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President of Council

DAVID A. REICHEL
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
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NANCY E. FELLOWS
DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

ORDINANCE NO. 2009-5

AN ORDINANCE PROVIDING FOR THE SUBMISSION, TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS, AN AMENDMENT TO THE ZONING CODE AND ZONING MAP OF THE CITY OF WILLOUGHBY HILLS BY CHANGING THE ZONING OF A CERTAIN PARCEL OF LAND CONTAINING APPROXIMATELY 22.8605 ACRES FROM THE CLASSIFICATION OF R-1 (TRADITIONAL SINGLE FAMILY), TO SCR (SENIOR CITIZEN RESIDENTIAL DISTRICT); SAID PROPERTY IS LOCATED AT 36470 MAPLE GROVE ROAD, WEST OF RIVER ROAD AND EAST OF S.R. 91; REPEALING CERTAIN ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, on January 13, 2009, a Initiative Petition was submitted to the City and was received by the Finance Director; containing a full and correct copy of the title and text of a proposed ordinance, to wit: *“the rezoning of a certain parcel of land containing approximately 22.8605 acres from the classification of R-1 Traditional Single Family to SCR Senior Citizen Residential District. The property is located at 36470 Maple Grove Road, west of River Road and East of S.R. 91”*; and

WHEREAS, on January 29, 2009, the Finance Director along with the Clerk received Forty-Two (42) Initiative Part Petitions containing a total of Six Hundred-Seventy (670) signatures; and

WHEREAS, the Initiative Petitions were reviewed by the Clerk of Council and the Law Director who determined the sufficiency and validity of the petitions and therefore requires this Ordinance to be certified by Council pursuant to law, to the Board of Elections; and

WHEREAS, pursuant to Article VI, Section 6.2 of the Charter of the City of Willoughby Hills, Council is required to have such measure submitted to the electors of the Municipality in the matter provided by law; and

WHEREAS, as specifically noted in the petition, the election shall be held on Tuesday, May 5, 2009, which said Election (pursuant to Article VI, Section 6.2 of the Charter of the City of Willoughby Hills) is not less than sixty (60) days nor more than one hundred twenty (120) days from the date of passage of this Ordinance; and

WHEREAS, in the event the Zoning Change is approved by a majority of the electors voting thereon at the election called for herein, the City Engineer will then be authorized and directed to revise the City’s Official Zoning Map for the specified parcel of land and only for the specific use as a Senior Citizen Residential District

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Zoning Code and Zoning Map of the City of Willoughby Hills, be and same hereby are amended by revising the zoning classifications of the lands from R-1, Traditional Single Family District to SCR, Senior Citizen Residential District. The Land includes Permanent Parcel No. 31A012E000010, as graphically depicted in “**Exhibit A**”, consisting of (1) page, appended hereto and legally described in “**Exhibit B**”, consisting of (2) pages, appended hereto.

SECTION 2. The form of ballot to be cast at the election for the proposal contained in Section 1 shall read and provide as follows:

**“PROPOSED ZONING CHANGE
FOR PERMANENT PARCEL NO. 31A012E000010”**

A majority affirmative vote is necessary for passage

“Shall a specific parcel of land known as Permanent Parcel Number 31A012E000010 be rezoned from R-1 Traditional Single Family District to SCR Senior Citizen Residential District?”

(It is requested that copies of “Exhibit A”, consisting of (1) page appended hereto, and “Exhibit B”, consisting of (2) pages appended hereto, be available at the polling places to graphically illustrate and textually describe the location of the parcel to be rezoned)

SECTION 3. If said Zoning Change is approved by a majority of the electors voting thereon at such election, said rezoning from R-1 Traditional Single Family District to SCR Senior Citizen Residential District shall become effective from and after the date the Lake County Board of Elections certifies the results of the election.

SECTION 4. In the event the Zoning Change is approved by a majority of the electors voting thereon at the election called for herein, the City Engineer is authorized and directed to revise the City’s Official Zoning Map for the specified parcel of land and only for the specific use as a Senior Citizen Residential District.

SECTION 5. The Clerk of Council be and hereby is authorized and directed to forward a certified copy of this Ordinance to the Lake County Board of Elections.

SECTION 6. The Lake County Board of Elections is hereby requested to cause appropriate notice of such election to be duly given in accordance with the law.

SECTION 7. There is hereby appropriated from the General Fund of the City, an amount sufficient to pay all of the costs of carrying out the directions of this Ordinance.

SECTION 8. The actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 9. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills and, further, for the reason that this ordinance must be immediately effective in order to be in compliance with State Statute and the City’s Charter pertaining to the Initiative Petition process with said election to be held on May 5, 2009; wherefore this ordinance shall be in full force and effect from and after its adoption and signature by the Mayor.

ORDINANCE NO. 2009-5

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PASSED: February 12, 2009

Submitted to the Mayor for his approval on this 12 day of February, 2009

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor
February 12, 2009

Robert M. Weger
Robert M. Weger
Mayor

ORDINANCE NO. 2009-5

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2009-5** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **February 12, 2009**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the **Lake County News-Herald** on **February 18, 2009**. Effective date of Legislation: **February 12, 2009**.

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Lake County - LakeNavigator

Scale: no scale specified



Property lines are graphic representations and are not survey accurate. Lake County assumes no responsibility for the information contained on this page. Questions may be directed to the Tax Map Office (440) 350-2501.



JF Topolka
CT ENGINEER
4.13.06
DATE

ENGINEERING & SURVEYING CO., INC
38879 MENTOR AVENUE SUITE A
WILLOUGHBY, OHIO 44094
440-602-9071 FAX 440-602-9401

**LEGAL DESCRIPTION OF A 22.8605 ACRE PARCEL
(OVERALL)**

Situated in the City of Willoughby Hills, County of Lake, State of Ohio and being part of Lot 1, Tract 6 and being further bounded and described as follows;

Beginning at a mag nail set at the centerline intersection of Maple View Lane, 50' R/W, and Maple Grove Road, 60' R/W;

Thence South 85°51'00" East, along the centerline of said Maple Grove Road, a distance of 562.81 feet to the Principal Place of Beginning;

- Course I: Thence South 85°51'00" East, continuing along the centerline of said Maple Grove Road, a distance of 321.01 feet to a point, said point being the northwest corner of lands conveyed to Kathleen & Thomas Marsh as recorded in Document No. 2003R018901 (P.P.#31A-12E-21) of the Lake County Deed Records;
- Course II: Thence South 03°15'12" West, along the westerly line of said Marsh, passing through a 5/8" iron pin found 0.15 feet north of the southerly R/W of said Maple Grove Road, at a distance of 29.85 feet, a total distance of 429.27 feet to an iron pin set at the southwesterly corner of said Marsh;
- Course III: Thence South 85°47'57" East, along the southerly line of said Marsh, a distance of 100.92 feet to an iron pin set on the westerly line of lands conveyed Shirley & Bernard Faulk as recorded in Volume 126, Page 750 (P.P.#31A-12E-4) of the Lake County Deed Records;
- Course IV: Thence South 03°22'59" West, along the westerly line of said Faulk and along the westerly line of lands conveyed to Doris Hart as recorded in Document No. 2003R013999 (P.P.#31A-12E-5), Beatrix & Charles Jr. Higgins as recorded in Document No. 960011648 (P.P.#31A-12E-6), Michael Yates as recorded in Document No. 200022274 (P.P.#31A-12E-7), Ned Myers as recorded in Volume 786, Page 612 (P.P.#31A-12E-8), Betty & Frank Ruzich as recorded in Document No. 2001R015633 (P.P.#31A-12E-9), Konrad & Hilda Peter as recorded in Volume 63, Page 1362 (P.P.#31A-12E-10), Antonio & Maria D'Amico as recorded in Volume 622, Page 17 (P.P.#31A-12E-11), and Laura Garman as recorded in Volume 600, Page 803 (P.P.#31A-12E-12) of the Lake County Deed Records, a distance of 1311.94 feet to an iron pin set, said point being the northeast corner of lands conveyed to Maria & Mario DiFranco as recorded in Volume 869, Page 788 (P.P.#31A-11-01-39) of the Lake County Deed Records;
- Course V: Thence North 85°02'19" West, along the northerly line of said DiFranco, a distance of 206.57 feet to an iron pin set, said point being the northwest corner of said DiFranco;
- Course VI: Thence South 03°13'39" West, along the westerly line of said DiFranco, passing through a 1" smooth iron pin found at a distance of 422.53 feet, a total distance of 424.53 feet to an iron pin set, said point being the southwest corner of said DiFranco and being on the northerly line of lands conveyed to Domonick Manfroni as recorded in Volume 130, Page 1030 (P.P.#31A-11-01-10) of the Lake County Deed Records;
- Course VII: Thence North 85°01'48" West, along the northerly line of said Manfroni and along the northerly line of lands conveyed to Joann & Peter Lavrisa as recorded in Document No. 2005R014876 (P.P.#31A-11-01-3) of the Lake County Deed Records, a distance of 451.15 feet to an iron pin set, said point being the southeast corner of the Placente and Little Subdivision as recorded in Plat Volume M, Page 26 of the Lake County Plat Records;
- Course VIII: Thence North 03°16'08" East, along the easterly line of said Subdivision, a distance of 1043.48 feet to an iron pin set, said point being the southwest corner of lands conveyed to Euclid Alliance Church as recorded in Document No. 2006R001349 (P.P.#31A-12D-32) of the Lake County Deed Records;

- Course IX: Thence South 86°41'23" East, along the southerly line of said Church, a distance of 300.17 feet to an iron pin set, said point being the southeast corner of said Church;
- Course X: Thence North 03°18'37" East, along the easterly line of said Church, a distance of 50.01 feet to an iron pin set on a point of curvature;
- Course XI: Thence along a curve deflecting to the left having a length of 46.83 feet, a radius of 470.00 feet, a delta of 05°42'31", a tangent of 23.43 feet, a chord of 46.81 feet and a bearing of North 00°27'22" East to an iron pin set on the easterly line of said Church;
- Course XII: Thence North 02°23'54" West, a distance of 252.92 feet to an iron pin set on a point of curvature on the easterly line of said Church;
- Course XIII: Thence along a curve deflecting to the right having a length of 52.81 feet, a radius of 530.00 feet, a delta of 05°42'31", a tangent of 26.43 feet, a chord of 52.79 feet and a bearing of North 00°27'22" East to an iron pin set on the easterly line of said Church;
- Course XIV: Thence North 03°18'37" East, a distance of 242.56 feet to an iron pin set on a point of curvature on the easterly line of said Church;
- Course XV: Thence along a curve deflecting to the left having a length of 22.72 feet, a radius of 170.00 feet, a delta of 07°39'26", a tangent of 11.38 feet, a chord of 22.70 feet and a bearing of North 00°31'06" West to an iron pin set on the easterly line of said Church;
- Course XVI: Thence North 04°20'49" West, along the easterly line of said Church, passing through an iron pin set at a distance of 184.17 feet, a total distance of 221.70 feet to an iron pin set on a point of curvature;
- Course XVII: Thence along a curve deflecting to the right having a length of 30.74 feet, a radius of 230.00 feet, a delta of 07°39'26", a tangent of 15.39 feet, a chord of 30.72 feet and a bearing of North 00°31'06" West to an iron pin set;
- Course XVIII: Thence North 03°18'37" East, passing through an iron pin set on the southerly R/W of said Maple Grove Road at a distance of 162.79 feet, a total distance of 192.79 feet to the Principal Place of Beginning.

Said parcel containing 22.8605 acres or 995,804 sq.ft. of land (0.2210 acres in R/W) be the same more or less, but subject to all legal highways as described in February, 2006 by Stan Loch, Registered Ohio Surveyor Number 8249. Bearings used herein are to an assumed meridian and are used to denote interior angles only. The intent of the above description is to combine a 0.0260 acre split parcel of land conveyed to Euclid Alliance Church as recorded in Document No. 2006R001349 (P.P.#31A-12D-32) with a 22.8345 acres parcel of land conveyed to Royce Properties Inc. as recorded in Document No. 2006R001346 (P.P.#31A-12E-01, -02 & -19) of the Lake County Deed Records All iron pins set are 5/8"x30" rebar capped "Aztech #8249".

Stan Loch 2/7/06
 Stan Loch P.S. #8249 Date

PRE-APPROVED
 Lake County Engineer
 Tax Map Department

Job No.141622

