

APPROVING AND GRANTING A CONDITIONAL ZONING CERTIFICATE TO APPLICANT/OWNER COUNTY OF SUMMIT, OHIO FOR GOVERNMENT OWNED PARKS AND PLAYGROUNDS, LOCATED AT 730 NORTH AVENUE, PARCEL NO. 6009948, 14.029 ACRES

WHEREAS, an application has been filed by County of Summit, Ohio requesting a Conditional Zoning Certificate for government owned Parks and Playgrounds, located at 730 North Avenue, Parcel No. 6009948, 14.029 acres; and

WHEREAS, said property is zoned as an R-1 Residential District; and

WHEREAS, this matter has been considered by the Planning and Zoning Commission at a public hearing on February 4, 2021 and the Commission has made a recommendation to Council to approve by a vote of 5 to 0.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLMADGE, COUNTIES OF SUMMIT AND PORTAGE, STATE OF OHIO:

SECTION 1. That a Conditional Zoning Certificate for government owned Parks and Playgrounds, located at 730 North Avenue, Parcel No. 6009948, 14.029 acres is hereby granted to applicant/owner County of Summit, Ohio and which property is more fully described as follows:

Situated in the State of Ohio, County of Summit, City of Tallmadge, formerly Tallmadge Township (Township 2 of Range 10 to of the Connecticut Western Reserve), and in particular being part of Lot 5 of Tract 3 of said Original Township, more fully described as follows:

Commencing at a lead center pipe found in a monument box at the intersection of Darrow Road, (S.R. 91) variable R-0-W and Howe Road, 60 foot wide.

Thence along the centerline of Darrow Road North 00 degrees 48 minutes 34 seconds East a distance of 1817.70 feet to the westerly extension of the north line of a parcel leased to the City of Tallmadge by Summit County Resolution 99- 311 identified as Parcel E;

Thence along said extension South 89 degrees 22 minutes 52 seconds East a distance of 33.00 feet to the east line of Darrow Road, the northwest corner of Parcel E, a 3/4 inch rebar with "Summit County Engineers" cap set, and the True Place of Beginning;

Thence along the said north line South 89 degrees 22 minutes 52 seconds East a distance of 635.77 feet to the northeast corner and a 3/4 inch rebar with "Summit County Engineers" cap set (replacing a 3/4 inch rebar with red cap found bent);

Thence South 01 degrees 04 minutes 56 seconds West a distance of 814.42 feet to a 3/4 inch rebar with "Summit County Engineers" cap set;

Thence South 85 degrees 07 minutes 26 seconds West a distance of 137.41 feet to a 3/4 inch rebar with "Summit County Engineers" cap set;

Thence South 06 degrees 54 minutes 55 seconds West a distance of 176.21 feet to a 1/2 inch rebar found;

Thence South 85 degrees 41 minutes 46 seconds West a distance of 478.31 feet to the east line of Darrow Road and a 3/4 inch rebar with "Summit County Engineers" cap set;

Thence along the east line of Darrow Road North 00 degrees 48 minutes 34 seconds East a distance of 41.95 feet to the southwest corner of a parcel in the name of East Ohio Gas Company, described in Deed Volume 3674 page 484, and a 3/4 inch rebar with "Summit County Engineers" cap set;

Thence along the south line of the East Ohio Gas parcel South 89 degrees 13 minutes 23 seconds East a distance of 147.65 feet to the southeast corner thereof and a 5/8 inch iron bar found buried seven inches;

Thence along the east line of the East Ohio Gas parcel North 00 degrees 46 minutes 13 seconds East a distance of 49.94 feet to the northeast corner thereof and a 5/8 inch iron bar found buried seven inches;

Thence along the north line of the East Ohio Gas parcel North 89 degrees 13 minutes 23 seconds West a distance of 147.61 feet to the east line of Darrow Road and a 3/4 inch rebar with "Summit County Engineers" cap set;

Thence along the east line of Darrow Road North 00 degrees 48 minutes 34 seconds East a distance of 951.85 feet to the True Place of Beginning Containing 14.029 acres of land as surveyed under the direction of Greg Bachman, P.S. 7652, Summit County Engineer in July of 2006. Being the same parcel as described in Summit County Resolution 99-311 by D.

Bedore, PS 6023 in March 20, 1999. Bearings are based on Grid north of the Ohio State Plane coordinate system as determined from Summit County GIS monuments 148 and 139.

Parcel No. 6009948

SECTION 2. That such Conditional Zoning Certificate shall be granted subject to the requirements set forth in the Tallmadge Code of Ordinances Chapters 1181, 1183, 1187, 1189, all other applicable provisions of the code.

SECTION 3. That the breach of any condition, safeguard, or requirement shall invalidate the certificate granted and shall constitute a violation of the Tallmadge Code of Ordinances. In addition thereto, penalties may be imposed pursuant to Tallmadge Code of Ordinances Section 1199 and is subject to all other legal remedies available to the City of Tallmadge.

SECTION 4. 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 this Council, and that all deliberations of this Council and of any of its committees on or after November 28, 1975 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed:

Susan E. Burton, Clerk of Council
MER/jt
1/13/21
Filed with the Mayor _____

Carol A. Kilway, President of Council

Approved:

David G. Kline, Mayor

This _____ day of _____, 2021

Committee Assignment: _____

Readings: 1st _____ 2d _____ 3d _____