



CITY COUNCIL MEETING
AMENDED AGENDA (in person only)

7:00PM

MONDAY, SEPTEMBER 19, 2022

LOCATION:
City Meeting Room
(former Wiley Middle School Media Room
next door to Board of Education)
2181 Miramar Blvd.
University Heights, Ohio

Per current CDC guidelines, the City no longer requires participants and Attendees to wear masks or face coverings.

NOTE: Executive Session may follow meeting to discuss legal, personnel and real estate matters.
(Motion Required)

1. Roll Call
2. Pledge of Allegiance;
3. Reading and Disposal of the Journal;
4. Additions and Removals from the Agenda; Referrals to Committee;
5. Comments from the Audience;
6. Reports and Communications from the Mayor, and the taking of action thereon;
7. Reports and Communications from the City Council, and the taking of action thereon;
8. Reading and Disposition of Ordinances, Resolutions, Motions, and Consideration of agenda items:
 - A. Motion to Approve Change Order #1 for the 2022 Pavement Marking Program
 - B. Motion to Accept the bid from Thomarios as the best and lowest bidder for the 2022 Painting of Purvis Pool in an amount not to exceed \$79,680.00
 - C. Motion to Accept the Price Quote from McNulty Construction for the Reconstruction of the City Hall Entrance Roof in an amount not to exceed \$18,500.00
 - D. Resolution 2022-60 Authorizing the Mayor to Seek Financial Assistance from The Ohio Public Works Commission (OPWC) State Public Works Program to Fund a Capital Infrastructure Improvement Project for Resurfacing of Warrensville Center Road, and Declaring an Emergency (on emergency)
 - E. Ordinance 2022-56 Accepting Opioid Settlement Funds and Directing Placement of Such Funds in a Separate Fund, and Declaring an Emergency (on second reading and emergency)

- F. Ordinance 2022-58 Amending Codified Ordinance Chapter 1476 Entitled “Certificate of Occupancy” and Declaring an Emergency (on emergency)
 - G. Ordinance 2022-59 Amending Codified Ordinance Chapter 1244 Entitled “Board of Zoning Appeals” and Declaring an Emergency (on emergency)
 - H. Ordinance 2022-63 Adopting A Certain Blighted Parcel Determination Study Performed by CT Consultants, Inc., including Adoption of All Findings Therein, And Declaring an Emergency (on emergency)
 - I. Ordinance 2022-61 Authorizing the Appropriation of the Fee Simple Interest in, and an Easement Appurtenant to, Certain Real Property Titled to University Square Parking, LLC, known as 14060 Cedar Road, Bearing Permanent Parcel No. 721-01-003, City of University Heights, County of Cuyahoga, State of Ohio, as More Fully Described Herein, for the Purpose of Eliminating Blight, and Declaring an Emergency (on emergency)
 - J. Ordinance 2022-62 Authorizing the Appropriation of the Fee Simple Interest in Certain Real Property Titled to University Square Real Estate Holdings, LLC, known as 2203 Warrensville Center Road, Bearing Permanent Parcel No. 721-01-001, City of University Heights, County of Cuyahoga, State of Ohio, As More Fully Described Herein, for the Purpose of Eliminating Blight, and Declaring an Emergency (on emergency)
 - K. Ordinance 2022-64 Authorizing the Mayor to Enter into a Real Estate Purchase Agreement with University Square Acquisitions, LLC, and Declaring an Emergency (on emergency)
 - L. Motion to Enter Executive Session for the purpose of Discussing Legal Proceedings, Personnel and Real Estate Matters
9. Reports and communications from the Directors of the Department of Finance, the Department of Law, the Department of Public Safety, the Department of Public Service, and other department heads as applicable, and the taking of action thereon;
- a) Finance
 - b) Law
 - c) Public Safety (Police/Fire)
 - d) Service
 - e) Building
 - f) Housing and Community Development
 - g) City Engineer
 - h) Communications / Civic Engagement
 - i) Economic Development

AGENDA

MONDAY, SEPTEMBER 19, 2022

Reports of standing committees and the taking of action thereon;

BUILDING/HOUSING

Chairperson Barbara Blankfeld

Committee: Chris Cooney, John Rach, Brian King (alt.)

COMMUNITY OUTREACH

Chairperson Brian King

Committee: Michele Weiss, Barbara Blankfeld, Sheri Sax (alt.)

ECONOMIC DEVELOPMENT

Chairperson John Rach

Committee: Michele Weiss, Barbara Blankfeld, Justin Gould (alt.)

FINANCE

Chairperson Michele Weiss

Committee: John Rach, Justin Gould, Barbara Blankfeld (alt.)

RECREATION

Chairperson Chris Cooney

Committee: Brian King, Sheri Sax, Michele Weiss (alt.)

SAFETY

Chairperson Justin Gould

Committee: Brian King, Sheri Sax, Chris Cooney (alt.)

SERVICE AND UTILITIES

Chairperson Sheri Sax

Committee: Chris Cooney, Justin Gould, John Rach (alt.)

COMMITTEE OF THE WHOLE

Vice Mayor Michele Weiss

10. Reports of Special Committees, and the taking of action thereon;
11. Unfinished and Miscellaneous Business;
12. Adjournment

From: Ciuni, Joe <jsciuni@gpdgroup.com>
Sent: Tuesday, August 16, 2022 10:19 AM
To: Michael Brennan <MDB@universityheights.com>; Dustin Rogers <drogers@universityheights.com>
Cc: Dennis Kennedy <DKennedy@universityheights.com>; Jeff Pokorny <jpokorny@universityheights.com>; Westbrook, Kevin <kwestbrooks@gpdgroup.com>
Subject: 2022 Pavement Marking Program

Enclosed please find a letter recommendation for Change Order #1 for the 2022 Pavement Marking Program. The contact went over the budget due to:

1. Bike Symbols on WCR – no bid quantity (there were 40 total) in the contact. JD Striping charged us the bid unit price they had for Shaker
2. School Symbol (which I think is the word “School” on the pavement). Again, no bid quantity (there were 11) was in the contract and we were charged the bid unit price used for Shaker Hts.
3. Crosswalk lines ended up being close to double the bid quantity. We were charged the bid unit price for the entire quantity.

All of the quantities in the contract were carry overs from the previous contracts and those contracts were based on the numbers provided by Mike Haught. In the past we have not had an issue with the budget, so we re-used the same quantities again this year.

I am recommending we re-bid this contract for years 2023 and 2024. For the re-bid, GPD traffic Engineers will verify all quantities in the contract before bidding.

Joseph R. Ciuni, PE PS
City Engineer
Licensed in OH

GPD GROUP
ARCHITECTS • ENGINEERS • PLANNERS
T: 216.927.8655 / **M:** 216.701.1957 / **F:** 216.518.5545
5595 Transportation Blvd, Suite 100, Cleveland, OH 44125
gpdgroup.com



GPD GROUP®
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

Cleveland Office

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Cleveland, OH 44125

tel 216.518.5544
fax 216.518.5545

www.gpdgroup.com

MEMORANDUM

To: Honorable Michael D. Brennan, Mayor 2022003.01

From: Joseph R. Ciuni, P.E., P.S.
City Engineer


Reference: City Council Report – September 6, 2022

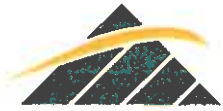
Agenda Item – Pavement Marking Change Order

1. As stated in my letter of Aug. 16, 2022, the street striping contract went over the budget, and we recommend approval of the Change Order.
2. This project was performed at night and our office was not authorized to provide inspection for the night shifts (most cities do not inspect the striping of the streets). The first we were made aware of the overage was when the first and final invoice was submitted at the end of the project.
3. The contractor did call me and let me know there were no bid items set up for the bike symbols and the "school" letters that were existing and required re-painting. We gave the contractor permission to paint those items, utilizing the bid prices they quoted Shaker Hts. for the same items (so the prices were bid prices and they were very fair).
4. The work was completed in a satisfactory manner, therefore the recommendation to approve the Change Order.
5. As stated in my Aug. 16th letter, we recommend going back out for bid this Fall or Winter for Pavement Marking work to be performed in 2023 and 2024.

Engineer's Report:

1. **Cedar Road** – First Phase of work (East half of the project) is complete. The second Phase of work (West Half) is on schedule. The curbs, handicap ramps, and casting adjustments to grade are to be completed in the next 2 weeks. Final paving is scheduled for the last week of Sept. Final pavement markings and traffic control signage will be completed in the first week of October.
2. **Traymore Road Waterline** – The project is complete. We are working on final quantities and final payment for the contractor.
3. **Purvis Park Pool Painting** – Bids will be opened this week for painting the pool. Work also includes painting the waterslide structural steel supports, the lifeguard chairs and the supports for the diving boards.

- 4. Dominion Gas Replacement Project** – Dominion’s contractor, Wartko Construction, is proceeding on 3 jobs in the City; Meadowbrook area, Baintree and Canterbury Road. The Meadowbrook area is 90% complete, Baintree is about ½ done and Canterbury starts this week. All projects are on schedule and the Contractor has been cooperating with any/all complaints received from residents.
 - 5. 2022 Road Program** – all streets have been milled and the intermediate course of asphalt placed. The contractor is working on curb replacements, handicap ramps and adjusting castings to grade. Surface coarse will be placed when all the concrete work is completed (approximately first week of October, depending on weather).
- 



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September 15, 2022
2022003.01

Honorable Michael D. Brennan, Mayor
City of University Heights
2300 Warrensville Center Road
University Heights, Ohio 44118

RE: Purvis Park Pool Painting

Dear Mayor Brennan:

The City accepted bids on September 9, 2022 for the Painting of the Purvis Park Pool. The work includes painting the concrete bottom of the main pool and wading pool, the rain drop and lemon drops, the structural steel supports for the water slide, the lifeguard chairs and the supports for the diving boards. Painting of the "No Diving" markings is also in the scope of work.

Four (4) contractors took out the bid documents and only one bid was submitted:

1. Thomarios \$ 79,680.00

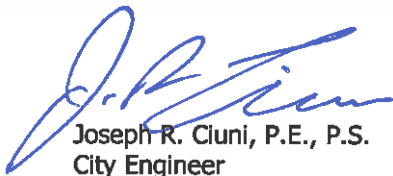
The pool was last painted in 2015 and we normally get 5 to 6 years useful life from each painting. It is best to paint a pool in the Fall due to weather conditions. The springtime temperatures and wet weather does not give a contractor enough time to complete the work in time to open by Memorial Day. You also want the paint to cure before filling the pool with water. The Contractor has stated he can complete the work in 29 days.

Thomarios is a reputable company that has successfully completed many municipal pool painting projects in NE Ohio. Thomarios has never worked on the Purvis Park Pool; however, they have personnel on their staff who have worked on the Purvis Park Pool with a competitor company in NE Ohio.

We hereby recommend Thomarios as the lowest and best bid for the Purvis Park Pool Painting at \$79,680.00

Returned herewith is the actual bid submitted by the contractor.

Very Truly Yours,



Joseph R. Ciuni, P.E., P.S.
City Engineer

Cc: Jeff Pokorny, Service Director
File 2022003.01

BID FORM

Mark Envelope: PURVIS PARK POOL PAINTING

To the Clerk:

The undersigned, having full knowledge of the site and the specifications for the following improvements, and the conditions of this proposal, hereby agrees to furnish all services, labor, materials and equipment necessary to complete the work according to the plans and specifications and completion dates, and to accept the unit prices item specified below as full compensation for the work in the proposal.

NUMBER OF CALENDAR DAYS TO COMPLETE: 29
(NOT MORE THAN 30 DAYS)

The total amount of the bid based on the approximate quantities given below and the price specified by the bidder amount to the sum of seventy nine thousand six hundred eighty and 00/100 Dollars (\$ \$79,680.00).

UNIT PRICE CONTRACT

For the PURVIS PARK POOL PAINTING project in the City of University Heights, Cuyahoga County, Ohio, in accordance with the plans and specifications.

ITEM	DESCRIPTION	QUANTITY	UNIT	TOTAL \$
1	PAINTING OF MAIN POOL AND WADING POOL	1	LS	\$58,200.00
2	PAINTING OF "NO DIVING SIGNS"	1	LS	\$2,200.00
3	PAINTING OF LIFE GUARD CHAIR VERTICAL SUPPORTS	1	LS	\$3,500.00
4	PAINTING OF "RAIN DROP" AND "LEMON DROPS"	1	LS	\$2,800.00
5	PAINTING OF WATER SLIDE STEEL SUPPORTS	1	LS	\$12,000.00
6	PAINTING OF DIVING BOARD SUPPORTS	1	LS	\$980.00

TOTAL BID \$ \$79,680.00

EXECUTED AT Copley, Ohio THIS 8th DAY OF Sept, 2022

BY: CR
(SIGN IN INK)

TITLE: Vice President Chris Phoskunak
(OWNER, PARTNER, OR CORPORATE OFFICER)

VENDOR (PLEASE FILL IN):

NAME THOMARIOS
ADDRESS 1 THOMARIOS WAY
AKRON, OH 44321
PHONE & FAX 330-670-9900



CITY OF UNIVERSITY HEIGHTS
SERVICE DEPARTMENT
MEMORANDUM

To: Mayor Michael Dylan Brennan
City Council

From: Jeffrey Pokorny, Service Director

Date: September 7, 2022

Re: Proposals for reconstruction of the City Hall Entrance Roof.

Attached please find the results of a request for quotes for the reconstruction of the City Hall entrance roof. Seven (7) contractors from the Building Department list of registered contractors were contacted and requested to provide a quote.

Following are the results:

JAS Construction declined to quote.

Corcoran Construction did not respond.

Hoffman Construction scheduled an appointment but did not show.

Albert M. Higley Co. Quoted \$ 35,501.17

Ken's Parkhill Roofing Co. Inc. Quoted \$ 19,990.00

McNulty Construction Quoted \$ 18,500.00

I respectfully request City Council to authorize the attached resolution and allow the Mayor to accept the proposal of McNulty Construction for the reconstruction of the City Hall Entrance roof.

Should you have any questions please feel free to contact me.

Cc: Dennis Kennedy, Finance Director

PROPOSAL

832 Ford Road
Highland Heights, OH 44143
mcnultyconstruction832@gmail.com
(440).821.9715
(440).336.5938



Name: City of University Heights City Hall
Phone Number: 216-932-780 x231
Email: jpokorny@universityheights.com

Date: August 30, 2022

Address:
2300 Warrensville Center Road, University Hts., OH 44118

Job Name:
Front Entranceway

Carpentry: \$18,500

Demo existing entranceway;
Install two (2) posts and frame new roof;
Wrap posts and headers in Azek;
Install aluminum soffit;
Install crown molding;
Roof Entranceway with 2-ply, self-adhering modified roll roofing;
Flash walls with copper flashing;
Install copper gutter and downspout;
Repair and paint interior drywall;
Haul debris

Contract Price: \$18,500

Terms: TBD

Down payment is non-refundable.

We propose hereby to furnish material and labor- complete in accordance with above specifications.

If, during the performance of this contract, the price of materials significantly increases, through no fault of contractor, the price of the contract shall be equitably adjusted by an amount reasonably necessary to cover any such significant price increases.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted: _____

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payments will be made as outlined.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate.

Accepted: _____

University Heights
East Entry Vestibule

The City of University Heights has requested that A.M. Higley quote pricing to demo and rebuild the East Entry Vestibule Roof. Please see below for scope of work. Anything not specifically mentioned below has not been included in this estimate

Description	Total
Mobilize, Staging, and Protection	\$ 2,266.08
- Temporary roof protection	
- Temporary interior protection	
Selective Demolition	\$ 3,532.16
- Demo roof structure	
Carpentry	\$ 10,413.44
- Frame roof structure	
- Install vinyl soffit material	
- Repair interior drywall ceiling, insulate and tape	
Subcontractors	
- Dependable Paint	\$ 990.00
- Scrape and paint interior and exterior of door frame and trim around door	
- Legacy Electric	\$ 800.00
- Disconnect/reconnect and install new exterior and interior light fixture (fixtures supplied by owner)	
- Warren Roofing	\$ 12,530.00
- Install new roofing material, counterflashing, fascia wrap, and copper gutter and downspout	
- Add/Alternate	
- Paint interior walls and ceiling in vestibule - ADD \$680.00	
- Furnish owner with a roof manufacturer's 20yr no dollar limit total system warranty - ADD \$1,500.00	
Assumptions and Qualifications	
- All loose items to be removed from areas by others prior to mobilization	
- All work to be performed during normal business hours	
- Assumes NO permit required	
Trade Total	\$ 30,531.68
Cleveland Permit	N/A
General Conditions	\$ 1,526.58
OH&P	\$ 3,053.17
Insurance	\$ 389.74
ESTIMATE TOTAL	\$ 35,501.17

University Heights
City Hall East Entry Vestibule Alternate

The City of University Heights has requested that A.M. Higley quote pricing to remove old supports from the East Entry Vestibule Roof and replace with new. Please see below for scope of work. Anything not specifically mentioned below has not been included in this estimate

Description	Total
Mobilize, Staging, and Protection	\$ -
Selective Demolition	\$ -
Carpentry	\$ 11,496.48
- Cut Concrete, auger holes, and pour footers	
- Frame load bearing support columns	
- Install Fypon 12x12 square flat plain panel column wraps	

- Add/Alternate

Assumptions and Qualifications

- All loose items to be removed from areas by others prior to mobilization
- All work to be performed during normal business hours
- Assumes NO permit required

Trade Total	\$ 11,496.48
Cleveland Permit	N/A
General Conditions	\$ 574.82
OH&P	\$ 1,149.65
Insurance	\$ 146.75
ESTIMATE TOTAL	\$ 13,367.70

RESOLUTION NO. 2022-60

Introduced By: Mayor Michael Dylan Brennan

A RESOLUTION AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE PUBLIC WORKS PROGRAM TO FUND A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT FOR RESURFACING OF WARRENSVILLE CENTER ROAD, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article VIII, Section 2K of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code, the District One Public Works Integrating Committee (DOPWIC) has been created to accept, evaluate and recommend applications for the State financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, pursuant to Section 164.05 of the Ohio Revised Code, the Ohio Public Works Commission (OPWC) has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, the City has conducted a capital inventory and needs assessment and has determined that it is necessary to submit applications for financial assistance for capital infrastructure improvement projects; and

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1: The Mayor is hereby authorized to apply to the District One Public Works Integrating Committee and the OPWC for financial assistance for the following infrastructure improvement project:

WARRENSVILLE CENTER ROAD RESURFACING

Section 2: The Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the City Engineer, and approved as to form by the City Law Director, in accordance with all authority granted to and limitations upon by the City Director of Finance.

Section 3: The Finance Director is authorized to certify to the Ohio Public Works Commission that (i) the City is undertaking a project related to the resurfacing of Warrensville Center Road, (ii) the City matching share of \$250,000 is necessary to support funding from Cuyahoga County for the project; (iii) the project is estimated to begin on or after January 1, 2023; (iv) the estimated cost of the project is \$1,972,344.00; and (v) the estimated loan amount of \$1,472,344 will be appropriated in annual repayment amounts, as approved by Council, or after January 1, 2023. The form is the Finance Director's certification is attached hereto as Exhibit A and is incorporated herein by reference as if fully rewritten.

Section 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the further reason it is necessary to certify this document at the earliest time so that the City's loan application can be timely filed.

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

AN ORDINANCE ACCEPTING OPIOID SETTLEMENT FUNDS AND DIRECTING PLACEMENT OF SUCH FUNDS IN A SEPARATE FUND, AND DECLARING AN EMERGENCY

WHEREAS, Council has previously authorized the Mayor to participate in the OneOhio MOU for settlement of claims in connection with claims against certain opioid manufacturers; and

WHEREAS, the City has been notified by the Ohio Attorney General that the first payment of funds from the OneOhio Settlement with the opioid distributors McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation is being distributed to eligible local governments including the City of University Heights; and

WHEREAS, the State Auditor has recommended that the City accept the Settlement Funds from the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation (“Settlement Funds”) subject to the adoption of an Ordinance that the local government’s share of the Ohio Settlement Funds be placed in a separate fund and be used only for the approved purposes as required by the OneOhio MOU.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. The City of University Heights hereby agrees to accept the OneOhio Opioid Settlement Funds pursuant to the OneOhio MOU and that such Settlement Funds be placed in a separate fund called the OneOhio Opioid Settlement Fund and used only for the approved purposes required by the OneOhio MOU. Council hereby authorizes the Finance Director to establish creation of Fund 255, a special revenue fund, to administer and account for any settlement funds received by the City.

Section 2. Prior to expending any of the Settlement Funds in the OneOhio Opioid Settlement Fund the City official requesting use of such Settlement Funds shall provide a written explanation how the expenditure meets the approved purposes definition of the OneOhio MOU, City Council approval shall first be obtained, and each expenditure shall be tracked and adequate documentation of the expenditure be maintained by the Finance Director of the City of University Heights.

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

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that it is necessary to enact this Ordinance immediately in order to segregate the funds into a proper fund and provide for the expenditure of the funds in accordance with the OneOhio MOU; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MICHAEL DYLAN BRENNAN, MAYOR**

FIRST READING:_____

PASSED:_____

ATTEST:

**_____
KELLY M. THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

ORDINANCE NO. 2022-59

INTRODUCED BY: COUNCILPERSON BLANKFELD

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
CHAPTER 1244 ENTITLED “BOARD OF ZONING
APPEALS” AND DECLARING AN EMERGENCY.**

WHEREAS, the Building and Housing Committee has undertaken a project to update building code ordinances to reflect the existing structure of University Heights administrative departments;

WHEREAS, the City wishes to formally empower the City Housing and Community Development Director with certain powers, duties and responsibilities; and

WHEREAS, the City wishes to create a right of appeal to the City’s Board of Zoning Appeals in connection with certain actions of the Housing and Community Development Director;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby amends Codified Ordinance Chapter 1244 entitled “Board of Zoning Appeals” to read in its entirety as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2. Codified Ordinance Chapter 1244 in existence immediately prior to the passage of this ordinance shall be amended in its entirety as set forth in Exhibit A hereto.

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

Section 4. This ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that the Housing and Community Development Director be immediately provided with certain powers, duties and responsibilities in order to perform certain necessary functions, and for citizens to have a right of appeal from certain actions of said Director. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

CHAPTER 1244 Board of Zoning Appeals

1244.04 APPLICATIONS AND APPEALS.

(a) Application for Board Approval.

(1) Any person who desires to replace a lawful nonconforming use with a nonconforming use which he or she deems as qualifying under Section 1276.02 may make application in writing for approval by the Board of such proposed use.

(2) Any person who deems his or her property to qualify for approval of a special permit as provided in Section 1244.03(b) may make application in writing for approval by the Board of his or her proposed use.

(b) Appeal for Variance and from Decision of Division of Building Engineering and Inspection.

(1) Any person who deems his or her property to suffer such physical limitations of size, shape, slopes of ground or other physical conditions as to require an adjustment or variance of the regulations of this Zoning Code in order to enable him or her to make reasonable use of his or her property, may appeal in writing to the Board to approve such adjustment.

(2) Except as otherwise set forth in subsection (3) hereof, any person aggrieved by a decision of the Building Commissioner **or the Director of Housing and Community Development** in the granting or refusal of a building permit or certificate of occupancy under this Zoning Code, or by a decision or order of the Building Commissioner, **Director of Housing and Community Development**, Chief of Fire or other administrative officer pertaining to regulations under this Zoning Code or under the Ohio Residential Code, General Building Code, Fire Prevention Code or similar ordinance, may appeal in writing to the Board from such decision or order.

(3) With respect to the denial of any application for a demolition permit for demolition of a residential structure, there shall be no right of appeal to the City's Board of Zoning Appeals.

ORDINANCE NO. 2022-58

INTRODUCED BY: COUNCILPERSON BLANKFELD

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1476 ENTITLED “CERTIFICATE OF OCCUPANCY” AND DECLARING AN EMERGENCY.

WHEREAS, the Building and Housing Committee has undertaken a project to update building code ordinances to reflect the existing structure of University Heights administrative departments;

WHEREAS, the City wishes to formally empower the City Housing and Community Development Director with certain powers, duties and responsibilities; and

WHEREAS, the City wishes to remove anachronistic references to certain dates set forth in Chapter 1476 of its Codified Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby amends Codified Ordinance Chapter 1476 entitled “Certificate of Occupancy” to read in its entirety as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2. Codified Ordinance Chapter 1476 in existence immediately prior to the passage of this ordinance shall be amended in its entirety as set forth in Exhibit A hereto.

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

Section 4. This Ordinance is hereby determined to be an emergency necessary for the immediate preservation of the public peace, health and safety of the City of University Heights and for the further reason that the Housing and Community Development Director be immediately provided with certain powers, duties and responsibilities in order to perform certain necessary functions. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: _____

PASSED: _____

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

CHAPTER 1476 Certificate of Occupancy

- 1476.01 Certificate of occupancy required.
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1476.01 CERTIFICATE OF OCCUPANCY REQUIRED.

~~On and after April 1, 1967, n~~No owner, agent or person in charge of any dwelling structure used or designed, or intended to be used as a multiple dwelling, shall rent or lease such structure or any part thereof for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked, or otherwise become null and void.

1476.02 ISSUANCE OF CERTIFICATE OF OCCUPANCY.

(a) Application for a certificate of occupancy required by the provisions of this Housing Code shall be made annually by supplying the information and data to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner and/or the Director of Housing~~Director of Housing and Community Development~~.

(b) The Building Commissioner and/or the Director of Housing and Community Development~~Director of Housing~~ may require the submission of an affidavit stating such information, and he or she may cause a general inspection of the structure or premises to be made.

(c) If it is found that a building or other structure is in compliance with the provisions of this Code and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy for such building or structure which shall contain the following information:

- (1) The street address or other identifying characteristics of the building or other structure.
- (2) The name and address of the owner, and, if the owner does not reside on the premises, the name and address of the resident agent in charge of the building or structure, and the name and address of the nonresident agent, if any.
- (3) The exact nature and extent of the use or occupancy authorized.
- (4) The period for which such certificate of occupancy is issued.

Such certificate shall be valid for 12 months from the date of its issue.

(d) The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement shall be made by the applicant in connection with the issuance of such certificate, or for noncompliance of a structure or its use with the requirements of this Code, or if the owner, agent, or person in charge of a structure shall refuse to comply with any provision of this Code required to be observed by him or her.

1476.03 TIME FOR COMPLIANCE.

The owner of a dwelling structure requiring a certificate of occupancy shall apply for such certificate of occupancy ~~for the year 1967 by March 1, 1967~~ upon forms provided by the Building Commissioner and/or the Director of Housing and Community Development~~Director of Housing~~ if such structure is proposed to be occupied or will be available for occupancy ~~by April 1, 1967~~. The owner of a dwelling structure which will be completed and available for occupancy ~~subsequent to April 1, 1967~~ and which requires a certificate of occupancy shall apply for such certificate as soon as practicable, but in no event shall such structure be occupied in whole or in part until such certificate of occupancy has been issued. Failure to so apply will be deemed to be a violation of this Housing Code and will subject the owner of the structure to the legal action and penalty prescribed herein.

1476.04 POSTING OF CERTIFICATE.

The owner, agent or person in charge of every dwelling structure shall cause to be posted conspicuously at all times at the main entrance of such structure the certificate of occupancy

hereinbefore required. Such certificate of occupancy shall be provided with a protective covering and shall be securely affixed to the wall.

1476.05 FEES.

An application for a certificate of occupancy shall be accompanied by a nonrefundable fee of \$4.50 for each dwelling unit with the minimum fee of \$25.00 for each building. The fee for any one building or dormitory or institutional occupancy shall be \$2.50 per sleeping room, not to exceed two hundred and fifty dollars (\$250.00), with a minimum for each building of \$15.00.

1476.06 CHANGES; NEW CERTIFICATE OF OCCUPANCY AND FEES.

(a) In the event there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner and/or the Director of Housing and Community Development ~~Director of Housing~~ in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to so notify either the Building Commissioner or the Director of Housing and Community Development within the specified time shall constitute a violation of this Housing Code.

(b) In the event there is a change in ownership of record the certificate of occupancy issued under the provisions of this Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership and a new certificate of occupancy must be obtained by the new owner. Application for such new certificate of occupancy shall be made not more than 30 days after such change of ownership has occurred. Application forms shall be obtained from the Building Commissioner or the Director of Housing and Community Development ~~Director of Housing~~. Such new certificate shall expire on the same date as that of the certificate which it replaced.

(c) Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Code unless such change has been approved by the proper City authorities pursuant to this Code, and unless a new certificate of occupancy, incorporating such change, has been issued. Any such change without the approval of the proper City authorities will subject the owner, operator or agent to the penalties provided in this Code. The new certificate shall expire on the same date as that of the certificate which it replaces.

ORDINANCE 2022-61

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF THE FEE SIMPLE INTEREST IN, AND AN EASEMENT APPURTENANT TO, CERTAIN REAL PROPERTY TITLED TO UNIVERSITY SQUARE PARKING, LLC, KNOWN AS 14060 CEDAR ROAD, BEARING PERMANENT PARCEL NO. 721-01-003, CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, AS MORE FULLY DESCRIBED HEREIN, FOR THE PURPOSE OF ELIMINATING BLIGHT, AND DECLARING AN EMERGENCY.

WHEREAS, Council deems it necessary to appropriate certain property known as 14060 Cedar Road, University Heights, Ohio, Permanent Parcel No. 721-01-003 (the “Property”) for the purpose of eliminating blight;

WHEREAS, the Property includes a public parking facility that is part of the University Square Shopping Center development and that was originally designed to house retail businesses (the “Garage”);

WHEREAS, Council has determined that the Property is a “blighted parcel” within the meaning of R.C. 1.08(B) because it has one or more of the following conditions, among others:

- 1) the Garage is dark, damp, dilapidated, unsafe, and in need of capital improvements;
- 2) the Garage has been cited by the City’s Building Department and Fire Prevention Bureau for numerous building code violations, which makes it unfit for human use;
- 3) the interior spaces of the Garage are poorly maintained and include debris, overflowing trash receptacles, and built-up mud, dirt and grime;
- 4) the ramp leading up to the top floor of the Garage requires repair and improvement;
- 5) the Property and the Garage are characterized by age and obsolescence, unsafe and unsanitary conditions, hazards that endanger lives or properties by fire or other causes, noncompliance with building and fire codes, nonworking or disconnected utilities and/or safety systems; and faulty lot layout in relation to size, adequacy, accessibility and usefulness;
- 6) the Garage is significantly underutilized; and
- 7) the condition of the Garage adversely impacts the value of surrounding properties; and

WHEREAS, it is in the interests of the health, safety and welfare of the City’s citizens that the City eliminate blighted property by acquiring Permanent Parcel No. 721-01-003 located at 14060 Cedar Road, University Heights, Ohio.

NOW THEREFORE BE IT RESOLVED by the Council of the City of University Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Council hereby authorizes the appropriation of the fee simple interest in, and an easement appurtenant to, the Property to eliminate blight, and to pursue a redevelopment plan for the Property in accordance with the requirements of Ohio Revised Code Chapter 163, for purposes of placing the Property back to productive use. The City’s Law Director is authorized and directed to commence and prosecute to conclusion an action

to accomplish such appropriation. A legal description of the Property is attached hereto as Exhibit A, which is incorporated herein by reference as if fully re-written.

SECTION 2. The appropriation is made in accordance with Resolution 2022-14, adopted by Council on March 7, 2022.

SECTION 3. Council hereby affixes the value of the fee simple interest in, and the easement appurtenant to, the Property at One Dollar (\$1.00).

SECTION 4. This Council finds that the appropriation is necessary for the public purposes stated above, that the City of University Heights has been unable to agree with the owner of the Property, and that the acquisition of the fee simple interest in the Property is necessary to eliminate blight.

SECTION 5. One Dollar (\$1.00), or so much thereof as is needed, is appropriated from the Village's General Fund.

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. This ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and its residents, the emergency being the need to eliminate blight and to commence eminent domain proceedings as soon as practicable so that the Property may be put back to productive use; wherefore, this ordinance shall take effect and be in full force immediately upon its passage.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

PASSED:

ATTEST:

KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

LEGAL DESCRIPTION – GARAGE PARCEL

Parcel D

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel D in the Plat of Lot Split and Consolidation for Starwood Wasserman University Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 Feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 514.24 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 263.76 feet to the principal point of beginning of the parcel herein described;

- Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 276.00 feet to a point;
- Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 55.01 feet to a point;
- Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 8.31 feet to a point;
- Course No. 4 – Thence S 01 deg. 29 min. 30 sec. W, 43.65 feet to a point;
- Course No. 5 – Thence N 88 deg. 30 min. 30 sec. W, 8.31 feet to a point;
- Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 98.34 feet to a point;
- Course No. 7 – Thence S 88 deg. 30 min. 30 sec. E, 105.00 feet to a point;
- Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, 291.00 feet to a point;
- Course No. 9 – Thence N 88 deg. 30 min. 30 sec. W, 81.50 feet to a point;
- Course No. 10 – Thence S 01 deg. 29 min. 30 sec. W, 30.50 feet to a point;
- Course No. 11 – Thence N 88 deg. 30 min. 30 sec. W, 299.50 feet to a point;
- Course No. 12 – Thence N 01 deg. 29 min. 30 sec. E, 67.09 feet to a point;
- Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, 5.00 feet to a point;
- Course No. 14 – Thence N 01deg. 29 min. 30 sec. E, 197.24 feet to a point;
- Course No. 15 – Thence S 88 deg. 30 min. 30 sec. E, 5.00 feet to a point;
- Course No. 16 – Thence N 01 deg. 29 min 30 sec. E, 57.68 feet to a point;
- Course No. 17 – Thence 88 deg. 30 min. 30 sec. W, 8.64 feet to a point;
- Course No. 18 – Thence N 01 deg. 29 min. 30 sec. E, 44.32 feet to a point;
- Course No. 19 – Thence S 88 deg. 30 min 30 sec. E, 8.64 feet to a point;
- Course No. 20 – Thence N 01 deg. 29 min. 30 sec. E, 152.17 feet to the original point of beginning, and containing 4.043 acres (176,109.61 square feet) of land, be the same more or less subject to all legal highways and easements and record, according to an

ALTA/ACSM survey performed by Lawrence Chesnik (S-5949) of the C.W. Courtney Company on January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearings cited within the above description are to an assumed meridian and indicate angles only.

LEGAL DESCRIPTION OF THE EASEMENT PARCEL

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being part of Parcel E-1, Developer Parcel, in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 315 of Maps, Page 88 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument box found at the intersection of the centerlines of Warrensville Center Road (86 feet wide) and Cedar Road (70 feet wide); Thence S 88 deg. 34 min. 25 sec. E, along the centerline of Cedar Road, 43.00 feet to a point being the intersection of the northerly prolongation of the easterly sideline of Warrensville Center Road with the centerline of Cedar Road; Thence S. 01 deg. 14 min. 40 sec. W, along said northerly prolongation, 35.00 feet to a drill hole found at its intersection with the westerly prolongation of the southerly sideline of Cedar Road; Thence S 88 deg. 34 min. 25 sec. E, along the southerly sideline of Cedar Road and the westerly prolongation thereof, 1002.10 feet to a point therein and the principal point of beginning of the easement herein described;

Course No. 1 – Thence S 12 deg. 03 min. 27 sec. E, 41.65 feet to the northeasterly corner of Parcel B in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, along the easterly line of said Parcel B and the southerly prolongation thereof, 385.82 feet to a point;

Course No. 3 – Thence along the arc of a curve deflecting to the right, having a radius of 89.00 feet, a chord bearing S 34 deg. 57 min. 12 sec. W, 49.09 feet, an arc distance of 49.73 feet to a point of tangency;

Course No. 4 – Thence S 50 deg. 57 min. 41 sec. W, 76.09 feet to a point of curvature;

Course No. 5 – Thence along the arc of a curve deflecting to the left, having a radius of 86.00 feet, a chord bearing S 26 deg. 13 min. 35 sec. W, 71.97 feet, an arc distance of 74.25 feet to a point of tangency;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 18.50 feet to a point;

Course No. 7 – Thence N 88 deg. 30 min. 30 sec. W, 44.76 feet to a point in the easterly line of Parcel D in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, along the easterly line of said Parcel D, 108.00 feet to a point therein;

Course No. 9 – Thence S 88 deg. 30 min. 30 sec. E, 9.00 feet to a point;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. W, 20.68 feet to a point.

Course No. 11 – Thence along the arc of a curve deflecting to the right having a radius of 100.00 feet, a chord bearing S 71 deg. 30 min. 16 sec. W, 68.36 feet, an arc distance of 69.77 feet to a point of tangency;

Course No. 12 – Thence N 88 deg. 30 min. 30 sec. W, 219.08 feet to a point;

Course No. 13 – Thence along the arc of a curve deflecting to the right, having a radius of 90.00 feet, a chord bearing N 79 deg. 09 min. 06 sec. W, 29.27 feet, an arc distance of 29.40 feet to a point on the southerly line of said Parcel D;

Course No. 14 – Thence N 88 deg. 30 min. 30 sec. W, along the southerly line of said Parcel D, 77.80 feet to the southwesterly corner thereof;

Course No. 15 – Thence N 01 deg. 29 min. 30 sec. E, along the westerly line of Parcel D, 23.76 feet to a point therein;

Course No. 16 – Thence along the arc of a curve deflecting to the right, having a radius of 26.00 feet, a chord bearing S 57 deg. 29 min. 00 sec. W, 29.08 feet, an arc distance of 30.87 feet to a point of tangency;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, 196.73 feet to a point of curvature;

Course No. 18 – Thence along the arc of a curve deflecting to the right, having a radius of 50.00 feet, a chord bearing N 83 deg. 01 min. 24 sec. W, 9.56 feet, an arc distance of 9.57 feet to a point of tangency;

Course No. 19 – Thence N 77 deg. 32 min. 17 sec. W, 80.94 feet to a point;

Course No. 20 – Thence N 80 deg. 36 min. 34 sec. W, 38.95 feet to a point in the easterly line of Parcel 2 described in deed to Starwood Wasserman University Heights Holding LLC recorded in Deed AFN 200104130249 of Cuyahoga County Records;

Course No. 21 – Thence S 01 deg. 34 min. 40 sec. W, along the easterly line of said Parcel 2, 4.02 feet to a nail found at a point of curvature therein;

Course No. 22 – Thence along the arc of the curved southerly line of said Parcel 2, deflecting to the right, having a radius of 20.00 feet, a chord bearing S 46 deg. 32 min. 05 sec. W, 28.26 feet, an arc distance of 31.39 feet to a nail found at a point of tangency therein;

Course No. 23 – Thence N 88 deg. 30 min. 30 sec. W, along the southerly line of said Parcel 2, 100.03 feet to a drill hole found at the southwesterly corner thereof, said drill hole being also in the easterly sideline of said Warrensville Center Road;

Course No. 24 – Thence S 01 deg. 34 min. 40 sec. W, along the easterly sideline of said Warrensville Center Road, 25.00 feet to a drill hole found therein, being also the northwesterly corner of Parcel 3 described in deed to Starwood Wasserman University Heights Holding LLC recorded in Deed AFN 200104130249 of Cuyahoga County Records;

Course No. 25 – Thence S 88 deg. 30 min. 30 sec. E, along the northerly line of said Parcel 3 and its easterly prolongation, 202.49 feet to a point;

Course No. 26 – Thence S 77 deg. 32 min. 17 sec. E, 65.35 feet to a point of curvature;

Course No. 27 – Thence along the arc of a curve deflecting to the left, having a radius of 150.00 feet, a chord bearing S 83 deg. 01 min. 24 sec. E, 28.68 feet, an arc distance of 28.72 feet to a point of tangency;

Course No. 28 – Thence S 88 deg. 30 min. 30 sec. E, 510.04 feet to a point of curvature;

Course No. 29 – Thence along the arc of a curve deflecting to the left, having a radius of 130.00 feet, a chord bearing N 46 deg. 29 min. 30 sec. E, 183.85 feet, an arc distance of 204.20 feet to a point of tangency;

Course No. 30 – Thence N 01 deg. 29 min. 30 sec. E, along the southerly prolongation of the westerly line of Parcel 2-A, New JCH Parcel, in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC as shown by the recorded plat I Volume 315 of Maps, Page 88 of Cuyahoga County Records, and along the westerly line thereof, 70.80 feet to a point of curvature therein;

Course No. 31 – Thence along the arc of the curved westerly line of said Parcel 2-A, deflecting to the right, having a radius of 45.00 feet, a chord bearing N 26 deg. 13 min. 35 sec. E, 37.66 feet, an arc distance of 38.85 feet to a point of tangency therein;

Course No. 32 – Thence N 50 deg. 57 min. 41 sec. E, continuing along the westerly line of said Parcel 2-A, 76.08 feet to a point of curvature;

Course No. 33 – Thence along the arc of the curved westerly line of said Parcel 2-A, deflecting to the left, having a radius of 130.00 feet, a chord bearing N 33 deg. 27 min. 30 sec. E, 78.20 feet, an arc distance of 79.43 feet to a point;

Course No. 34 – Thence N 01 deg. 29 min. 30 sec. E, continuing along the westerly line of said Parcel 2-A, 6.91 feet to a P.K. (Parker-Kalon) nail found at the northwesterly corner thereof, being also the southwestly corner land now or formerly conveyed to Wasserstein Family Trs., and as shown by the recorded plat in Volume 219 of Maps, Page 29 of Cuyahoga County Records and more fully described in deed to M.M.B. Co. in Volume 14289, Page 135 of Cuyahoga County Deed Records;

Course No. 35 – Thence continuing N 01 deg. 29 min. 30 sec. E, along the westerly line of said Wasserstein Family Trs. Land, 425.25 feet to a drill hole found at the northwesterly corner thereof; said drill hole being also in the southerly sideline of said Cedar Road;

Course No. 36 – Thence N 88 deg. 34 min. 25 sec. W, along the southerly sideline of said Cedar Road, 50.74 feet to the principal point of beginning and containing 1.566 acres of land be the same more or less but subject to all legal highways and easements of record. Bearings cited within the above description are to an assumed meridian and indicate angles only.

ORDINANCE 22-62

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF THE FEE SIMPLE INTEREST IN CERTAIN REAL PROPERTY TITLED TO UNIVERSITY SQUARE REAL ESTATE HOLDINGS, LLC, KNOWN AS 2203 WARRENSVILLE CENTER ROAD, BEARING PERMANENT PARCEL NO. 721-01-001, CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, AS MORE FULLY DESCRIBED HEREIN, FOR THE PURPOSE OF ELIMINATING BLIGHT, AND DECLARING AN EMERGENCY.

WHEREAS, Council deems it necessary to appropriate certain property known as 2203 Warrensville Center Road, University Heights, Ohio, Permanent Parcel No. 721-01-001 (the “Property”) for the purpose of eliminating blighted property, and restoring the Property to productive use;

WHEREAS, the Property includes a building that is part of the University Square Shopping Center development and that was originally designed to house retail businesses (the “Retail Building”);

WHEREAS, Council has determined that the Property is a “blighted parcel” within the meaning of R.C. 1.08(B) because it has one or more of the following conditions, among others:

- i) the Retail Building is vacant, dilapidated and abandoned, except for space leased to Applebee’s Restaurant;
- ii) the Retail Building has been cited by the City’s Building Department and Fire Prevention Bureau for numerous building and fire code violations, which makes it unfit for current use, and, except for Applebee’s Restaurant, is currently unfit for occupancy;
- iii) the interior spaces of the Retail Building contain debris, trash, junk and abandoned furniture, fixtures and signage;
- iv) the owner of the Retail Building has no intention to market the building for use by retail establishments and maintains that there is no discernible market for use of the Retail Building for such purposes;
- v) the Property and the Retail Building are characterized by age and obsolescence, unsafe and unsanitary conditions, hazards that endanger lives or properties by fire or other causes, noncompliance with building and fire codes, vacancy and abandonment and faulty lot layout in relation to size, adequacy, accessibility and usefulness;

WHEREAS, the improvements on the Property were originally financed by certain bonds issued by the Cuyahoga County Port Authority (the “Port Authority”) under a TIF (Tax Increment Financing) authorized under Revised Code Section 5709.41;

WHEREAS, pursuant to the TIF, the owner of the Property is obligated to make payments in lieu of real estate taxes (“PILOT Payments”) to bondholders to service the debt created by the Port Authority’s bond issuance;

WHEREAS, it was anticipated that rents from the commercial space in the Retail Building would provide the owner with sufficient revenues to make the necessary PILOT Payments;

WHEREAS, pursuant to the various contracts arising out of the TIF, the bondholders have the right to demand that the City place special assessments on the Property in an amount equal to and/or the extent that PILOT Payments are insufficient to service indebtedness due and owing under the bonds;

WHEREAS, past-due special assessment delinquencies currently encumbering the Property as a result of PILOT Payment deficiencies far exceed its fair market value, which makes the Property and the Retail Building a “blighted parcel” within the meaning of R.C. 1.08(B);

WHEREAS, the Property and the Retail Building are under-utilized, non-productive properties creating blight in the City and adversely impacting the University Square Shopping District; and

WHEREAS, it is in the interests of the health, safety and welfare of the City’s citizens that the City eliminate blighted property by acquiring Permanent Parcel No. 721-01-001 located at 2203 Warrensville Center Road, University Heights, Ohio.

NOW THEREFORE BE IT RESOLVED by the Council of the City of University Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Council hereby authorizes the appropriation of the fee simple interest in the Property to eliminate blight, and to pursue a redevelopment plan for the Property in accordance with the requirements of Ohio Revised Code Chapter 163, for purposes of placing the Property back to productive use. The City’s Law Director is authorized and directed to commence and prosecute to conclusion an action to accomplish such appropriation. A legal description of the Property is attached hereto as Exhibit A, which is incorporated herein by reference as if fully re-written.

SECTION 2. The appropriation is made in accordance with Resolution 2022-08, adopted by Council on February 7, 2022.

SECTION 3. Council hereby affixes the value of the fee simple interest in the Property at One Million Two Hundred Thousand Dollars (\$1,200,000.00).

SECTION 4. This Council finds that the appropriation is necessary for the public purposes stated above, that the City of University Heights has been unable to agree with the owner of the Property, and that the acquisition of the fee simple interest in the Property is necessary to eliminate blight.

SECTION 5. One Million Two Hundred Thousand Dollars (\$1,200,000.00), or so much thereof as is needed, is appropriated from the City’s General Fund.

SECTION 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. This ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its residents, the emergency being the need to eliminate blight and to commence eminent domain proceedings as soon as practicable so that the Property may be put back to productive use; wherefore, this ordinance shall take effect and be in full force immediately upon its passage.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MICHAEL DYLAN BRENNAN, MAYOR**

PASSED:

ATTEST:

**_____
KELLY M. THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

EXHIBIT A
CORE RETAIL PARCEL
PROPERTY DESCRIPTION

Parcel No. 1 (PPN: 721-01-001)

Description of Parcel E-1

10.085 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel E-1, Developer Parcel comprising 10.085 acres in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 315 of Maps, Page 88 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument box found at the intersection of the centerlines of Warrensville Center Road (86 feet wide) and Cedar Road (70 feet wide); Thence S 88 Deg. 34 min. 25 sec. E, along the centerline of Cedar Road, 43.00 feet to a point being the intersection of the northerly prolongation of the easterly sideline of Warrensville Center Road with the centerline of Cedar Road and the northerly prolongation thereof, 309.54 feet to a drill hole found at the southwesterly corner of Sublot 3 of said May Centers, Inc. Subdivision and the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 45 min. 20 sec. E, along the southerly line of said Sublot 3, 125.00 feet to a drill hole found at a point of curvature therein;

Course No. 2 – Thence along the arc of the curved southerly line of said Sublot 3 deflecting to the left having a radius of 20.00 feet, a chord bearing N 46 deg. 14 min. 40 sec. E, 28.28 feet, an arc distance of 31.42 feet to a nail found at a point of tangency therein;

Course No. 3 – Thence N 01 deg. 14 min. 40 sec. E, 254.08 feet to an iron pin found in the southerly sideline of aforesaid Cedar Road, said pin being also at the northeasterly corner of said Sublot 3;

Course No. 4 – Thence S 88 deg. 34 min. 25 sec. E along the southerly sideline of Cedar Road, 907.81 feet to a drill hole found therein being also at the northwesterly corner of land conveyed to Wasserstein Family Trs. Formerly May Medical Assoc., Ltd. being Parcel 2 of May Stores Shopping Center's, Inc. Subdivision recorded in Volume 219, Page 29 of Cuyahoga County Map Records;

Course No. 5 – Thence S 01 deg. 29 min. 30 sec. W, along the westerly line of said Wasserstein land, 425.25 feet to a P.K. (Parker-Kalon) nail found at the southwesterly corner thereof;

Course No. 6 – Thence continuing S 01 deg. 29 min. 30 sec. W, 6.91 feet to a point;

Course No. 7 – Thence along the arc of a curve, deflecting to the right, having a radius of 130.00 feet, a chord bearing S 33 deg. 27 min. 30 sec. W, 78.20 feet, an arc distance of 79.42 feet to a point of tangency therein;

Course No. 8 – Thence S 50 deg. 57 min. 41 sec. W, 7608 feet to a point of curvature;

Course No. 9 – Thence along the arc of a curve, deflecting to the left, having a radius of 45.00 feet, a chord bearing S 26 deg. 13 min. 35 sec. W, 37.6 feet, an arc distance of 38.85 feet to a point of tangency in the westerly line of said Sublot 2 of May Centers, Inc. Subdivision;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. E, along the westerly line of said Sublot 2, 68.39 feet to the a P.K. (Parker-Kalon) nail found at the southwesterly corner thereof being also in the centerline of Lansdale Road vacated by Ordinance 56-9 and recorded in Volume 171, Page 1 of Cuyahoga County Map Records;

Course No. 11- Thence S 88 deg. 30 min. 30 sec. E, along the centerline of said vacated Lansdale Road, 335.00 feet to an iron pin found in the westerly sideline of said Miramar Boulevard.

Course No. 12 – Thence S 01 deg. 29 min. 30 sec. W, along the westerly sideline of said Miramar Boulevard, 122.23 feet to an iron pin found at a point therein, said point being the northeasterly corner of the southerly 20 feet of Sublot No. 15C in a resubdivision of the Heister Center Green Company’s Center Green Allotment as recorded in Volume 85, Page 6 of Cuyahoga County Map Records, said southerly 20 feet of Sublot 15C being more fully described in a Certificate of Transfer recorded in Volume 95-08084, Page 34 of Cuyahoga County Deed Records;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of said southerly 20 feet of Sublot 15C, 70.68 feet to an iron pin found at the northwesterly corner of thereof;

Course No. 14- Thence S 01 deg. 29 min. 30 sec. W, along the westerly line of said southerly 20 feet of Sublot 15C, 20.00 feet to an iron pin found at the northeasterly corner of Sublot 16C of said Heister Center Green Company’s resubdivision;

Course No. 15 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of Sublots 16C, 16B, 14B, 14A, 13B, 13A, 12B, 12A, 11B, 11A, 10B, 10A, 9B, 9A, 8B, 8A, 7B, 7A, 6B, 6A, 5B, 5A, 4B, 4A and 3B in said resubdivision, 1000.00 feet to an iron pin found in the northwesterly corner of Sublot 3B thereof and being also in the easterly line of land known as Parcel 3 conveyed to Starwood Wasserman University Heights Holding LLC as recorded in Deed AFN 200104130249 of Cuyahoga County Deed Records;

Course No. 16 – Thence N 01 deg. 29 min. 30 sec. E, along the easterly line of said Parcel 3, 25.00 feet to a nail found at the northeasterly corner thereof;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, along the northerly line of said Parcel 3, 199.54 feet to a drill hole found at the northwesterly corner thereof said point being also in the easterly sideline of said Warrensville Center Road;

Course No.18- Thence N 01 deg. 34 min. 40 sec. E, along the easterly sideline of said Warrensville Center Road, 25.00 feet to a drill hole found therein being also the southwesterly corner of Sublot 4 of said May Centers, Inc. Subdivision;

Course No. 19 – Thence S 88 deg. 30 min. 30 sec. E, along the southerly line of said Sublot 4, 100.03 feet to a nail found at a point of curvature therein;

Course No. 20 – Thence along the arc of the curved southerly line of said Sublot 4 deflecting to the left having a radius of 20.00, a chord bearing N 46 deg. 32 min. 05 sec. E, 28.26 feet, an arc distance of 31.39 feet to a nail found at a point of tangency therein;

Course No. 21- Thence N 01 deg. 34 min. 40 sec. E, along the easterly line of said Sublot 4, 108.13 feet to a nail found at a point of curvature therein;

Course No. 22 – Thence along the arc of the curved easterly line of said Sublot 4 deflecting to the right having a radius of 75.00 feet, a chord bearing N 19 deg. 46 min. 03 sec. E, 46.82 feet, an arc distance of 47.62 feet to a nail found at a point of reverse curvature therein;

Course No. 23 – Thence along the arc of the curved easterly line of said Sublot 4 deflecting to the left having a radius of 50.00 feet, a chord bearing N 19 deg. 36 min. 03 sec. E, 31.49 feet, an arc distance of 32.04 feet to a nail found at a point of tangency therein;

Course No. 24- Thence N 01 deg. 14 min. 40 sec. E, continuing along the easterly line of said Sublot 4, 185.15 feet to a nail found at a point of curvature therein;

Course No. 25 – Thence along the arc of the curved northerly line of said Sublot 4 deflecting to the left having a radius of 20.00 feet, a chord bearing N 43 deg. 45 min. 20 sec. W, 28.28 feet, an arc distance of 31.42 feet to a drill hole found at a point of tangency therein;

Course No. 26 – Thence N 88 deg. 45 min. 20 sec. W, along the northerly line of said Sublot 4, 125.00 feet to a drill hole found in the easterly sideline of said Warrensville Center Road;

Course No. 27- Thence N 01 deg. 14 min. 40 sec. E, along the easterly sideline of said Warrensville Center Road 60.00 feet to the principal point of beginning and containing 17.149 acres of land be the same more or less but subject to all legal highways and easements of record. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Said Parcel E-1 specifically excepts therefrom Parcels A, B, C and D described as follows:

Parcel A

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel A in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 221.34 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 150.66 feet to the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 187.35 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 15.20 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 83.25 feet to a point;

Course No. 4 – Thence S 01 deg. 29 min. 30 sec. W, 100.29 feet to a point;

Course No. 5 – Thence S 88 deg. 30 min. 30 sec. E, 12.22 feet to a point;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 224.45 feet to a point;

Course No. 7 – Thence N 88 deg. 30 min. 30 sec. W, 221.88 feet to a point;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, 40.26 feet to a point;

Course No. 9 – Thence N 88 deg. 30 min. 30 sec. W, 60.93 feet to a point;

Course No. 10 – Thence N 01 deg. 29 min. 30 sec. E, 380.20 feet to the principal point of beginning and containing 2.202 acres (95,914.77 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J Chesnik (S-5949) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearings cited within the above description are to an assumed meridian and indicate angles only.

Description – Parcel B

0.819 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel B in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 958.04 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 57.59 feet to the principal point of beginning of the parcel herein described;

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 78.89 feet to a point;

Course No. 2 – Thence S 43 deg. 56 min. 00 sec. E, 25.37 feet to a point;

Course No. 3 – Thence S 01 deg. 29 min. 30 sec. W, 377.60 feet to a point;

Course No. 4 – Thence N 88 deg. 30 min. 30 sec. W, 80.80 feet to a point;

Course No. 5 – Thence N 01 deg. 30 min. 29 sec. E, 145.90 feet to a point;

Course No. 6 – Thence N 88 deg. 30 min. 30 sec. W, 10.31 feet to a point;

Course No. 7 – Thence N 01 deg. 29 min. 30 sec. E, 23.27 feet to a point;

Course No. 8 – Thence N 88 deg. 30 min. 30 sec. W, 5.85 feet to a point;

Course No. 9 – Thence N 01 deg. 29 min. 30 sec. E, 226.24 feet to the principal point of beginning and containing 0.819 acres (35, 683.78 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5949) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Excepting therefrom any aerial rights upward from approximately elevation 1046.40 over the part described as follows:

Beginning at the southwest corner of said parcel B;

Course No. 1 – Thence N 01 deg. 29 min. 30 sec. E, 145.90 feet to a point;

Course No. 2 – Thence N 88 deg. 30 min. 30 sec. W, 10.31 feet to a point;

Course No. 3 – Thence N 01 deg. 29 min. 30 sec. E, 23.27 feet to a point;

Course No. 4 – Thence N 88 deg. 30 min. 30 sec. W, 5.85 feet to a point;

Course No. 5 – Thence N 01 deg. 29 min. 30 sec. E, 180.02 feet to a point;

Course No. 6 – Thence S 88 deg. 30 min. 30 sec. E, 0.78 feet to a point;

Course No. 7 – Thence N 01 deg. 29 min. 30 sec. E, 26.30 feet to a point;

Course No. 8 – Thence S 88 deg. 30 min. 30 sec. E, 33.99 feet to a point;

Course No. 9 – Thence N 46 deg. 29 min. 30 sec. E, 15.79 feet to a point;

Course No. 10 – Thence S 88 deg. 30 min. 30 sec. E, 41.11 feet to a point.

Course No. 11 – Thence S 43 deg. 56 min. 00 sec. E, 13.92 feet to a point;

Course No. 12 – Thence S 01 deg. 29 min. 30 sec. W, 376.88 feet to a point;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, 80.80 feet to the point of beginning and containing 0.791 acres (34,476- square feet) The approximate elevation of 1046.50 shall be based on the new reference of O.M. 1554, recorded in Section 27, Page 131 of the Cleveland Regional Geodetic Survey Records and is understood to be the elevation of the seats of the structural beam supporting the 122 level of a building to be constructed at this location according to the plans for said building.

Description – Parcel C Aerial Rights

2.100 Acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel C in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and being the aerial rights above the bottom plane being at elevation 1046.50, said elevation of 1046.50 being based on the new reference of O.M. 1554, recorded in Section 27, Page 131 of the Cleveland Regional Geodetic Survey Records and is understood to be the elevation of the seats of the structural beam supporting the 122 level of a building to be constructed at this location according to the plans for said building and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Centre Road, a.k.a. County Road No. 4 (8 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the city of South Euclid and the northerly line of said Original Lot 6, 834.46 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 70.17 feet to the principal point of beginning of the aerial parcel herein described,

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 11.95 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 33.50 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 112.42 feet to a point;

Course No. 4 – Thence N 01 deg. 29 min. 30 sec. E, 26.30 feet to a point;

Course No. 5 – Thence S 88 deg. 30 min. 30 sec. E, 33.99 feet to a point;

Course No. 6 – Thence N 46 deg. 29 min. 30 sec. E, 15.79 feet to a point;

Course No. 7 – Thence S 88 deg. 30 min. 30 sec. E, 41.11 feet to a point;

Course No. 8 – Thence S 43 deg. 56 min. 00 sec. E, 20.38 feet to a point;

Course No. 9 – Thence S 01 deg. 29 min. 30 sec. W, 382.39 feet to a point;

Course No. 10 – Thence N 88 deg. 30 min. 30 sec. W, 148.55 feet to a point;

Course No. 11 – Thence N 01 deg. 29 min. 00 sec. E, 10.00 feet to a point;

Course No. 12 – Thence N 88 deg. 30 min. 30 sec. W, 112.51 feet to a point;

Course No. 13 – Thence N 01 deg. 29 min. 30 sec. E, 206.10 feet to a point;

Course No. 14 – Thence S 88 deg. 30 min. 30 sec. E, 11.03 feet to a point;

Course No. 15 – Thence N 01 deg. 29 min. 00 sec. E, 13.81 feet to a point;

Course No. 16 – Thence S 88 deg. 30 min. 30 sec. E, 24.88 feet to a point;

Course No. 17 – Thence N 01 deg. 29 min. 30 sec. E, 162.82 feet to the principal point of beginning and containing 2.100 acres (91,489.32 square feet) of real area at said elevation and subject to all legal highways and easements of record according to an ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5949) of the C. W. Courtney Company

January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearing cited within the above description are to an assumed meridian and indicate angles only.

Parcel D

4.043 acres

Situated in the City of University Heights, County of Cuyahoga, and State of Ohio and known as being all of Parcel D in the Plat of Lot Split and Consolidation for Starwood Wasserman University Heights Holding LLC of part of Original Warrensville Township Lot No. 6 as shown by the recorded plat in Volume 312 of Maps, Page 44 of Cuyahoga County Records and further bounded and described as follows:

Beginning at an iron pin monument found at the intersection of the centerlines of Warrensville Center Road, a.k.a. County Road No. 4 (86 feet wide) and Cedar Road, a.k.a. County Road No. 23 (70 feet wide), said pin being also the northwesterly corner of Original Warrensville Township Lot No. 6; Thence S 88 deg. 34 min. 25 sec. E, along the centerline of said Cedar Road, said centerline being also the southerly corporation line of the City of South Euclid and the northerly line of said Original Lot 6, 514.24 feet to a point therein; Thence S 01 deg. 29 min. 30 sec. W, 263.76 feet to the principal point of beginning of the parcel herein described:

Course No. 1 – Thence S 88 deg. 30 min. 30 sec. E, 276.00 feet to a point;

Course No. 2 – Thence S 01 deg. 29 min. 30 sec. W, 55.01 feet to a point;

Course No. 3 – Thence S 88 deg. 30 min. 30 sec. E, 8.31 feet to a point;

Course No. 4 – Thence S 01 deg. 29 min. 30 sec. W, 43.65 feet to a point;

Course No. 5 – Thence N 88 deg. 30 min. 30 sec. W, 8.31 feet to a point;

Course No. 6 – Thence S 01 deg. 29 min. 30 sec. W, 98.34 feet to a point;

Course No. 7 – Thence S 88 deg. 30 min. 30 sec. E, 105.00 feet to a point;

Course No. 8 – Thence S 01 deg. 29 min. 30 sec. W, 291.00 feet to a point;

Course No. 9 – Thence N 88 deg. 30 min. 30 sec. W, 81.50 feet to a point;

Course No. 10 – Thence S 01 deg. 29 min. 30 sec. W, 30.50 feet to a point;

Course No. 11 – Thence N 88 deg. 30 min. 30 sec. W, 299.50 feet to a point;

Course No. 12 – Thence N 01 deg. 29 min. 30 sec. E, 67.09 feet to a point;

Course No. 13 – Thence N 88 deg. 30 min. 30 sec. W, 5.00 feet to a point;

Course No. 14 – Thence N 01 deg. 29 min. 30 sec. E, 197.24 feet to a point;

Course No. 15 – Thence S 88 deg. 30 min. 30 sec. E, 5.00 feet to a point;

Course No. 16 – Thence N 01 deg. 29 min. 30 sec. E, 57.68 feet to a point;

Course No. 17 – Thence N 88 deg. 30 min. 30 sec. W, 8.64 feet to a point;

Course No. 18 – Thence N 01 deg. 29 min. 30 sec. E, 44.32 feet to a point;

Course No. 19 – Thence S 88 deg. 30 min. 30 sec. E, 8.64 feet to a point;

Course No. 20 – Thence N 01 deg. 29 min. 30 sec. E, 152.17 feet to the principal point of beginning and containing 4.043 acres (176,109.61 square feet) of land be the same more or less and subject to all legal highways and easements of record according to an

ALTA/ACSM survey performed by Lawrence J. Chesnik (S-5959) of the C. W. Courtney Company January 21, 1991 and reissued July 19, 1999 and August 31, 1999. Bearings cited within the above description are to an assumed meridian and indicate angles only.

Permanent Parcel No.: 721-01-001

Property Address: 2203 Warrensville Center Road, University Heights, Ohio 44118

ORDINANCE 22-64

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH UNIVERSITY SQUARE ACQUISITIONS, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, the City intends to acquire through its powers of eminent domain Permanent Parcel Nos. 721-01-001 and 721-01-003, being the Core Retail Parcel and Garage Parcel at University Square (the “University Square Parcels”);

WHEREAS, as part of its development plan for the elimination of blight in connection with the University Square Parcels, the City will immediately sell said parcels to University Square Acquisitions, LLC on the terms and conditions set forth in a certain Real Estate Purchase Agreement;

NOW THEREFORE BE IT RESOLVED by the Council of the City of University Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Council hereby authorizes the Mayor to enter into a Real Estate Purchase Agreement with University Square Acquisitions, LLC, as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its residents, the emergency being the need to finalize the purchase and sale transaction for the University Square parcels and redevelopment plan prior to the filing of eminent domain litigation; wherefore, this ordinance shall take effect and be in full force immediately upon its passage.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MICHAEL DYLAN BRENNAN, MAYOR**

PASSED:

ATTEST:

**_____
KELLY M. THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**