

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 24-R-48

**A RESOLUTION APPROVING OF A DEED RESTRICTION
ON THE COMMUNITY CENTER PROPERTY LOCATED
AT 7900 EUCLID CHARDON ROAD, AND DECLARING AN
EMERGENCY.**

WHEREAS, the City of Kirtland has received a grant totaling \$125,000 from the Ohio Department of Natural Resources to construct outdoor restrooms at the Community Center, located at 7900 Euclid Chardon Road; and

WHEREAS, said grant was formally accepted by this Council in Ordinance 23-O-7; and

WHEREAS, as a term of the receipt of the grant, the ODNR requires that the City of Kirtland maintain the subjected property as a public park and recreation until at least 15 years have passed since construction on the project; and

WHEREAS, the City has received a proposed deed restriction, to be placed on the subjected property, as prepared by ODNR and is in agreement with said restriction.

IT IS HEREBY RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: The deed restriction, to maintain the property located at 7900 Euclid Chardon Road as a public park or recreation facility until at least July 1, 2039, is a reasonable restriction on the use of the property in light of the receipt of grant funding from the ODNR. Therefore, this Council hereby authorizes the Mayor to sign said deed restriction, which is attached hereto as Exhibit A, and to file the same with the Lake County Recorder.

SECTION II:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This resolution is 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 impose the deed restriction within a certain timeframe and comply with the grant requirements as outlined by the ODNR; wherefor, this resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2024.

ATTEST:

Approved by the Mayor on this _____
day of _____, 2024.

Clerk of Council
Outdoor Bathroom Deed Restriction

Mayor Kevin F. Potter

NOTICE OF TAX-EXEMPT BOND FUNDING

Ownership In Fee

City of Kirtland (the "Owner") is the owner of a parcel of land located in the City of Kirtland, Ohio, more particularly described in Exhibit A attached hereto and made part hereof (the "Property"). The Owner acquired the Property by a quitclaim deed on January 22, 1997, recorded as document number 1997R001833 within the records of the Office of the Lake County Recorder.

Owner has received appropriations from fund 7031 or 7035 from the 134th General Assembly in House Bills 597 and 687. The Ohio Department of Natural Resources ("ODNR") administers these funds for recreational development or conservation purposes. The Capital Improvement Community Recreation and Conservation Project Pass-Through Grant Agreement (the "Agreement") number is [LAKEI_024C.]. A copy of the Agreement is kept at the Owner's office located at 7900 Euclid Chardon Road, Kirtland, Ohio 44094.

Owner hereby agrees to be bound by the terms of the Agreement as they relate to the Property, including the obligation that the Property identified in Exhibit A be operated and maintained solely for public park and recreation or natural resource conservation purposes throughout the term of the capital facilities lease-appropriation bonds that have been issued by the Ohio Treasurer of State. During such time, the Property cannot be converted in use or title without the written approval of the Director of Natural Resources and the Ohio Public Facilities Commission. Furthermore, the Agreement grants ODNR the right to use and occupy the Property upon default of the Agreement by Owner.

This Notice shall be recorded by the Owner in the Office of the Lake County Recorder and shall be deemed incorporated by reference in any future deed of conveyance of or to the Property, or any part thereof, until July 1, 2039, upon which date this notice expires.

In testimony whereof Kevin F. Potter, Mayor of the City of Kirtland has caused this Notice to be executed this _____ day of _____, 20____.

Signature of Authorized Official

Title of Authorized Official

State of Ohio :

:

County of Lake :

Before me, a notary public in and for the above-named county and state, personally appeared Kevin F. Potter, Mayor, of City of Kirtland, who represented that they are a duly authorized official of City of Kirtland and acknowledged that they did sign the foregoing instrument and that the same is their free and voluntary act and deed and the voluntary act and deed of City of Kirtland.

In testimony whereof, I set my hand and official seal at _____, Ohio, on this _____ day of _____, 20____.

Notary Public Signature

Notary Public Printed Name

My Commission Expires: _____

970001833

QUITCLAIM DEED

The Grantor, the BOARD OF EDUCATION OF THE KIRTLAND LOCAL SCHOOL DISTRICT, whose tax mailing address is 9252 Chillicothe Road, Kirtland, Ohio 44094, a school district and political subdivision duly organized and validly existing under the laws of the State of Ohio, for valuable consideration paid and received to its full satisfaction of THE CITY OF KIRTLAND, OHIO, the Grantee, whose tax mailing address is 9301 Chillicothe Road, Kirtland, Ohio 44094, grants to said Grantee, all its right, title and interest in and to the following described real estate, to-wit:

Permanent Parcel No. 20A-027-0-00-011-0. Premises situated in Kirtland Township, Lake County, Ohio and further described as being part of Lot 90 tract 3 in said County and Township. Bounded and described as follows: Beginning in the center line of Euclid Chardon Road and at the North Easterly corner of land of James and Mamie Anna Satava thence along the Easterly line of said James and Mamie Anna Satava and the Easterly line of E. Laura Satava and Josephine Rathburn, South 0 degrees 49' 30" West (passing through an iron pipe stake at 30.03 ft.) a distance of 1145.92 ft. to an iron pipe stake in the Northerly line of land of Raymond Satava; thence along the Northerly line of land of said Raymond Satava South 89 degrees 05' 20" East a distance of 286.56 ft. to an iron pipe stake; thence by a line which bears North 0 degrees 49' 30" East (passing through an iron pipe stake at 1102.51 ft.) a distance of 1132.54 ft. to the center line of Euclid Chardon Road; thence along center line of said Road North 86 degrees 25' West a distance of 286.89 ft. to the place of beginning and containing 7.493 acres of land as surveyed and described by J.M. Crabbs, Registered Engineer and Surveyor No. 387. Be the same more or less, but subject to all legal highways.

Prior Instrument References: _____

This instrument has been examined and the instrument was found to conform to the provisions of the Public Act of 11/22/97
1/22/97
E. 199
Edward H. Jopson, County Auditor

TRANSFERRED
50
JAN 22 1997
Edward H. Jopson
Auditor, Lake County, Ohio

IN WITNESS WHEREOF, the Grantor, through the undersigned who were duly authorized, has signed this deed this 22nd day of January, 1997.

Signed and acknowledged as to all the Board of Education of the Kirtland Local School District, as Grantor.

Signed and Acknowledged in the presence of:

BOARD OF EDUCATION OF THE KIRTLAND LOCAL SCHOOL DISTRICT

Sandra R. Esser
Printed Name: Sandra R. Esser

Marie F. Umholtz
Marie Umholtz, President

Susan E. Dibbs
Printed Name: Susan E. Dibbs

Janet A. Messner
Janet A. Messner, Treasurer

John A. Cassin
Printed Name: John A. Cassin

Stephen V. Young
Printed Name: Stephen V. Young
Witnesses at to the Board of Education of the Kirtland Local School District

STATE OF OHIO)
COUNTY OF LAKE) SS:

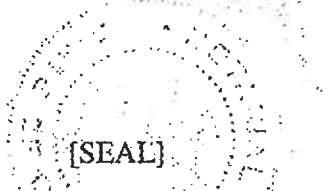
970001833
COMPUTER PRINT
LAKE CO RECORDER
FEE 14.00

JAN 22 1997 RECORDED
DATE 1/22/97 TIME 1:16 PM

On this 22nd day of January, 1997, before me, a Notary Public in and for the foregoing County and State personally appeared Marie Umholtz and Janet A. Messner, the President and Treasurer, respectively, of the Board of Education of the Kirtland Local School District, and acknowledged execution of the foregoing instrument as such officers of that Board for and in the name and on behalf of that School District, (with due authorization as such officers, and that the execution of that instrument is their voluntary act and deed as such officers, and the voluntary act and deed of said Board.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

Leticia A. Jones
Notary Public



This instrument was prepared by:

Jonathan F. Buchter, Esq.
Squire, Sanders & Dempsey L.L.P.
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114

Jonathan A. Jones
Notary Public, State of Ohio
My Commission Expires Mar. 02, 2004
(Recorded in Lake County)