

CITY OF FAIRVIEW PARK
ORDINANCE NO. 20-38
REQUESTED AND SPONSORED BY: COUNCILMAN MINEK

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF FAIRVIEW PARK, OHIO, BY REZONING THE AREA DESCRIBED HEREIN FROM GENERAL BUSINESS A (GB-A) TO GENERAL BUSINESS B (GB-B).

WHEREAS, the Council of the City of Fairview Park has determined to amend the Zone Map and Zoning Ordinances of the City of Fairview Park, Ohio, by rezoning the area contained in Permanent Parcel No. 321-29-027, the description of which is on file with the Clerk of Council and attached hereto as Exhibit "A", from General Business A (GB-A) to General Business B (GB-B); and,

WHEREAS, on the 16th day of September, 2020, the Planning and Design Commission of Fairview Park, Ohio held a meeting to consider the rezoning, to refer this matter to Council, and to give information to Council regarding the same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

SECTION 1. That, after publication of a notice of hearing, thirty (30) days notice of which has been published at least once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fairview Park, and after written notice of such hearing has been mailed by first class mail at least ten (10) days before the date of such hearing to all record title holders of property within an area of Five Hundred (500) feet of the land hereinafter described, in accordance with Section 14, Article 4 of the Charter of the City of Fairview Park, Ohio, the zone map is hereby amended to rezone the area contained in Permanent Parcel No. 321-29-027, the description of which is on file with the Clerk of Council and attached hereto as Exhibit "A", from General Business A (GB-A) to General Business B (GB-B). Any prior ordinances not consistent herewith are hereby repealed.

SECTION 2. That the foregoing described land shall hereinafter be designated and classified as General Business B (GB-B), and that the City Engineer be and is hereby authorized and directed to amend the zone map accordingly.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED:
APPROVED:

1st reading: 10.05.20
2nd reading:
3rd reading:

Michael P. Kilbane, President of Council

Patrick J. Cooney, Mayor

Liz L. Westbrook, Clerk of Council

LEGAL DESCRIPTION

Commonwealth Land Title Insurance Company
Commitment No. GLC2000140, Effective February 18, 2020

Situated in the City of Fairview Park, County of Cuyahoga, and State of Ohio: And known as being part of Original Rockport Township Section No. 6, and part of Sublot No. 10, of the Hillside Avenue Subdivision, as recorded in Volume 116, page 11, of the Cuyahoga County Map Records, and being Parcel B of the Plot of Lot Split and Consolidation of 21593-21939 Lorain Road, 4435 West 220th Street, 4425 West 220th Street, P.P.N. 321-29-012, P.P.N. 321-29-049, creating Parcels "A" and "B" recorded in AFN 201808060318, of the Cuyahoga County Records, containing 1.0055 Acres, more or less.

PPN: 321-29-027

DEED OF RECORD

Land described to Fairview Retail, LLC, a Colorado limited liability company by deed dated January 28, 2019 and recorded in AFN. 201901280163 of Cuyahoga County Deed Records.

PROPERTY AREA

1.0055 Acres 43,798 Sq.Ft.

UTILITY PROVIDERS

OUPS Reference No. A018203052
Date: June 30, 2020

AT & T
Plans Not Received

Charter Communication
Plans Not Received

City of Cleveland Water
Plans Received



Dominion East Ohio Gas
Plans Received

Cleveland Electric Illuminating Company
Plans Not Received

City of Fairview Park
20777 Lorain Road
Fairview Park, Ohio 44126
Phone: 440-333-2200
Plans Received

UTILITY NOTE

Utility Provider source information from plans provided by the client, the title company and the utility provider and on ground utility markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. The centerline of known utility lines shown hereon do not represent the true width of the utility line.

VICINITY MAP



NOT TO SCALE

SCHEDULE B, PART II ITEMS

Table of Exceptions
Commonwealth Land Title Insurance Company
Commitment No. GLC2000140, Effective February 18, 2020

6. Oil and gas leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the date of the Policy, pursuant to Ohio Revised Code Section 1509.31(D).
7. Easements or claims of easements not shown by the Public Records.
8. Representations of the acreage or area in the property descriptions in Schedule A or on the survey, if any.
9. Rights of public to use those portions of the Land lying within the confines of public roads and highways.
10. Any lease, grant, exception or reservation of minerals or mineral rights together with any rights appurtenant thereto.
11. No liability is assumed for tax increases occasioned by retroactive revaluation change in land usage or loss of any exemption status for insured premises.
12. Easement set forth in the deed from The Sepper Development Company, an Ohio corporation, to Elizabeth M. Sepper, filed for record September 23, 1955 in Volume 8442, page 264, of the Cuyahoga County Records.
(20 FOOT WIDE INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
13. Right-of-Way from Pangrace, Inc., to Fairview Shopping Center Corporation, filed for record February 13, 1975 in Volume 13808, page 587, of the Cuyahoga County Records.
(INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
14. Right-of-Way from Fairview Shopping Center Corporation, to Pangrace, Inc., filed for record February 28, 1975 in Volume 13811, page 937, of the Cuyahoga County Records.
(7 FOOT WIDE INGRESS / EGRESS EASEMENT IS SHOWN HEREON.)
15. Pipe Line Right-of-Way Grant from The Fairview Shopping Center Corporation, to the East Ohio Gas Company, filed for record November 3, 1995 in Volume 95-09512, page 41, of the Cuyahoga County Records. (SHOWN HEREON.)
16. Easement for Highway Purposes from The Fairview Shopping Center Corp., an Ohio corporation, to the Board of County Commissioners of Cuyahoga County, Ohio, filed for record July 6, 1998 in Volume 98-08475, page 30, of the Cuyahoga County Records.
(PARCEL NO. 75 HIGHWAY EASEMENT IS SHOWN HEREON.)
17. Lease as evidenced by a Memorandum of Lease by and between The Fairview Shopping Center Corporation, an Ohio corporation (landlord), and New Par, a Delaware partnership, dba AirTouch Cellular (tenant), filed for record July 21, 1999 in AFN 199907210445, and refiled for record July 26, 1999 in AFN 199907260073, of the Cuyahoga County Records.
(14'x35' LEASE AREA IS SHOWN HEREON.)

Memorandum of First Amendment to Option to Lease and Lease Agreement, filed for record August 14, 2014 in AFN 201408140613, of the Cuyahoga County Records.

Memorandum of First Amendment to Option to Lease and Lease Agreement, filed for record September 25, 2014 in AFN 201409250033, of the Cuyahoga County Records.

18. Easement Agreement by and between The Fairview Shopping Center Corporation, an Ohio corporation, and New Par, a Delaware partnership, dba AirTouch Cellular, filed for record July 21, 1999 in AFN 199907210446, of the Cuyahoga County Records.
a.) ELECTRIC UTILITY EASEMENT IS SHOWN HEREON.
b.) 14'x35' LEASE AREA IS SHOWN HEREON. SEE ITEM 17
19. Lease as evidenced by a Memorandum of Lease by and between The Fairview Shopping Center Corporation, a Delaware corporation (landlord), and Riser Foods Company, a Delaware corporation (tenant), filed for record February 28, 2007 in AFN 200702280187, of the Cuyahoga County Records. (NOT A SURVEY MATTER AND NOT SHOWN HEREON.)

First Amendment to Memorandum of Lease filed for record January 28, 2019 in AFN 201901280161, of the Cuyahoga County Records.

20. Easement Agreement by and between The Fairview Shopping Center Corporation, an Ohio corporation, and New Par, a Delaware partnership, dba Verizon Wireless, filed for record May 3, 2010 in AFN 201005030083, of the Cuyahoga County Records.
a.) CONDUIT EASEMENT SHOWN HEREON.
b.) 10 FOOT WIDE UTILITY EASEMENT SHOWN HEREON.
c.) 14'x35' LEASE AREA IS SHOWN HEREON. (SEE ITEM 17 AND 18b)
21. Agreement by and between the City of Fairview Park, and Rock Creek Apartments, LLC, a Colorado limited liability company, filed for record June 29, 2011 in AFN 201106290634, of the Cuyahoga County Records.
(ENCROACHMENT AGREEMENT ALONG LORAIN ROAD IS SHOWN HEREON.)
22. Utility Easement Agreement by and between the City of Fairview Park, and Rock Creek Apartments, LLC, a Colorado limited liability company, filed for record June 29, 2011 in AFN 201106290635, of the Cuyahoga County Records.
(BLANKET UTILITY EASEMENT AREA WITHIN WEST 217TH STREET IS SHOWN HEREON.)
23. Lease as evidenced by a Resolution and Consent Affidavit by Fairview Retail LLC, a Colorado limited liability company, filed for record September 25, 2014 in AFN 201409250032, of the Cuyahoga County Records.
(NOT A SURVEY MATTER AND NOT SHOWN HEREON.)
24. Easement and Assignment Agreement by and between Fairview Retail, LLC, a Colorado limited liability company, and New Par d/b/a Verizon Wireless, filed for record February 26, 2016 in AFN 201602260507, of the Cuyahoga County Records.
a.) EXCLUSIVE EASEMENT AREA SHOWN HEREON.
b.) ELECTRIC UTILITY EASEMENT SHOWN HEREON.
c.) 12' UTILITY EASEMENT APPROXIMATE LOCATION SHOWN HEREON.
d.) 20' ACCESS EASEMENT APPROXIMATE LOCATION SHOWN HEREON.

25. Reservations, restrictions, covenants, limitations, easements and/or other conditions as set forth on the Plat of Lot Split and Consolidation, filed for record August 6, 2018 in Plat AFN 201808060318, of the Cuyahoga County Records. (SHOWN HEREON. SEE ITEMS 12-24)

26. License Agreement as evidenced by a Memorandum of Agreement by and between American Tower Delaware Corporation, a Delaware corporation (Licensor) and VoiceStream Columbus, Inc., a Delaware corporation (Licensee), filed July 11, 2002, and recorded in AFN 200207110523, of the Cuyahoga County Records.
(NOT A SURVEY MATTER AND NOT A SURVEY MATTER.)

27. Lease and sublease as evidenced by a Memorandum of Sublease by and between New Par (Sublessor) and American Tower Delaware Corporation, a Delaware corporation (Sublessee), filed November 2, 2000, and recorded in AFN 200011020482, of the Cuyahoga County Records.
(14'x35' LEASE AREA IS SHOWN HEREON. (SEE ITEM 17, 18b AND 20c)

FLOOD NOTE

The Subject property is situated in Zone "X", a minimum flood zone, and is not in a Special Flood Hazard Area as shown on the Federal Flood Map Community Number 390108 and Community Panel No. 39035C-0153E, Effective: December 3, 2010.

NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. APPROXIMATE SCALED LOCATION FROM FEMA FLOOD MAPS.

ZONING INFORMATION AND NOTES

City of Fairview Park
20777 Lorain Road
Fairview Park, Ohio 44126
Phone: 440-333-2200

ZONING REQUIREMENTS ARE SUBJECT TO INTERPRETATION, FOR FURTHER VERIFICATION OF ZONING INFORMATION CONTACT THE CITY OF FAIRVIEW PARK. THE RIVERSTONE COMPANY WAS NOT PROVIDED A PLANNING AND ZONING REPORT AT THE DATE OF THE SURVEY.

GENERAL DESCRIPTION
General Business "A" GB-A

ADJACENT PROPERTY ZONING DISTRICT
General Business "A" GB-A
General Business "B" GB-B

USES PERMITTED
REFER TO CHAPTER 1137

OBSERVED USE
Vacant Lot

MINIMUM LOT AREA
REFER TO CHAPTER 1137

OBSERVED AREA
1.0055 Acres 43,798 Sq.Ft.

HEIGHT RESTRICTIONS
REFER TO CHAPTER 1137

SETBACK REQUIREMENTS
REFER TO CHAPTER 1137

PARKING REQUIREMENTS
REFER TO CHAPTER 1137

OBSERVED PARKING
Regular 43
H/C 00

Total 43

SURVEYORS NOTES

1. All of the various survey monuments shown on this survey as found and/or used are in good condition, undisturbed, unless otherwise noted. 5/8" iron pins shown hereon as set will be set upon closing. (Table A, Item 1)
2. The Riverstone Company was not provided a Planning and Zoning Report (PZR) at the date of the survey. (Table A, Item 6a)
3. At the time of survey the Riverstone Company did not make any observations to determine the location of party walls or if the walls were plumb. (Table A, Item 10)
4. At the time of the field surveying there was no observable evidence of earth moving work, building construction or building additions within recent months. (Table A, Item 16)
5. At the time of the field surveying there was no observable evidence of changes in street right of way lines. (Table A, Item 17)
6. At the time of the field surveying there was no observable evidence of recent sidewalk construction or repairs. (Table A, Item 17)
7. The Riverstone Company was not provided a wetlands delineation report at the time of the survey. (Table A, Item 18)
8. At the time of the field surveying there was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
9. At the time of the field surveying there was no observable evidence of cemeteries or burial grounds.
10. Ownership of fences are unknown unless otherwise noted.
11. Dimensions on this plat are expressed in feet and decimal parts thereof unless otherwise noted.
12. This plat was prepared from a field survey, analysis of recorded plots, recorded deeds, and city survey records. Bearings shown hereon are to an assumed meridian and are intended to indicate angles only. Distances are given in feet and decimal parts thereof. All of which I certify to be correct to the best of my knowledge. I hereby certify I have surveyed the subject premises and prepared this drawing in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code.

ALTA / NSPS LAND TITLE SURVEY

OF
VACANT LAND
ON
LORAIN ROAD
P.P.N. 321-29-027
CITY OF FAIRVIEW PARK
COUNTY OF CUYAHOGA
STATE OF OHIO

FOR

TRADITIONAL BRAND
DEVELOPMENT PARTNERS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

FAIRVIEW RETAIL, LLC,
A COLORADO LIMITED LIABILITY COMPANY

COMMONWEALTH LAND TITLE
INSURANCE COMPANY

2016 ALTA/NSPS CERTIFICATION

To Traditional Brand Development Partners, LLC, a California limited liability company, Fairview Retail, LLC, a Colorado limited liability company and Commonwealth Land Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 and 20 of Table A thereof. The fieldwork was completed on July 6, 2020.

Preliminary for Review

July 9, 2020

Edward B. Dudley, III P.S. No. 6747

Date

DRAWN BY

BDK, BS

SURVEYORS

BS

APPROVED

EBD PS NO. 6747



LAND SURVEYING - ENGINEERING - DESIGN
3800 LAKESIDE AVENUE - SUITE 100
CLEVELAND - OHIO - 44114
PHONE: (216) 491-2000 FAX: (216) 491-9640
WWW.RIVERSTONE SURVEY.COM

2020-201, PAGE 1 OF 3

ALTA / NSPS LAND TITLE SURVEY OF VACANT LAND ON LORAIN ROAD P.P.N. 321-29-027

CURVE TABLE

Curve	Radius	Arc	Delta	Tangent	Chord	Bearing
C1	860.83'	160.94'	10°42'43"	80.71'	160.71'	N84°54'08"W
C2	860.83'	160.94'	10°42'43"	80.71'	160.71'	S84°54'08"E
C3	221.27'	98.35'	25°28'00"	50.00'	97.54'	N12°59'20"W
C4	25.00'	10.07'	23°04'26"	5.10'	10.00'	N11°32'13"W

LINE TABLE

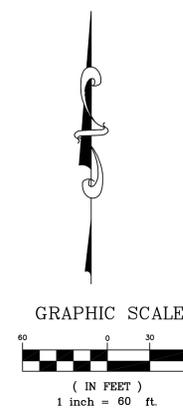
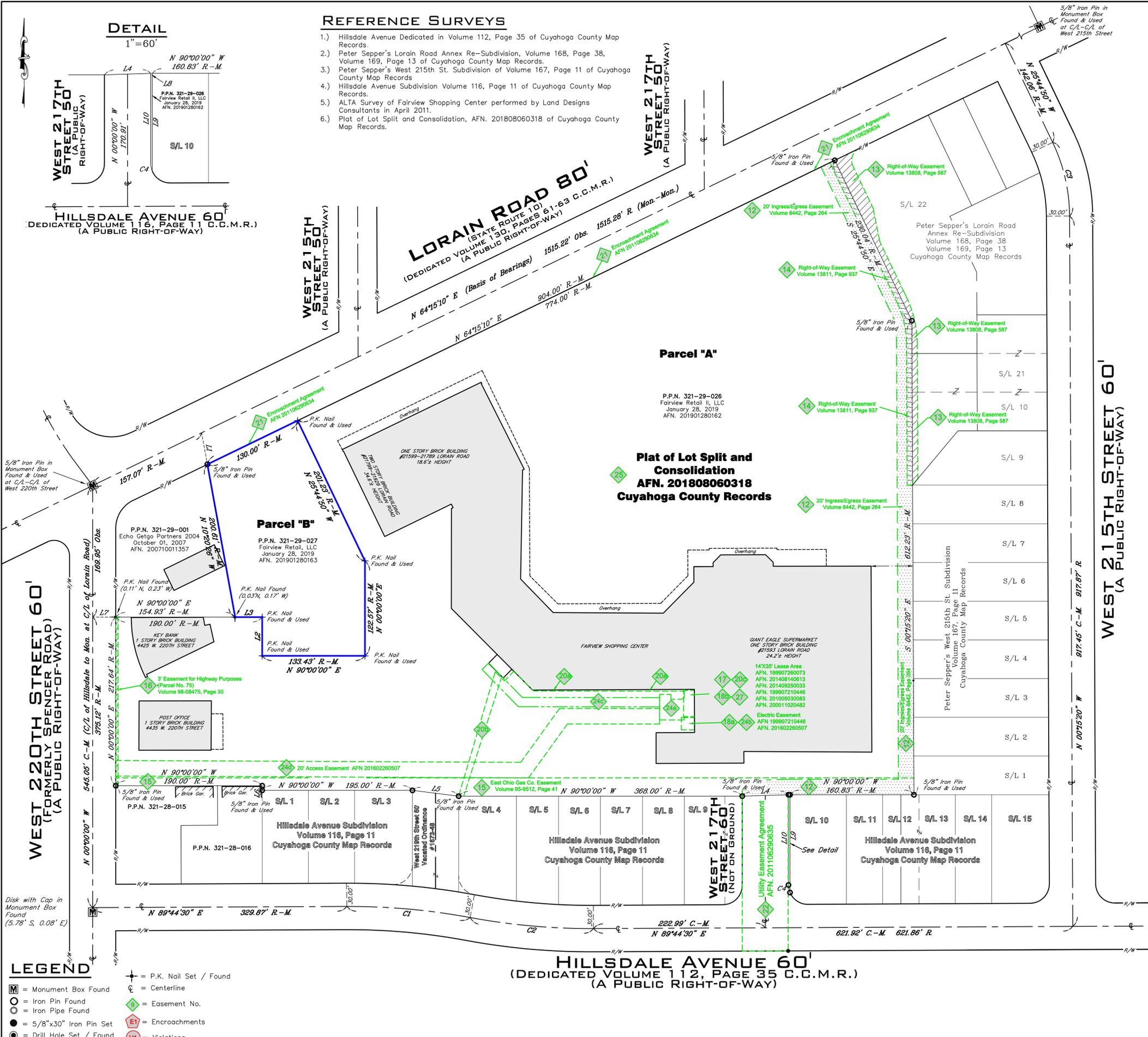
Line	Length	Bearing
L1	41.49' R-M	S10°20'26"E
L2	50.00' R-M	S00°00'00"E
L3	35.07' R-M	S90°00'00"W
L4	60.03' R-M	S88°16'50"W
L5	60.47' R-M	N82°50'14"W
L6	6.00' R-M	N00°00'00"E
L7	30.00' R-M	S90°00'00"E
L8	2.00' R-M	N90°00'00"W
L9	126.35' R-M	S00°00'00"E
L10	116.55' R-M	N00°00'00"E

BASIS OF BEARINGS

The centerline of Lorain Road as North 64°15'10" East as shown in the deed of land conveyed to Fairview Retail, LLC, a Colorado limited liability company by deed dated January 28, 2019 and recorded in AFN. 201901280163 of Cuyahoga County Deed Records.

REFERENCE SURVEYS

- Hillsdale Avenue Dedicated in Volume 112, Page 35 of Cuyahoga County Map Records.
- Peter Sepper's Lorain Road Annex Re-Subdivision, Volume 168, Page 38, Volume 169, Page 13 of Cuyahoga County Map Records.
- Peter Sepper's West 215th St. Subdivision of Volume 167, Page 11 of Cuyahoga County Map Records.
- Hillsdale Avenue Subdivision Volume 116, Page 11 of Cuyahoga County Map Records.
- ALTA Survey of Fairview Shopping Center performed by Land Designs Consultants in April 2011.
- Plat of Lot Split and Consolidation, AFN. 201808060318 of Cuyahoga County Map Records.



**Preliminary
for Review**

July 9, 2020
Edward B. Dudley, III
P.S. No. 6747

Note: ● Denotes 5/8"x30" iron pins set and capped "Riverstone Company-PS6747-PS8646"

RIVERSTONE
LAND SURVEYING - ENGINEERING - DESIGN
3800 LAKESIDE AVENUE - SUITE 100
CLEVELAND - OHIO - 44114
PHONE: (216) 491-2000 FAX: (216) 491-9640
WWW.RIVERSTONESURVEY.COM

LEGEND

- ⊕ = Monument Box Found
- = Iron Pin Found
- = 5/8"x30" Iron Pin Set
- ⊙ = Drill Hole Set / Found
- ⊕ = P.K. Nail Set / Found
- ⊕ = Centerline
- ⊕ = Easement No.
- ⊕ = Encroachments
- ⊕ = Violations

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VERTICAL CONTROL MONUMENT AND T.B.M.

(VRS Virtual Reference Station July 6, 2020)

The horizontal component of the VRS network is based on the NAD83 (CORS96) reference frame;
The vertical component of the VRS network is based on NAVD88 as determined by the NGS (National Geodetic Survey).

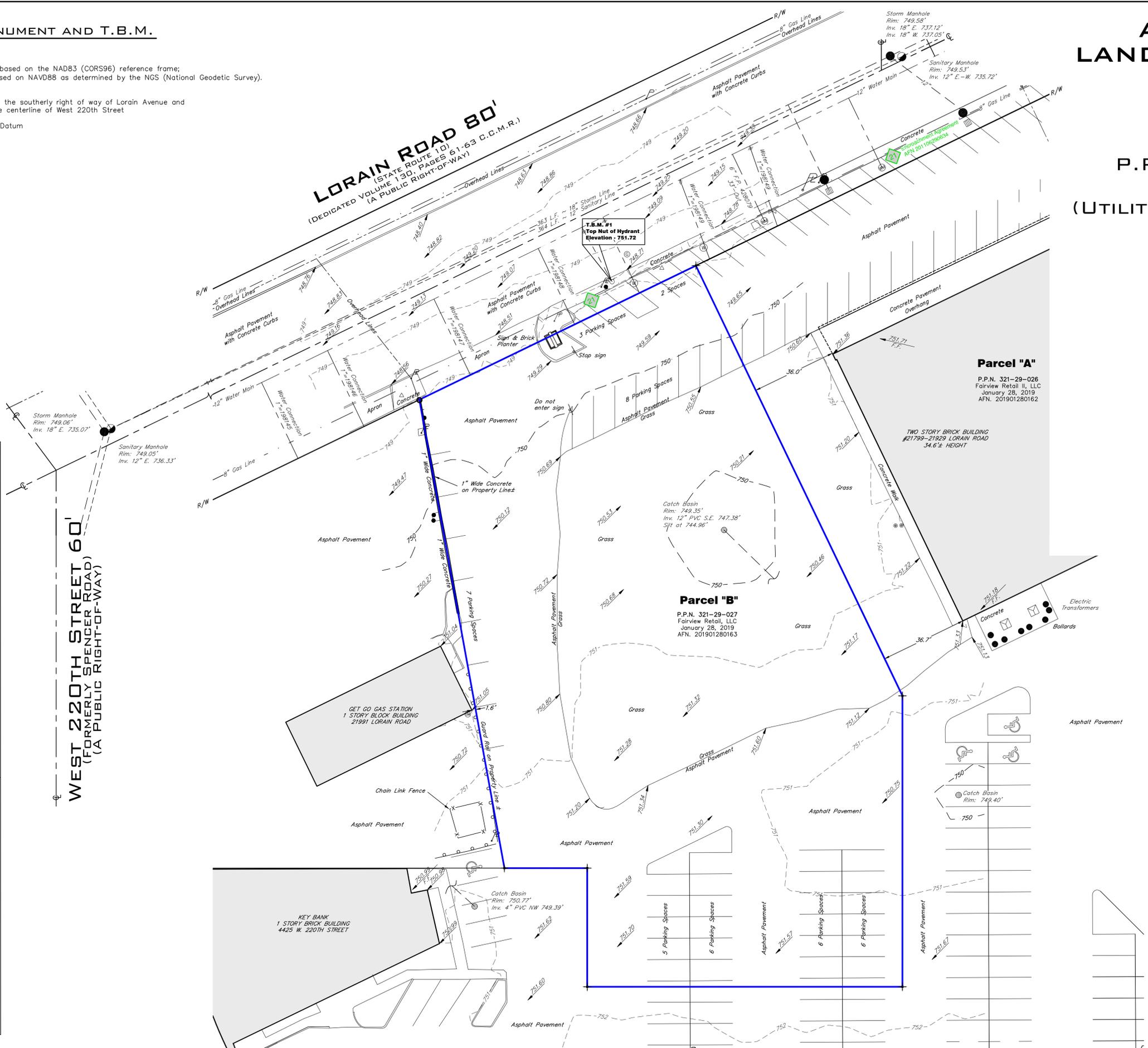
T.B.M. No. 1 Elevation: 751.72' (NAVD 1988)
Top nut of fire hydrant located on the southerly right of way of Lorain Avenue and approximately 242 feet east of the centerline of West 220th Street

Definitions NAVD- North American Vertical Datum

**ALTA / NSPS
LAND TITLE SURVEY
OF
VACANT LAND
ON
LORAIN ROAD
P.P.N. 321-29-027
(UTILITIES AND TOPOGRAPHY)**

LEGEND

<ul style="list-style-type: none"> Monument Box Found Iron Pin Found Iron Pipe Found 5/8"x30" Iron Pin Set Drill Hole Set / Found P.K. Nail Set / Found Gas Meter Gas Valve / Shut Off Utility Pole Light Pole Traffic Pole Ground Light Guy Anchor & Line Flag Pole Electric Meter Electric Manhole Electric Box Transformer Air Conditioning Unit Telephone Box / Manhole Cable Box / Manhole Traffic Control Box Tree Encroachments Violations 	<ul style="list-style-type: none"> Spot Elevation Tag Hydrant Stand Pipe Water Service Valve Water Line Valve Water Meter Water Manhole Sanitary Manhole Unknown Manhole Storm Manhole Catch Basin Yard Basin Sign Post Curb Inlet Trench Drain Traffic Flow/Access Sign Post Bollard Handicap Parking Benchmark Monitoring Well Property Line Easement No.
<ul style="list-style-type: none"> Parcel / Sublot line Original Parcel / Sublot Line Original Lot / Section Line Centerline Subject Property Line Right-of-way Line Easement Line Waterline Gas Line Overhead Utility Line Electric Line Sanitary Sewer Storm Sewer Telephone Line Railroad Tracks Chain Link Fence Ornamental Fence Spill Rail Fence Vinyl Fence Wood Fence Guardrail Tree or Brush Line 	<ul style="list-style-type: none"> Water Line Gas Line Overhead Lines Electric Line Sanitary Line Storm Line Telephone Line
<ul style="list-style-type: none"> A Arc Length Adj. Adjacent Asph. Asphalt Pavement B.F. Basement Floor B.N. Building Number Bldg. Building B/W Bottom of Wall C.C.M.R. Cuyahoga County Map Records C.L.F. Chain Link Fence Calc./C. Calculated CB Catch Basin Cl. Class Chd. Chord Clr. Clears CMP Corrugated Metal Pipe Conc. Concrete Conn. Connection CPP Corrugated Plastic Pipe D.H. Drill Hole D.I.W.M. Ductile Iron Water Main D.V. Deed Volume Doc. Document E. East Elev. Elevation Enr. Encroachment Ex. Existing F.F. Finished Floor G.F. Garage Floor Gar. Garage Gut. Gutter H.N. House Number Inst. Instrument Inv. Invert Elevation L.C.A. Limited Common Area L.F. Linear Feet L/S Landscape Meas./M. Measured Mt. Manhole 	<ul style="list-style-type: none"> N. North N/A Not Available O.D.O.T. Ohio Department of Transportation O.U.P.S. Ohio Utility Protection Service O.L. Original Lot O.R. Official Record Obs. Observed Ord. Ordinance P.C. Point of Curvature P.O.B. Place of Beginning P.P.N. Permanent Parcel Number P.P.O.B. Principal Place of Beginning Pol. Porcel P.L. Property Line Prop. Proposed PVC Polyvinyl Chloride Pipe R/W Right-of-Way RCP Reinforced Concrete Pipe Rec./R. Record Res. Residence S. South S/L Sublot San. Sanitary Obs. Observed San. Sanitary Pa.Ft. Square Feet Sta. Station Stm. Storm Sty. Story T. Telephone T/C Top of Footer T/F Top of Footing T/M Top of Manhole T/O Top of Overhead T/P Top of Pipe T/V Top of Wall Typ. Typical VCP Vertified Clay Pipe V. Volume W. West



**Preliminary
for Review**
July 9, 2020
Edward B. Dudley, III Date
P.S. No. 6747
Note: ● Denotes 5/8"x30" iron pins set and capped "Riverstone Company-PS6747-PS8646"
RIVERSTONE
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