

DATE: December 5, 2018

TO: City of Hudson Planning Commission for December 10, 2018 Meeting

FROM: Kris McMaster, City Planner  
Greg Hannan, Community Development Director

SUBJECT: Replat of Permanent Parcel #32-02053 located at 44 Clinton Street for a Right-of-Way Vacation fronting Morse Road and Right-of-Way Dedication fronting Clinton Street

ZONING: District 5: Village Core District

PC Case No: 2018-5260

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### **Project Introduction**

Dennis Stoffer, Spagnuolo Associates, LLC has submitted an application to Replat the Permanent Parcel #32-02053 (44 Clinton Street) owned by JMS Property Group, LTD. The replat involves the right-of-way vacation of 1,229 square feet fronting Morse Road and right-of-way dedication of 1,938 square feet fronting Clinton Street. The applicant is requesting the road be vacated to add additional acreage to the west side of the property to allow for a proposed lot split of the existing parcel resulting in two lots, to construct a new office building on the newly created west corner lot. City Council conducted a preliminary review of the request at their workshop meeting on September 25, 2018 to discuss the proposed straightening of the existing right-of-way and existing sidewalk on Clinton Street to match the existing right-of-way on Clinton Street. Council discussed the cost of the project, utilities and additional parking spaces to be located in front the proposed new building that would be a continuation of the street scape that currently exists east on Clinton Street.

Adjacent Development: To the south and east is the Hudson Library & Historical Society, to the north is office and business and to the west is property owned by the City of Hudson and future location of Downtown Phase II.

The following information is attached to this report:

1. Replat of 44 Clinton Street, prepared by Dennis Stoffer, Spagnuolo Associates, LLC., received November 12, 2018.
2. Aerial photograph of the development.
3. Letter from Dennis W. Stoffer, P.E., P.S., Spagnuolo Associates, LLC.
4. Site plan of preliminary proposed development dated December 4, 2018.

**Applicable Zoning Development and Subdivision Standards, Section 1207 and 1208**

**Survey Documents:** The Plat for the revised dedication and vacation of the right of way on Permanent Parcel #3032-02053 (44 Clinton Street) owned by JMS Property Group, LTD.

**Utility Easement:** The vacation of 1,229 square feet on Morse Road is acceptable provided an easement to the City of Hudson is established for any current or proposed utilities. The plans should provide information describing the proposed terms or rights associated with the easement and to whom it shall benefit. The City Council will be considering a request to fund the Right-of-Way Improvement along Clinton Street so a matching streetscape including any street stalls can be incorporated.

**Site Design:** Preliminary site plan has been provided to show a general layout the of the proposed building and the development standards with the proposed right-of-way vacation and dedication request. Final site plan review before the Planning Commission will occur later under separate application.

**Engineering:** Assistant City Manager, Thomas Sheridan has reviewed and approved the plan.

**Findings: Section 1204.05(c) Final Subdivision Plat**

The staff finds that the application complies with the purposes and intent of the code and community plans, subdivision development and design standards, regulations that minimize land disturbance and protect environmental features, and other applicable development regulations as specified in Section 1204.05(c) except as discussed above and recommended below.

**Required PC Action, Chapter 1203.10(d)(2)(A)**

The PC shall take final action on a final subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards summarized in this report.

All decisions of the Commission shall be based on written findings of fact related to the relevant standards of the Code.

**Recommendation**

Approve the application for Replat of Permanent Parcel #3032-02053 (44 Clinton Street) owned by JMS Property Group, LTD, Planning Commission Case No. 2018-5260 involving the right-of-way vacation of 1,229 square feet fronting Morse Road and right-of-way dedication of 1,938 square feet fronting Clinton Street according to the Replat dated as received October 25, 2018. Further Planning Commission recommends that Council approve the right-of-way vacation of 1,229 square feet fronting Morse Road and right-of-way dedication of 1,938 square feet fronting Clinton Street and authorize the City Manager to deed these lands to the property owner at 44 Clinton Street and the City of Hudson. The following conditions must be met in conjunction with the requested Replat:

1. Council must approve the right-of-way vacation of 1,229 square feet fronting Morse Road and right-of-way dedication of 1,938 square feet fronting Clinton Street and

- authorize the City Manager to deed over the lands to be vacated and dedicated.
2. Applicant shall provide to the city information describing the proposed terms or rights associated with the easement and to whom it shall benefit.

**OFFER OF DEDICATION**

IN CONSIDERATION of the mutual benefits to be derived therefrom, the undersigned property owner of the lands shown hereon, located in the City of Hudson and being part of original lot 55 of Hudson Township, Summit County, does hereby convey and dedicate for public use unto the City of Hudson, Ohio and its successors and assigns for highway purposes, all public roads, storm sewers, water lines and improvements, including all public utilities and appurtenances thereto, upon that portion of land owned by it and included in the proposed streets as shown on this plat. JMS Property Group, LTD, does hereby waive all claims for compensation for lands and property hereby conveyed above in this Offer of Dedication and, for damages, if any, sustained on account thereof, and does further waive all its rights to hearing and notice thereof, and agrees to have and to hold said conveyance unto the said City of Hudson, Ohio, its successors and assigns. JMS Property Group, LTD, does hereby certify that it is the lawful owner of said premises and has full power to grant, bargain, sell, convey and release the same in the manner aforesaid and will warrant and defend the same against all claims.

**44 CLINTON STREET**  
 PART OF LOT 55 – FORMERLY HUDSON TOWNSHIP  
 CITY OF HUDSON  
 COUNTY OF SUMMIT  
 STATE OF OHIO



I hereby certify that I have surveyed the land shown on this plat, and that this plat is a correct representation of the land surveyed and the subdivision thereof, and that I have found or set the pins and monuments shown on this plat and that all lots conform to the City Land Development Code.

Owner: \_\_\_\_\_ Witnesses: \_\_\_\_\_  
 By: \_\_\_\_\_  
 JMS Property Group, LTD  
 44 Clinton Street  
 Hudson, Ohio 44236

Dennis W. Stoffer Registered Surveyor No. 7604

State of Ohio }  
 County of Summit } SS  
 Before me, a Notary Public in and for said county and state, personally appeared the above \_\_\_\_\_, who acknowledged the foregoing instrument to be a true statement.

State of Ohio )  
 County of Summit ) SS  
 Before me, a Notary Public in and for said county and state, personally appeared the above Dennis W. Stoffer who acknowledged the foregoing instrument to be a true statement.  
 In testimony whereof I have hereunto set my hand and official seal at Fairlawn, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In testimony whereof, I have hereunto set my hand and official seal at Akron, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ROAD RIGHT OF WAY (CLINTON STREET) 0.0445 Acres  
 ROAD VACATION (MORSE ROAD) 0.0282 Acres  
 TOTAL 0.0727 Acres

\_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

Notary Public  
 My commission expires \_\_\_\_\_

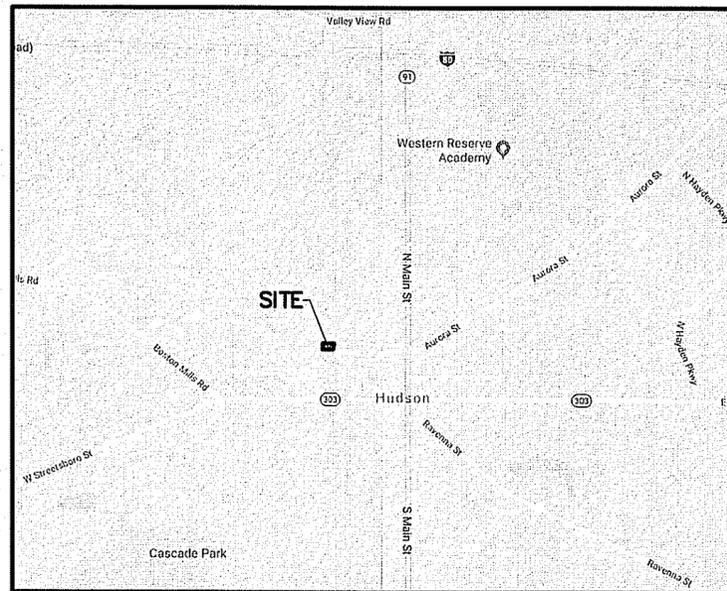
Approved by the Planning Commission of the City of Hudson, Ohio, for record purposes only this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved by the City of Hudson, Ohio for Utility purposes this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Chairman Secretary

OCTOBER, 2018

Approved by the Engineer for the City of Hudson, Ohio, for record purposes only this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



LOCATION MAP  
 NO SCALE

\_\_\_\_\_  
 Brad Kosco, P.E., P.S.

Approved by the Assistant City Manager for the City of Hudson, Ohio, for record purposes only this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Thomas Sheridan

Acceptance of Dedication  
 Dedication was accepted by the Council of the City of Hudson, Ohio, at its regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
 President of Council Clerk of Council

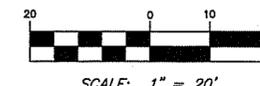
FISCAL OFFICER'S STAMP	RECORDING DEPARTMENT STAMP
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Prepared By  
**SPAGNUOLO & ASSOCIATES, LLC**  
 ENGINEERS – SURVEYORS  
 3057 WEST MARKET STREET, SUITE 201  
 FAIRLAWN, OHIO 44333  
 (330) 836-6661

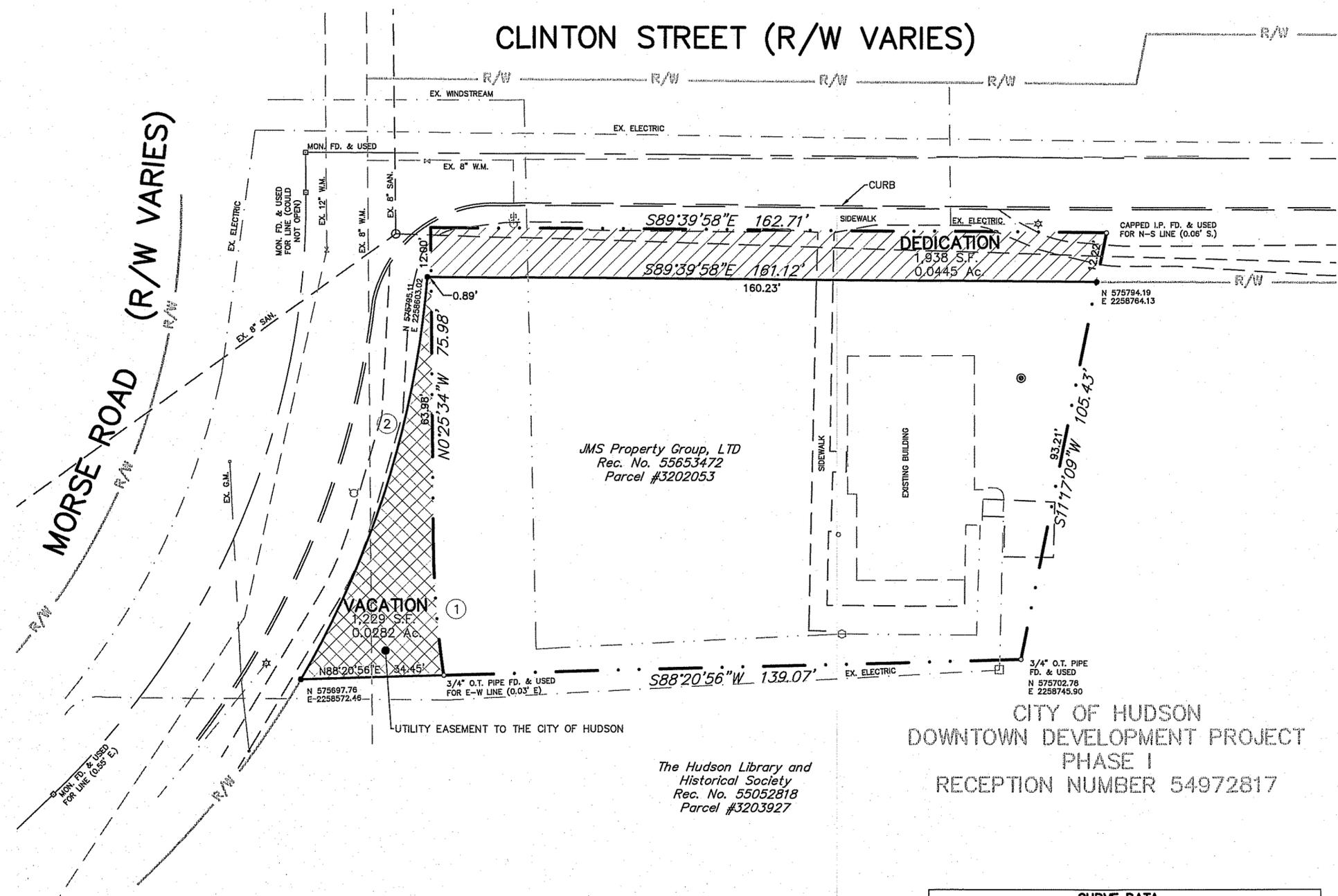
TAX MAP DEPARTMENT

F:\MARCHETTA-HUDSON\3d DWGS\44 CLINTON PLAT TITLE 10-22-2018

# CLINTON STREET (R/W VARIES)



MORSE ROAD (R/W VARIES)



BASIS OF BEARINGS:  
OHIO STATE PLANE  
COORDINATES NAD 83,  
OHIO NORTH ZONE.  
COMB. FACTOR 0.9999321

### LEGEND

- 5/8" IRON PINS TO BE SET (WITH IDENTIFICATION CAPS 7604)
- IRON PIN FOUND AS NOTED
- MONUMENT BOX WITH 1" IRON PIN FOUND AS NOTED
- ▨ TO PROPERTY OWNER
- ▩ TO CITY OF HUDSON.

CITY OF HUDSON  
DOWNTOWN DEVELOPMENT PROJECT  
PHASE I  
RECEPTION NUMBER 54972817

CURVE DATA						
CURVE	DELTA	RADIUS	TANGENT	CHORD	LENGTH	CHORD BEARING
1	7°58'25"	233.50'	16.27'	32.47'	32.50'	S4°24'47"E
2	25°37'54"	230.00'	52.31'	102.04'	102.89'	N17°26'09"E

f:/marchetta-hudson/3d dwgs/base-44 clinton 11/16/18

City of Hudson, OH



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

Map Scale  
**1 inch = 56 feet**  
12/4/2018



November 12, 2018

Kris McMaster, Associate Planner  
City of Hudson  
115 Executive Parkway  
Suite 400  
Hudson, Ohio 44236

RE: 44 CLINTON STREET

Dear Ms. McMaster,

Below is some additional information regarding the purpose for the Dedication/Vacation plat for Clinton Street and Morse Road:

1. The dedication of Clinton Street will allow for the continuation of the on-street parking that exists east of this dedication area.
2. The dedication of Clinton Street will provide the City with additional right of way width in an area where the current right of way width is only 36 feet.
3. The vacation of Morse Road will provide the landowner with green space that is currently within the Morse Road right of way, but is not being utilized for roadway or sidewalk purposes. This is consistent with land that was previously vacated to the adjacent land owner to the south.
4. The vacation of the Morse Road right of way will provide a uniform 60 foot right of way width in this area.
5. The vacation of Morse Road will provide the land owner the ability to add a couple of off-street parking spaces behind the building for his business.

Please let me know if you need additional information.

Sincerely,  
Spagnuolo & Associates, LLC

Dennis W. Stoffer, P.E., P.S.  
Member

