

FIRST READING: 6-26-23

SECOND READING: _____

THIRD READING: _____

ORDINANCE NO. 51-23
BY: JEANNE GALLAGHER

AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION
OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL
NOS. 301-17-082, 301-17-083, 301-17-048, AND 301-17-084, FROM THEIR PRESENT
CLASSIFICATION OF SM-SERVICE MANUFACTURING TO OB-2-OFFICE, AS
FURTHER DESCRIBED IN EXHIBIT "A"

WHEREAS: Ingersoll Development Partners LLC is the owner of certain real property known as Auditor's Permanent Parcel Nos. 301-17-082, 301-17-083, 301-17-048, and 301-17-084, located at 19970, 19960, 19950, 19940, 19910, 19900, 19954, 19860, 18960, 19850, 19851, and 19871 Ingersoll Drive in Rocky River, OH and is an applicant for rezoning these real properties from SM-Service Manufacturing to OB-2-Office; and

WHEREAS: the legal description for the affected real property parcels identified as PPNs 301-17-082, 301-17-083, 301-17-048, and 301-17-084, as described in Exhibit A attached; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on _____, 2023; and

WHEREAS: notice of a Public Hearing before City Council on the aforesaid zoning change has been duly given on the proposed change herein set forth; and

WHEREAS: in accordance with said Notice, a Public Hearing was held according to law on _____, 2023; and

WHEREAS: this Council deems it necessary for the best interest of public peace, health and safety, to change the zoning district classification of these real property parcels identified herein above from SM-Service Manufacturing to OB-2-Office.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. - Permanent Parcel Nos. 301-17-082, 301-17-083, 301-17-048, and 301-17-084 are hereby changed from SM-Service Manufacturing, as further identified in Exhibit A, to OB-2-Office zoning classification.

SECTION 2. - That the map entitled "Zoning Map" of the City of Rocky River, adopted by Ordinance No. 60-73 on July 23, 1973, as subsequently amended, be and the same is hereby further amended by changing the zoning district classification of the real properties known as Permanent Parcel No. 301-17-082, 301-17-083, 301-17-048, and 301-17-084 further identified in Exhibit A attached hereto, from SM-Service Manufacturing to OB-2-Office.

SECTION 3. - That the Building Commissioner of the City of Rocky River be and is hereby authorized and directed to make said change in this zoning district classification on the Zoning Map of the City of Rocky River, Ohio, as provided for herein.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and that for the further purpose of expediting the redevelopment of the subject property consistent with the construction season and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2023

JAMES W. MORAN
President of Council

PRESENTED TO

MAYOR: _____, 2023

APPROVED: _____, 2023

ATTEST:

SUSAN G. PEASE
Clerk of Council

PAMELA E. BOBST
Mayor

meu:mydocs:ord:rezoningersoll

Legal Description

Commitment Parcel 1

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of the Franchar Inc. Assembly Plat of part of Original Rockport Township Section No. 24, as shown by the Plat recorded in Volume 241, Page 23 of Cuyahoga County Map Records.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet, thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet; thence northeasterly by a curve to the left, an arc distance of 278.27 feet, said arc having a radius of 1,175.00 feet, a central angle of 13° 34' 09", and a chord which bears North 74° 16' 31" East, 277.62 feet; thence North 67° 29' 27" East, 129.37 feet to a 5/8" capped iron pin set (cap IS Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence continuing North 67° 29' 27" East, 182.37 feet to a point in an easterly line of land conveyed to Franchar Incorporated, an Ohio corporation in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records (a 5/8" iron pin – cap ID "Hocevar" – was found 0.21 feet northeast of this point);

thence South 0° 05' 03" East along and easterly line of said land so conveyed, 273.93 feet to a 5/8" capped iron pin set (Cap ID Kole & Assoc S-7889) at a southeasterly corner thereof (a 1-1/2" iron pipe was found South 79° 34' 57" West, 3.74 feet from this point);

thence South 70° 43' 10" West along a southerly line of said land so conveyed, 78.00 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889)

thence North 22° 30' 33" West, 248.82 feet to the Principal Place of Beginning and containing 32,778.04 square feet (0.7525 acres) of land, as described on March 16, 2017 by Richard J. Kole, Ohio Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, an Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.

Commitment Parcel 2

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 24.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet, thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet; thence northeasterly by a curve to the left, an arc distance of 172.51 feet, said arc having a radius of 1,175.00 feet, a central angle of 8° 24' 44", and a chord which bears North 76° 51' 14" East, 172.36 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence continuing northeasterly by a curve to the left, an arc distance of 105.76 feet, said arc having a radius of 1,175.00 feet, a central angle of 5° 09' 26", and a chord which bears North 70° 04' 09" East, 105.73 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a point of tangency;

thence North 67° 29' 27" East, 129.37 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889);

thence South 22° 30' 33" East, 248.82 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) in a southerly line of land conveyed to Franchar Incorporated, an Ohio corporation, in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records;

thence South 70° 43' 10" West along a southerly line of said land so conveyed, 253.03 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a southwest corner thereof;

thence North 18° 17' 40" West along a westerly line of said land so conveyed and its northly prolongation, 239.97 feet to the Principal Place of Beginning and containing 59,199.81 square feet (1.3590 acres) of land, as described on June 22, 0217 by Richard J. Kole, Ohi Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, an Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.

The above parcel is also known as "Parcel B" as show by the Plat recorded as AFN 201709110398 of Cuyahoga County Records.

Commitment Parcel 3

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being all of the Franchar Inc. Assembly Plat of part of Original Rockport Township Section No. 24, as show by the Plat recorded in Volume 241, Page 23 of Cuyahoga County Map Records, and known as being part of Original Rockport Township Section No. 24.

Starting at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a. State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet; thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence northeasterly by a curve to the left, an arc distance of 172.51 feet, said arc having a radius of 1,175.00 feet, a central angle of 8° 24' 44", and a chord which bears North 76° 51' 14" East, 172.36 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889);

thence South 18° 17' 40" East, 178.82 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) in a westerly line of land conveyed to Franchar Incorporated, and Ohio corporation, in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, said point also being the southeast corner of land conveyed to Franchar Incorporated, an Ohio corporation in deed dated May 12, 2004 and recorded by AFN 200405120844 of Cuyahoga County Deed Records;

thence South 75° 01' 49" West along the southerly line of said land so conveyed to Franchar Incorporated by AFN 200405120844, 169.27 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at the southwest corner thereof, said point also being in the said easterly line of Smith Court;

thence North 19° 07' 35" West along the said easterly line of Smith Court, 184.48 feet to the Principal Place of Beginning and containing 30,556.86 square feet (0.7015 acres) of land, as described on May 9, 2017 by Richard J. Kole, Ohio Surveyor # 7889, of R7M Kole and Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, and Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.

Commitment Parcel 4

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio and known as being part of the Franchar Inc. Assembly Plat of part Original Rockport Township Section No. 24, as shown by the Plat recorded in Volume 241, Page 23 of Cuyahoga County Map Records.

Started at the intersection of the centerlines of Smith Court, 40.00 feet wide, and Detroit Road (a.k.a. State Route 254), 60.00 feet wide; thence North 24° 21' 05" West along the said centerline of Smith Court, 181.04 feet to a 5/8" iron pin in a monument box found at an angle point therein; thence North 19° 07' 35" West, continuing along the said centerline of Smith Court, 408.58 feet; thence North 89° 28' 25" East, 21.10 feet to a point in the easterly line of Smith Court; thence North 19° 07' 35" West along the said easterly line of Smith Court, 44.48 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the Principal Place of Beginning;

thence continuing North 19° 07' 35" West along the said easterly line of Smith Court, 105.45 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a point of curvature therein;

thence northwesterly, continuing along the said easterly line of Smith Court by a curve to the left, an arc distance of 89.97 feet, said arc having a radius of 520.00 feet, a central angle of 9° 54' 48", and a chord which bears North 24° 04' 59" West, 89.86 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) set at the northwest corner of the said Franchar Assembly Plat, said point also being the northwest corner of land conveyed to Franchar Incorporated, an Ohio corporation, in deed dated February 25, 1987 and recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, and in the southerly line of the Norfolk & West Railroad;

thence North 67° 23' 35" East along the northerly line of said land so conveyed to Franchar and the southerly line of said Norfolk & Western Railroad, 175.36 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at an angle point therein;

thence North 0° 50' 35" West, continuing along the northly line of said land so conveyed and the southerly line of said Norfolk & Western Railroad, 8.88 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a at angle point therein;

thence North 67° 23' 35" East, continuing along the northly line of said land so conveyed and the southerly line of said Norfolk & Western Railroad, 502.96 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a northeast corner of said land so conveyed;

thence South 0° 05' 03" East along an easterly line of said land so conveyed, 213.44 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at an interior corner thereof;

thence North 67° 29' 27" East along a northerly line of said land so conveyed, 210.55 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a northeast corner thereof, said point also being in the westerly line of Linda Street, 40.00 feet wide;

thence South 0° 15' 33" East along the said westerly line of Linda Street, 43.22 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a southeasterly corner of said land so conveyed;

thence South 67° 29' 27" West along a southerly line of said land so conveyed and its westerly prolongation, 522.44 feet to a 5/8" capped iron pin set (cap ID Kole & Assoc S-7889) at a point of curvature;

thence southwesterly by a curve to the right, an arc distance of 278.27 feet, said arc having a radius of 1,175.00 feet, a central angle of 13° 34' 09", and a chord which bears South 74° 16' 31" West, 277.62 feet to the Principal Place of Beginning and containing 153,656.75 square feet (3.5275 acres) of land, as described on June 22, 2017 by Richard J. Kole, Ohio Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline line of Smith Court (North 19° 07' 35" West), as shown by the deed from Reichel and Hoffman et. al. to Franchar Incorporated, and Ohio corporation, as recorded in Volume 87-1150, Page 16 of Cuyahoga County Deed Records, is the reference meridian for this survey.

The above parcel is also known as Parcel "D" as shown by the Plat recorded as AFN 201709110398 of Cuyahoga County Records.
