

Meeting Date:
March 11, 2019

Location:
W. Prospect Street

Parcel Number
3009248

Request:
Lot sale-consolidation requiring approval from PC

Applicant:
Thom Sheridan, Assistant City Manager

Property Owner:
City of Hudson

Zoning:
D2-Rural Residential-Conservation

Case Manager:
Kris McMaster

Staff Recommendation
Approval subject to conditions on page **three**.

Contents

- Site and Easement Plans
- General Warranty Deed
- Asst. City Manager memo, dated 2/22/19
- Council Legislative memo from 2/3/1997



Existing Conditions, City of Hudson GIS

Project Background:

The City of Hudson Administration has reviewed a request of an adjacent landowner located at 1556 W. Prospect Street, Prospect Road, LLC. regarding the transfer of an existing City of Hudson property to Prospect Road, LLC in return for an easement to the City. The proposed easement will be used for a construction project in the near future that the City of Hudson may have adjacent to the Ohio Turnpike & Prospect Street. Prospect Road, LLC's property deed from 1997 requires approval from Planning Commission for the land transfer and approval from City Council for the sale of the Permanent Parcel #30-09248 per Resolution #TMP-3919.

Adjacent Development:

To the west is land owned by GTE Phone Equipment in District 6-Western Hudson Gateway. To the east single family residential, to the south vacant land and north a business owned by Prospect Road, LLC in District 2-Rural Residential Conservation.

■ Definitions (Section 1213)

- ☒ **Subdivision, Minor** Shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three (3) or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access. Application complies with applicable standards. This level of development is typically processed on an administrative basis, however, the current deed from 1997 indicates the property shall not be transferred without approval from the Planning Commission.

Minor Subdivision-Appendix A-Submittal Requirements

- ☒ **Core Requirements** Application complies with applicable standards.
- ☒ **Survey** Application complies with applicable standards.
- ☒ **Legal Description(s)** Application complies with applicable standards.

Subdivisions (Section 1204.05)

- ☒ **Standards for Review of a Minor Subdivision** The Community Development Director and City Engineer shall review all application for minor subdivision and evaluate them to determine their compliance with the applicable standards.

Subdivision Design and Improvements/Dedication Standards (Section 1208)

- ☐ **Recording of Plat and Easement** Upon approval applicant is required to record the plat and easement and return the original plat and copies of the deed and legal descriptions with the County bar codes within 30 days of receipt of the documents from the City. (Condition 1)

City Departments:

- ☐ **Engineering** Assistant City Manager, Thomas Sheridan has submitted a memo regarding the lot split/consolidation request and has approved the request as submitted provided applicant submits signed deeds, survey and legal descriptions signed by property owners. (Condition 2)

Findings:

The staff finds that the application for a lot split and consolidation complies with the subdivision development and design standards as set forth in Chapter 1208 of the Land Development Code.

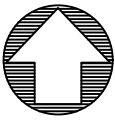
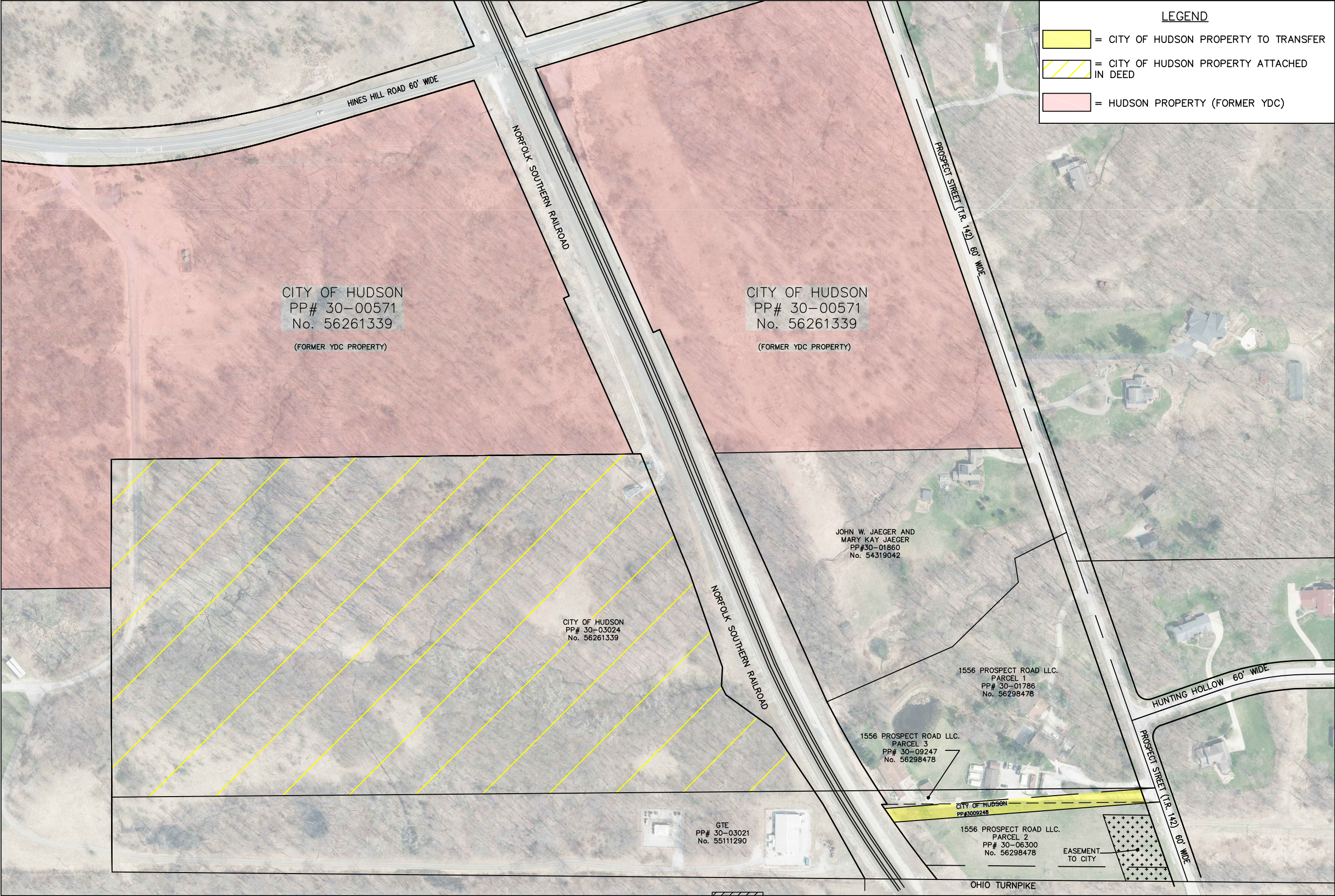
Required PC Action

The PC shall consider the minor subdivision lot split and consolidation application, the staff report, and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards. All decisions of the Commission shall be based on findings of fact related to the relevant standards of the Code.

Recommendation

Approve the minor subdivision lot split and consolidation in Case 2019-97 for W. Prospect Street, Parcel #3009248, according to plans received February 19, 2019 subject to the following conditions:

1. Approval by the City of Hudson Council and Administration for the proposed lot split and consolidation.
2. Applicant is required to record the plat and easement agreement and return the original plat and copies of the deed and legal descriptions with the County bar codes within 30 days of receipt of the documents from the City.



CITY OF HUDSON
ENGINEERING DEPARTMENT
115 EXECUTIVE PRWY, SUITE 400
HUDSON, OH 44236
(330)-342-1770

PROSPECT STREET EXHIBIT

DATE:	REV. #:	DESCRIPTION:

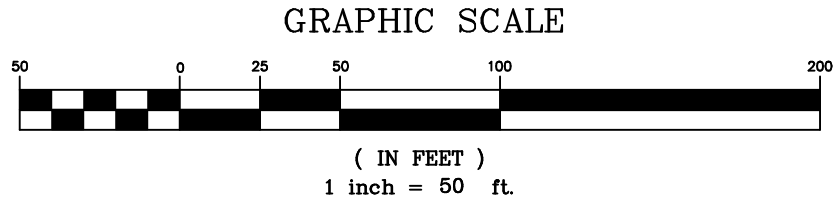
SCHEMATIC PLAN

CALCULATED	JMS
CHECKED	JMS

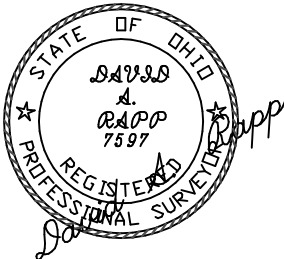
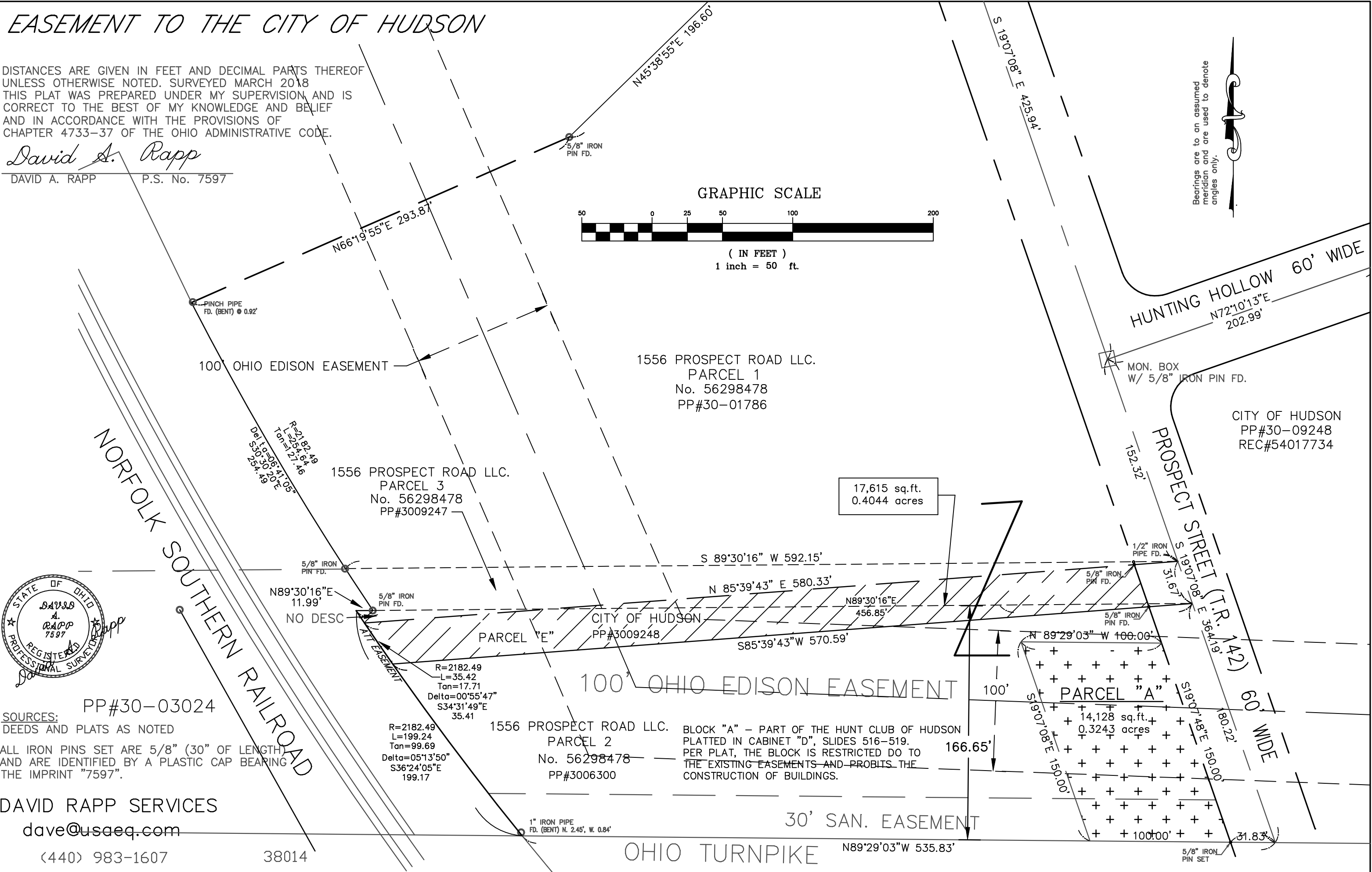
EASEMENT TO THE CITY OF HUDSON

DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF
UNLESS OTHERWISE NOTED. SURVEYED MARCH 2018
THIS PLAT WAS PREPARED UNDER MY SUPERVISION, AND IS
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF
AND IN ACCORDANCE WITH THE PROVISIONS OF
CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

David A. Rapp
DAVID A. RAPP P.S. No. 7597



Bearings are to an assumed
meridian and are used to denote
angles only.



SOURCES:
DEEDS AND PLATS AS NOTED

ALL IRON PINS SET ARE 5/8" (30" OF LENGTH)
AND ARE IDENTIFIED BY A PLASTIC CAP BEARING
THE IMPRINT "7597".

DAVID RAPP SERVICES
dave@usaeq.com

(440) 983-1607

38014

OHIO TURNPIKE N89°29'03"W 535.83'

GENERAL WARRANTY DEED - SURVIVORSHIP FORM
(Sections 5302.05, 5302.06, and 5302.17 Ohio Revised Code)

KNOW ALL MEN BY THESE PRESENTS:

That the **CITY OF HUDSON**, an Ohio charter municipal corporation, whose address is 27 East Main Street, Hudson, Ohio 44236, the "Grantor," for valuable consideration paid, hereby grants with General Warranty Covenants to **DALE MALM** (unmarried) and **KATHRYN L. SCHARER** (unmarried), the "Grantees," whose tax mailing address will be 1556 Prospect Street, Hudson, Ohio 44236, for their joint lives, remainder to the survivor of them, his or her separate heirs and assigns, the property situated in the City of Hudson, County of Summit, State of Ohio, and described in Exhibit A which is attached hereto and made a part hereof as if fully rewritten herein.

General Warranty Covenants are defined in Section 5302.06 of the Ohio Revised Code which provides that in a conveyance of real estate, or any interest therein, the words "general warranty covenants" have the full force, effect, and meaning of the following words: The Grantor covenants with the Grantee, his heirs, assigns, and successors, that he is lawfully seized in fee simple of all granted premises; that they are free from all encumbrances; that he has good right to sell and convey the same, and that he does warranty and will defend the same to the Grantee and his heirs, assigns, and successors, forever, against the lawful claims and demands of all persons.

This conveyance, and Grantor's covenants, are subject to conditions, covenants, restrictions, reservations, and easements of record, all legal highways; zoning and building ordinances; and real estate taxes and assessments, both general and special, for 1996 and thereafter, which Grantees assume and agree to pay.

PPN HU-00017-03-010 (part)
Account No. 30-03024 (part)

Prior Instrument Reference:

Volume OR 2329, Page 934, Summit County, Ohio,
Official Records.

The parcel described in Exhibit A shall be attached to the contiguous parcel owned by Grantees (PPN HU-00017-03-011, Account No. 30-01786), and **shall not be separately transferred therefrom without the approval of the Hudson City Planning Commission or its successor platting authority**. A perimeter legal description of Grantee's resulting consolidated parcel is attached hereto as Exhibit B.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its hand and seal this 9th day of April, 1997.

Witnessed and acknowledged
in the presence of:

Elizabeth Sullivan

Print Name: Elizabeth Sullivan

Susanne D Helms

Print Name: Susanne D Helms

CITY OF HUDSON,
an Ohio charter municipal corporation

By: James C. Smith

James C. Smith, City Manager

STATE OF OHIO)

)SS

COUNTY OF SUMMIT)

BEFORE ME, a Notary Public in and for said County and State, appeared the above named James C. Smith, City Manager of the City of Hudson, who being duly authorized acknowledged that he did sign the foregoing and that the same is his free act and deed and the free act and deed of such municipal corporation.

IN WITNESS WHEREOF, I have set my hand and seal at Hudson, Ohio, this 9th day of April, 1997.

Mary Ann George
NOTARY PUBLIC

MARY ANN GEORGE, Notary Public
State of Ohio
My Commission Expires May 2, 1998

This instrument prepared by:

James L. Fisher

James L. Fisher (0001453)
Buckingham, Doolittle & Burroughs
A Legal Professional Association
P. O. Box 1500
Akron, Ohio 44309-1500

MEMORANDUM

Date: February 22, 2019

To: Kris McMaster, City Planner

C: Jane Howington, City Manager
Matthew Vazzana, Esq., City Solicitor
Greg Hannan, Director of Community Development

From: Mr. Thomas J. Sheridan, Asst. City Manager – Professional Services

Re: W. Prospect St. Property Transfer

Dear Ms. McMaster:

The City of Hudson Administration has reviewed a request of an adjacent landowner located at 1556 W. Prospect St., Hudson, Ohio (Prospect Road, LLC) regarding the transfer of an existing City of Hudson property to Prospect Road, LLC in return for an easement to the City. The proposed easement will be used for a construction project in the near future that the City of Hudson may have near the Ohio Turnpike & Prospect Street.

The parcels are shown on the attached maps (See Exhibit A). The parcels will be consolidated by Prospect Road, LLC (30-01786; 30-09247; & 30-06300) upon final approval by the City of Hudson City Council.

If you have any questions, please contact me.

(See attachments)

CITY OF HUDSON

JAMES C. SMITH, CITY MANAGER

PROPOSED LEGISLATION

DATE: February 3, 1997

TO: Honorable Mayor and Members of City Council

FROM: James C. Smith, City Manager
Susanne D. Helms, Assistant to Manager

LEGISLATION: Resolution authorizing the City Manager to Enter into an Agreement with Andrew and Helen Larned for Exchange of Properties

MEETING: February 5, 1997

Res 97-17

I. Legislative History City Council authorized the purchase of the Szaraz property in December 1996. The survey done at that time showed that the 30 foot wide strip of land running from the railroad tracks to Prospect Street had been encroached upon by buildings and fences of the Chalet Kennel. At the same time the owner of the kennel approached us about having a buyer for his property and wanting to resolve the encroachment with a trade of land. The Solicitor consulted with the kennel owners' attorney, and it was agreed that this trade would be satisfactory to both parties and would be finalized after the City purchased the Szaraz property.

II. Purpose & Explanation The City suspected the encroachment nearly a year ago when studying aerial photos. It was confirmed by the survey. We believe it is desirable for the City to continue to own a 30 foot strip to Prospect for possible access or utility use in the future but not a strip encumbered by fence and buildings. (Currently it is not usable as an access to cross the tracks according to a court decision received by the former owner.) Because this swap is being done to solve the problem created by the kennel owners, they are paying for essentially all of the expenses involved in this transfer. The kennel owners will continue to hold an access easement along the 30 foot strip as has been the case. The equal swap consists of two triangular parcels, each approximately 30 feet wide at the end and about 580 feet long, tapering to nothing. The City has just purchased the northern one (yellow) which has kennel facilities on it. The City would trade the northern parcel for the southern parcel (green) owned by the kennel owner. The pink portion is owned by the City now and would continue in City ownership. This transaction changes the angle of the City's 30 foot strip by swinging it south 30 feet at the west end.

III. Recommended Action The kennel owner is anxious to transfer his entire property and is dependent on the City's action. The Community Affairs Committee discussed this issue at its meeting on February 3 and recommended approval. Staff would recommend that Council add this to the agenda, and suspend and pass this legislation.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ANDREW D. LARNED AND HELEN L. LARNED FOR EXCHANGE OF PROPERTIES

WHEREAS, the City of Hudson purchased property from the Steven J. Szaraz Trust; and

WHEREAS, in connection with the purchase of the Szaraz property, an access driveway was obtained to Prospect Street; and

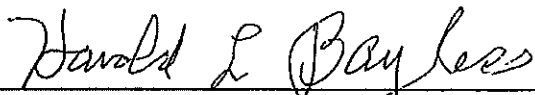
WHEREAS, this Council has been requested Andrew D. Larned and Helen L. Larned, owners of property surrounding the access parcel, to enter into an exchange of properties which will mutually benefit the parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio:

SECTION 1. That the City Manager be, and he hereby is, authorized and directed to enter into an agreement with Andrew D. Larned and Helen L. Larned for exchange of properties, a copy of which agreement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.


PASSED: February 5, 1997


Harold L. Bayless, Mayor

ATTEST:


Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on February 5, 1997.


Mary Ann George, Clerk of Council