

ORDINANCE NO. 58-2009

Offered by All of Council

AN ORDINANCE REZONING A CERTAIN PARCEL FRONTING ON HART ROAD IN THE VICINITY OF 2636 BRECKSVILLE ROAD FROM THE R1 RURAL RESIDENTIAL DISTRICT TO THE I INDUSTRIAL DISTRICT

WHEREAS, pursuant to Section 1102.05, the Planning Commission, at its meeting of September 29, 2009, recommended rezoning of a certain approximately 200 foot x 900 foot parcel fronting on Hart Road in the vicinity of 2636 Brecksville Road from the R1 Rural Residential District to the I Industrial District; and

WHEREAS, pursuant to Section 1107.06, on the 17th day of November, 2009, this Council conducted a public hearing on the proposed rezoning; and

WHEREAS, this Council finds that it is in the best interests of the Village of Richfield to rezone this parcel.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That there be, and hereby is, rezoned a certain approximately 200 foot x 900 foot parcel fronting on Hart Road in the vicinity of 2636 Brecksville Road, a legal description of which parcel is attached hereto as Exhibit "A" and incorporated herein fully as if by reference, from the R1 Rural Residential District to the I Industrial District.

SECTION 2. That the Zoning Inspector be, and he hereby is, authorized and directed to make a notation of the foregoing zoning change on the Official Zoning Map of the Village of Richfield pursuant to Section 1109.03 of the Zoning Code.

SECTION 3. That all ordinances and resolutions inconsistent herewith be, and the same hereby are, repealed.

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

PASSED: 11/17/09

President of Council

ATTEST:

Clerk of Council

Mayor

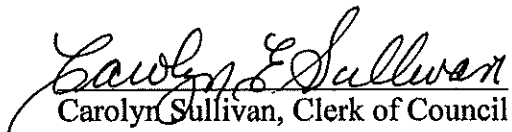
Dated: 11/17/09

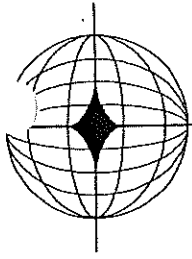
**CERTIFICATION OF PUBLIC HEARINGS
PURSUANT TO SECTION 715.75 OF THE OHIO REVISED CODE**

State of Ohio)
) ss:
County of Summit)

On this 17th day of Nov., 2009, I Carolyn Sullivan as the Clerk of Council for the Village of Richfield, Ohio, hereby certify that a public hearing was held on Nov. 17, 2009 regarding the proposed Ordinance 58-2009 in accordance with the requirement of Section 715.75 of the Revised Code. Notice of the public hearings was published in the Akron Beacon Journal, a newspaper of general circulation in Summit County, Ohio. The Affidavits of Publication for the newspaper notices are attached as Exhibit A.

I also certify that during the thirty-day period prior to the public hearing, all of the following documents were available for public inspection in the Office of the Clerk of Council for the Village of Richfield, Ohio: 1)


Carolyn Sullivan, Clerk of Council
Village of Richfield



Michael Benza & Associates, Inc.
Consulting Engineers and Surveyors

November 26, 2007

**LEGAL DESCRIPTION OF A CONSERVATION EASEMENT
ALONG THE SOUTH SIDE OF HART ROAD, WEST OF BRECKSVILLE ROAD
VILLAGE OF RICHFIELD, OHIO**

Situated in the Village of Richfield, County of Summit and State of Ohio and known as being part of original Richfield Township Lot 12, Tract 3, and more fully described as follows:

Beginning at a point in the easterly line of said Original Lot 12, said line being parallel to and 7.00 feet easterly from, by right angle measurement, the center line of Brecksville Road (80 feet wide), said point also being in the center line of Hart Road (Township Road 379, 60 feet wide), said point further being the northeasterly corner of a parcel of land conveyed to M. Alan Properties, Inc. by deed recorded as Reception Number 54945068 in the Summit County Records; thence, S-89° 52' 00"-W, along said center line of Hart Road and along the northerly line of said land so conveyed to M. Alan Properties, Inc., 733.22 feet to a point therein; thence S-00° 08' 00"-E, 30.00 feet, to a point in the southerly line of said Hart Road, and the PRINCIPAL PLACE OF BEGINNING;

- | | |
|--------------|--|
| Course No. 1 | Thence, S-05° 45' 46"-W, 87.83 feet, to a point; |
| Course No. 2 | Thence, S-45° 00' 00"-W, 20.85 feet to a point; |
| Course No. 3 | Thence, S-00° 17' 06"-W, 766.74 feet to a point, said point being in the northerly line of a parcel of land conveyed to John Constantine, Jr. and Cynthia Constantine by deed recorded in O.R. Volume 1979, Page 722 of the Summit County Records; |
| Course No. 5 | Thence, S-89° 52' 00"-W, along said northerly line of said land so conveyed to John Constantine, Jr. and Cynthia Constantine, 130.00 feet to a point therein, said point being the southeasterly corner of a parcel of land conveyed to Michael Csontos III and Christine F. Csontos, by deed recorded in O.R. Volume 7284, Page 119 of the Summit County Records; |
| Course No. 6 | Thence, N-00° 17' 06"-E, along the easterly line of said land so conveyed to Michael Csontos III and Christine F. Csontos, 868.63 feet to the aforementioned southerly line of Hart Road; |
| Course No. 7 | Thence, N-89° 52' 00"-E, along said southerly line of Hart Road, 153.05 feet, to the PRINCIPAL PLACE OF BEGINNING and containing 2.6329 Acres of land, more or less, but subject to all legal highways and easements of record. |

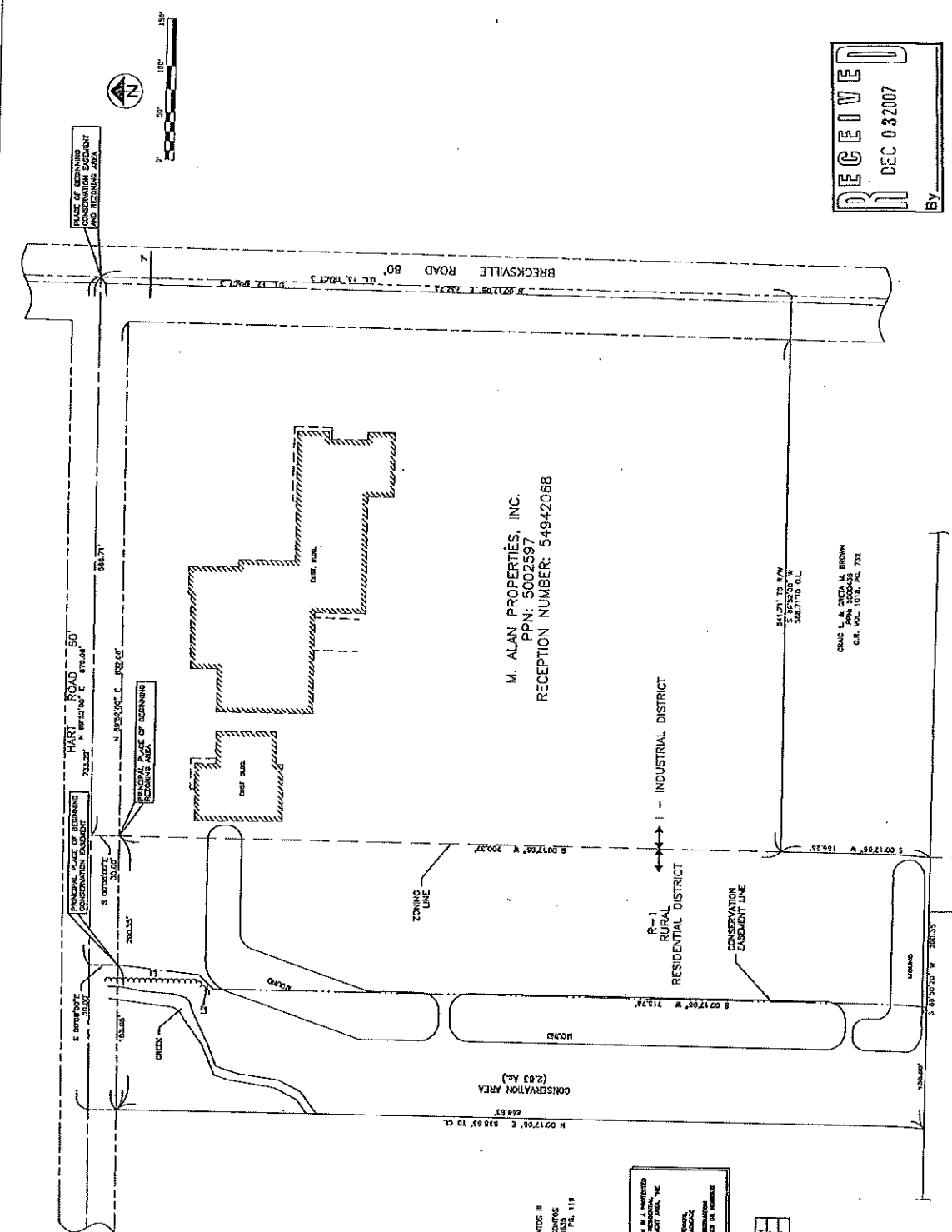
The basis of bearing for this description is a survey performed by prepared McSteen & Associates in April 2003 and titled "ALTA/ACSM TITLE SURVEY FOR 2636-2650 BRECKSVILLE ROAD.

REZONING PLAN

DATE	08/28/08
PROJECT	REZONING PLAN
CLIENT	BENJIN MATERIAL HAULING, INC.
SCALE	1"=50'
DRAWN BY	RCN
CHECKED BY	RCN
DATE	08/28/08
PROJECT	REZONING PLAN
CLIENT	BENJIN MATERIAL HAULING, INC.
SCALE	1"=50'
DRAWN BY	RCN
CHECKED BY	RCN
DATE	08/28/08

BENJIN MATERIAL HAULING, INC.
 RICHFIELD, OHIO
 Michael Benza & Associates, Inc.
 4400 Southpark Blvd.
 Columbus, OH 43232

RECEIVED
 DEC 03 2007
 BY *PBS*



M. ALAN PROPERTIES, INC.
 PPN: 5002597
 RECEPTION NUMBER: 54942068

CRUS, L. & CRYSTAL M. BROWN
 PPN: 3000438
 O.R. VOL. 1018, P. 732

DUNYAN P. MOREHOUSE
 &
 SARA A. LADD
 PPN: 3000377
 O.R. VOL. 1081, P. 250

JOHN CHRISTIANE, JR.
 &
 CHRYLA CONSTANTINE
 PPN: 3000377
 O.R. VOL. 1070, P. 722

CONSERVATION EASEMENT
 CONSERVATION EASEMENTS AS THE NAME IMPLIES ARE LIMITED TO THE PROTECTION AND PRESERVATION OF NATURAL RESOURCES AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE FOLLOWING ARE THE TERMS AND CONDITIONS OF THIS EASEMENT:
 - The easement shall be held in trust for the benefit of the public.
 - The easement shall be used only for the purposes stated herein.
 - The easement shall not be used for any commercial or industrial purposes.
 - The easement shall not be used for any residential purposes.
 - The easement shall not be used for any other purposes not stated herein.
 - The easement shall not be used for any other purposes not stated herein.

EASEMENT LINE TABLE

LINE	BEARING	LENGTH	DATE
1	S 02°17'09" E	219.74'	08/28/08
2	S 00°17'05" W	159.83'	08/28/08
3	S 88°00'00" W	280.70'	08/28/08

MICHAEL GARDNER III
 CHRISTIANE CONSTANTINE
 O.R. VOL. 725A, P. 119