

ORDINANCE NO. 13-56
INTRODUCED BY: Mr. Lee

First Reading 7-8-13
(As Amended on Second Reading 7-15-13)
(Remain on Second Reading 7-22-13)
(Amended by reading 8-5-13)

AN ORDINANCE
**RE-ZONING CERTAIN LANDS LOCATED ON CAHOON ROAD,
PERMANENT PARCELS NO. 203-09-017, 203-09-018, 203-09-019, 203-09-020,
AND 203-09-021 CONTAINING 2.349 ACRES, FROM THIRD RESIDENCE DISTRICT
TO ATTACHED RESIDENCE DISTRICT, AND DECLARING AN EMERGENCY.**

WHEREAS, this ordinance will not go into effect unless approved by voters city-wide and in Ward 2 on November 5, 2013, in accordance with Bay Village City Charter Section 7.6;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the following described area be and the same is hereby rezoned from Third Residence District to Attached Residence District:

PERMANENT PARCEL NO. 203-09-017

Situated in the City of Bay Village, County of Cuyahoga and State of Ohio and known as being part Original Dover Township Lot No. 85, and being bounded and described as follows; Beginning on the Northeasterly line of Cahoon Road (45' wide) at its point of intersection with the Southerly line of land conveyed to the Board of County Commissioners of Cuyahoga County by deed dated June 9, 1927 and recorded in Volume 3499 Page 508 of Cuyahoga County Records; thence Southeasterly along the Northeasterly line of Cahoon Road, about 35 feet to its intersection with the Southerly line of land conveyed to Emma Kuepper by deed dated September 21, 1911 and recorded in Volume 1358 Page 318 of Cuyahoga County Records; thence Easterly along the Southerly line of land conveyed to Emma Kuepper, about 162 feet to the Southeasterly comer thereof; thence Northwesterly along the Northeasterly line of land so conveyed to Emma Kuepper about 35 feet to the Southeasterly comer of land conveyed to the Board of County Commissioners of Cuyahoga County as aforesaid; thence Westerly along the Southerly line of land so conveyed to the Board of County Commissioners of Cuyahoga County, which is also the Southerly line of Wolf Road, about 162 feet to the place of beginning.

SECTION 2. That the following described area be and the same is hereby re-zoned from Third Residence District to Attached Residence District:

PERMANENT PARCEL NO. 203-09-018

Situated in the *City* of Bay Village, County of Cuyahoga and State of Ohio: And known as being part of Original Dover Township Lot No. 85, and bounded and described as follows: Beginning in the center line of Cahoon Road, at the Southwesterly corner of land conveyed to Emma Kuepfer by deed dated September 21, 1911 and recorded in

Volume 1358, Page 318 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Emma Kuepfer, 185 feet to the Southeasterly corner thereof; thence Southeasterly and parallel with said center line of Cahoon Road, 75 feet; thence Westerly and parallel with the Southerly line of land so conveyed to Emma Kuepfer, 185 feet to the center line of Cahoon Road; thence Northwesterly along said center line, 75 feet to the place of beginning, be the same more or less, but subject to all legal highways.

SECTION 3. That the following described area be and the same is hereby re-zoned from Third Residence District to Attached Residence District:

PERMANENT PARCEL NO. 203-09-019

Situated in the City of Bay Village, County of Cuyahoga, and State of Ohio, and known as being part of Original Dover Township Lot No. 85 and bounded and described as follows: Beginning in the center line of Cahoon Road, 45 feet wide, at a point distant S. 21° 11' 00" E. 75.00 Feet measured along said center line from the Southwest corner of land conveyed to Emma Kuepfer by deed dated September 21, 1011 and recorded in Volume 1358, Page 318 of Cuyahoga County Records; Thence N 89° 28' 22" E parallel with the southerly line of land conveyed to said Emma Kuepfer 185.00 feet to an iron pin set and passing 0.13 feet south of an iron pin found at 24.05 feet; Thence N 21° 11' 00" W. parallel with the center line of Cahoon Road, 155.00 feet to a point in the center line of Wolf Road, 86 feet wide, and passing through a drill hole set at 129.35 feet; Thence N 89° 28' 22" E along the center line of Wolf Road, 202.33 feet to a point at the northeast corner of land conveyed to Herman J. Toeller and Pauline Toeller by deed dated January 17, 1922 and recorded in Volume 2610, Page 270 of Cuyahoga County Records; Thence S 9° 28' 46" W along the east line of land conveyed to said Herman K. Toeller and Pauline Toeller 279.21 feet to an iron pin set at the northeast corner of land conveyed to The Board of Education of Bay Village School District, by deed dated February 2, 1922 and Recorded in Volume 2610, Page 271 of Cuyahoga County Records and passing through a drill hole set at 24.37 feet; Thence S 68° 49' 00" W along the north line of land conveyed to said Board of Education of Bay Village School District 220.04 feet to a point in the center line of Cahoon Road and passing through an iron pin set at 197.54 feet in the east line of Cahoon Road; Thence N 21° 11' 00" W along the center line of Cahoon Road 221.81 feet to the place of beginning and containing 1.5582 acres of land, subject to all legal highways, according to a survey made in September 1995 by Trevor A. Bixler, P.S., Ohio Registration No. 7330.

SECTION 4. That the following described area be and the same is hereby re-zoned from Third Residence District to Attached Residence District:

PERMANENT PARCEL NO. 203-09-020

Situated in the City of Bay Village, County of Cuyahoga, and State of Ohio and known as being part of Original Dover Township Lot No. 85 and bounded and described as follows: Beginning on the center line of Cahoon Road (45 feet wide) at a point .50 feet northerly (measured along said center line), from the northwesterly corner of land conveyed to John Sunk and Anna Sunk by deed dated May 29, 1901; and recorded in Volume 780, Page 562 of

Cuyahoga County Records; Thence southerly along the center line of Cahoon Road 50 feet to the northwesterly corner of land conveyed to John Sunk and Anna Sunk; Thence easterly along the Northerly line of land so conveyed to Gottlieb Weiss and Carolina M. Weiss 166.32 feet to a spike; Thence northeasterly on a line drawn between said spike and a spike set on the northerly line of said original Lot No. 85 (which last mentioned spike is 387.33 feet easterly, measured along said northerly line, from the center line of Cahoon Road), a distance of about 128.50 feet to its point of intersection with a line drawn easterly at right angles with said centerline of Cahoon Road from the place of beginning; Thence Westerly about 221.16 feet to the place of beginning, be the same more or less, but subject in all legal highways.

SECTION 5. That the following described area be and the same is hereby re-zoned from Third Residence District to Attached Residence District:

PERMANENT PARCEL NO. 203-09-021

Situated in the City of Bay Village, County of Cuyahoga and State of Ohio: and known as being part of Sublot Nos. 1, 2 and 3 in Bay Club Subdivision of part of Original Dover Township Lot No. 85, as shown by the recorded plat in Volume 219 of Maps, Page 78 of Cuyahoga County Map Records and bounded and described as follows: Beginning on the Northeasterly line of Cahoon Road at its intersection with the Northerly line of Sublot No. 1 in the aforesaid Bay Club Subdivision; thence North 89 degrees 17' 00" East along said Northerly line of Sublot No. 1 and the Easterly prolongation thereof, a distance of 428.38 feet to the Northeasterly corner of Sublot No. 3 in the Bay Club Subdivision; thence South 23 degrees 22' 40" East, a distance of 12.71 feet to the Northwesterly line of a parcel of land conveyed to Joseph and Louis McFarland by deed as recorded in Volume 14619, Page 545 of Cuyahoga County Deed Records; thence South 69 degrees 01' 00" West along said Northwesterly line, a distance of 164.83 feet to a point; thence North 47 degrees 13' 09" West, a distance of 25.00 feet to a point; thence North 74 degrees 09' 30" West, a distance of 110.93 feet to a point; thence South 89 degrees 17' 00" West, a distance of 32.00 feet to a point; thence South 69 degrees 01' 00" West, a distance of 107.48 feet to the Northeasterly line of Cahoon Road; thence North 21 degrees 11' 00" West along said Northeasterly line, a distance of 61.09 feet to the place of beginning, be the same more or less, but subject to all legal highways.

SECTION 6. That the Zoning Map of the City be and the same is hereby amended to show that the above described parcels presently zoned Third Residence District are now zoned Attached Residence District and the Director of Public Service and Properties is hereby directed to make the necessary changes required by this Ordinance on the Zoning Map of the City.

SECTION 7. That 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 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, including Section 121.22 of the Ohio Revised Code.

SECTION 8. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary for future development of this area, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: August 5, 2013

/s/ Paul A. Koomar
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: August 6, 2013

/s/ Deborah L. Sutherland
MAYOR