, as authorized by Charter Section 7.09(b)(1), are hereby ratified by this Council.

SECTION 3: 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 to ratify the emergency expenditures necessary to proceed with the Project. 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
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 76-2024** - A resolution in support of the Brunswick City School District Renewal Operating Levy.- **1st Reading** (To be brought from Committee-of-the-Whole, Council/Joseph Delsanter)

BACKGROUND: The original \$3,200,000.00 fixed amount Operating Levy was approved by the electorate in 1994, which finances the School District's day-to-day educational operations, including, without limitation, curriculum, student services, utilities, and staff salaries. If approved, the Renewal Operating Levy will collect a fixed amount of exactly \$3,200,000.00 (no more, no less) per year for the next ten (10) years, which represents approximately 4% of the School District's annual budget.

If approved, the fixed amount Renewal Operating Levy will not increase current property taxes (even if property values increase) and may potentially result in the reduction of property taxes as residential/commercial properties are developed within the Taxing District and the \$3,200,000.00 annual fixed amount is accordingly spread out over more properties. The funds received from the Renewal Operating Levy would not be utilized for construction.

PURPOSE AND EXPLANATION: Council declares its support of the annual \$3,200,000.00 fixed amount Renewal Operating Levy for the Brunswick City School District as taxpayers in the Taxing District would continue to benefit from a 12.5% tax credit authorized by Ohio law.

If the Renewal Operating Levy is not approved, the 12.5% tax credit will be lost and fall upon the taxpayers in the Taxing District.

IMPLEMENTATION SCHEDULE: 3 readings.

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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 76-2024

BY: Committee-of-the-Whole

A RESOLUTION IN SUPPORT OF THE BRUNSWICK CITY SCHOOL DISTRICT
RENEWAL OPERATING LEVY.

- WHEREAS: The original \$3,200,000.00 fixed amount Operating Levy was approved by the electorate in 1994, which finances the School District's day-to-day educational operations, including, without limitation, curriculum, student services, utilities and staff salaries.
- WHEREAS: If approved, the Renewal Operating Levy will collect a fixed amount of exactly \$3,200,000.00 (no more, no less) per year for the next ten (10) years, which represents approximately 4% of the School District's annual budget.
- WHEREAS: If approved, the fixed amount Renewal Operating Levy will not result in an increase in current property taxes (even if property values increase) and may potentially result in the reduction of property taxes as residential/commercial properties are developed within the Taxing District and the \$3,200,000.00 annual fixed amount is accordingly spread out over more properties.
- WHEREAS: If approved, the funds received from the Renewal Operating Levy will not be utilized for construction.
- WHEREAS: If the Renewal Operating Levy is approved, taxpayers in the Taxing District will continue to benefit from a 12.5% tax credit authorized by Ohio law relative to levies passed prior to November of 2013 (including renewals thereof passed after November of 2013).
- WHEREAS: If the Renewal Operating Levy is not approved, the 12.5% tax credit will be lost and fall upon the taxpayers in the Taxing District.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:
- SECTION 1: This Council does hereby declare its support for the annual \$3,200,000.00 fixed amount Renewal Operating Levy for the Brunswick City School District, as further detailed in the Fact Sheet attached hereto as Exhibit "A" and incorporated herein by reference, to be considered by the electorate on November 5, 2024.
- SECTION 2: That this Resolution 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
Laura E. Timura, CMC

The Brunswick City School District **RENEWAL** Operating Levy

TOP – QUALITY EDUCATION

Award-winning, responsible financial stewardship



NO NEW TAXES

This levy renews a \$3.2 million operating levy originally approved by voters in 1994 without raising taxes.



DIRECTLY IMPACTS STUDENTS

This levy finances BCSD's ongoing educational operations, including curriculum, student services and staff salaries.



MAINTAINS FINANCIAL STABILITY

Renewing this levy will maintain the district's financial stability until the next expected operating renewal levy in 2028.



In April 2024, the BCSD Treasurer's Department earned the prestigious Auditor of State Award for the **fourth consecutive year**. Less than 6% of public entities earn this award.



In the latest state report card, BCSD earned a **4.5 star rating**, exceeding state standards.

Dedicated to **EXCELLENCE**. Prepared for the **FUTURE**.

FREQUENTLY ASKED QUESTIONS

How much will this Renewal Levy collect? The levy will collect \$3.2 million each year for ten years. This represents approximately 4% of our annual budget.

Will this levy raise taxes in our community? NO! This levy was originally passed in 1994 to help fund our school operations, and it can ONLY collect \$3.2 million each year, no more, no less. Also, if more new houses or businesses are built in our community, those new property owners will share in raising this amount. If this happens, taxes on individual properties will actually DECREASE because the \$3.2 million is spread between more homeowners and business owners.

Even with the recent property value increases, this renewal levy WILL NOT raise taxes for our residents, correct? CORRECT! Again, this levy can ONLY collect the flat amount of \$3.2 million each year, regardless of fluctuations in property values or the number of properties in our community.

What will this money be used for? This money will continue to pay for our day-to-day operations. This money will be used to pay for things like educational materials, student services, utilities, and employee salaries. Public schools provide a service to a community, much like police and fire departments. Approximately 85% of our budget goes to pay our employees as we are a service business.

Will this money be used for construction? No. It will only be used to support our day-to-day operations.

Why is it called an "Emergency" Levy? The state of Ohio calls it an Emergency Levy, which is another name for a limited operating levy. An Emergency Levy raises a specific dollar amount, NOT an estimated amount determined from a millage figure so our residents know the exact dollar amount that the school will receive.

What are the tax implications of renewing this levy? Any levy passed BEFORE November 2013 is eligible for a tax CREDIT from the state. Basically, the state gives homeowners a break by sharing in the responsibility of the levy. Since this levy was originally passed in 1994, renewing it ensures that homeowners keep that tax credit. Our community businesses and homeowners all pitch in to raise \$3.2 million per year, and the state covers about 12.5% of the homeowners' portion of that. Renewing this operating levy gives the residents of Brunswick and Brunswick Hills the opportunity to retain that tax credit but still raise the same amount of money for our district.

PROPOSED LEGISLATION



DATE: 9/9/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 78-2024** - A resolution officially adopting the Brunswick City logo as the symbol for the Brunswick City Flag. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Kristy Piper*)

BACKGROUND: On October 26, 1987, City Council adopted Resolution No. 96-87, which officially adopted the Brunswick City logo as the symbol for the Brunswick City flag.
On June 12, 2000, City Council adopted Resolution No. 76-00 designating a new design as the official logo of the City of Brunswick.

PURPOSE AND EXPLANATION: That the design of the official logo of the City of Brunswick, as updated pursuant to Resolution No. 76-00 be officially adopted as the symbol of the Brunswick City flag.

IMPLEMENTATION SCHEDULE: Three readings.

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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 78-2024

BY: Committee-of-the-Whole

A RESOLUTION OFFICIALLY ADOPTING THE BRUNSWICK CITY LOGO
AS THE SYMBOL FOR THE BRUNSWICK CITY FLAG.

WHEREAS: On October 26, 1987, City Council adopted Resolution No. 96-87, which
officially adopted the Brunswick City logo as the symbol for the Brunswick City
flag; and

WHEREAS: On June 12, 2000, City Council adopted Resolution No. 76-00 designating a new
design as the official logo of the City of Brunswick as further detailed therein.

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

SECTION 1: That the design of the official logo of the City of Brunswick, as updated pursuant
to Resolution No. 76-00, is hereby officially adopted as the symbol of the
Brunswick City flag.

SECTION 2: That this Resolution 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
Laura E. Timura, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 96-87

By Committee of the Whole

A RESOLUTION OFFICIALLY ADOPTING THE BRUNSWICK CITY
LOGO AS THE SYMBOL FOR THE BRUNSWICK CITY FLAG

WHEREAS: The City of Brunswick has adopted the logo proposed by former Mayor Stan Umpleby in 1981 as the City's graphic symbol, and

WHEREAS: The City has need of a distinctive flag to represent it at civic, state and national functions as the occasion requires.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: The Brunswick City flag shall have the proportions of 3 to 5 feet. It shall have a white field on which is centrally placed the logo of the City to which brown capital letters spelling "BRUNSWICK", with a silhouette of branches of a large shade tree, also brown, issuing from the letter "I". Centered beneath the name of the City shall appear, in brown capital letters, the word "OHIO". The letters shall be one ninth the flags hoist in height except for the letter "I" in Brunswick, for which the overall size of the branches shall be five ninths of the hoist of the flag in height and one fifth of the fly of the flag in width.

SECTION 2: A green border one sixteenth of the hoist in width shall surround the brown logo forming a rectangle with rounded corners except for the part around the tree where it conforms to the contour of the trees silhouette. The space between the brown logo and the green border is one thirty-second of the flags hoist.

SECTION 43: The brown letters suggest the original meaning of the name Brunswick in german dialect, Brunswic (Brunswig) or Brown Market. The name evolved in modern German to "Braunschweig", a former duchy in central Germany. Brown also recalls the fertile earth which was farmed by the original settlers in the Brunswick area. The green border surrounding the name of the City and the prominent tree, show that Brunswick is a city of many green trees, parks and lots that are the pride of the City's homeowners. White is the color of hope and is indicative of the City's faith in its future to grow and prosper.

SECTION 4: 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.

APPROVED:

Judith A. Beadell
Judith A. Beadell, Mayor

DATE:

October 26, 1987

PASSED:

1st reading September 28, 1987
2nd reading October 12, 1987
3rd reading October 26, 1987

ADOPTED:

October 26, 1987

AYES 7 NAYS 0

ATTEST:

Betty Taller
Clerk of Council
Betty Taller

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 76-00

By Committee-of-the-Whole

A RESOLUTION OFFICIALLY ADOPTING A REVISED LOGO AS THE OFFICIAL GRAPHIC SYMBOL OF THE CITY OF BRUNSWICK, OHIO

- WHEREAS: The City of Brunswick adopted its present logo in 1981 as the City's official graphic symbol; and
- WHEREAS: The City Council believes the present logo should be modified to fit the current image of the community; and
- WHEREAS: The City Council has developed a modified City logo by incorporating the image of the City clock tower into the original Brunswick logo design; and
- WHEREAS: The Council of the City of Brunswick is desirous of officially designating the new design as the official City of Brunswick logo.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: The official logo shall appear as follows. The logo of the City of Brunswick shall have a white field and consist of brown capital letters spelling the word "BRUNSWICK," with a silhouette of branches of a large shade tree, also brown, issuing from the letter "I". A green border in a width similar to the width of the brown capital letters shall surround the brown logo forming a rectangle with rounded corners except for the part around the tree where it conforms to the contour of the trees silhouette. The space between the brown logo and the green border shall be one half the width of the border. The silhouette of the clock tower shall be to the left of the silhouette of the shade tree. The clock tower shall be colored brick red. The mortar joints and clock face shall correspond in color with the white field background of the lettering and tree. The outline of the clock, clock letters, and roof of the clock tower shall be black.

SECTION 2: The brown letters suggest the original meaning of the name Brunswick in German dialect, Brunswic (Brunswig) or Brown Market. The name evolved in modern Germany to "Braunschweig," a former duchy in central Germany. Brown also recalls the fertile earth which was farmed by the original settlers in the Brunswick area. The green border surrounding the name of the City and the prominent tree, shows that Brunswick is a city of many green trees, parks that are the pride of the City's

RESOLUTION NUMBER 76-00

homeowners. White is the color of hope and is indicative of the City's faith in future to grow and prosper. Red represents the vibrance and vitality of the community life in the city.

SECTION 3: Upon adoption of the new logo, the administration is directed to register the logo as the official symbol of the City of Brunswick. Upon securing official registration of the logo reasonable and timely effort shall be made to replace all original logos.

SECTION 4: 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 June 12, 2000

Rules Suspended: AYES 7 NAYS 0

ADOPTED: June 12, 2000 AYES 7 NAYS 0

ATTEST: Barbara J. Roth, CMC
Clerk of Council
Barbara J. Roth, CMC