

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5774

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A COMMUNITY ENTERTAINMENT DISTRICT AND DESIGNATING CERTAIN PROPERTY IN THE CITY OF BRECKSVILLE AS A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO ORC SECTION 4301.80; AND DECLARING AN EMERGENCY

WHEREAS, VA Vesta II, LLC has submitted an application dated January 31, 2025, to the Mayor’s Office requesting the establishment of a Community Entertainment District, to be named Valor Acres Community Entertainment District; and

WHEREAS, the application meets all requirements under Ohio Revised Code Section 4301.80 and is accompanied by a map identifying the boundaries of the proposed Community Entertainment District; and

WHEREAS, Mayor Kingston has recommended, within the required 30 days, the acceptance of the application for the establishment of the proposed Community Entertainment District; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Pursuant to Ohio Revised Code Section 4301.80, Brecksville City Council hereby establishes and designates the Valor Acres Village Community Entertainment District, with the boundaries of the area, including the street addresses, as described in the application attached hereto as Exhibit A.

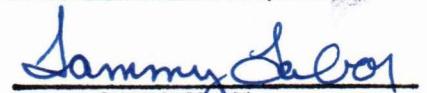
SECTION 2. The Clerk of Council is hereby instructed upon adoption to provide notice, as required by Ohio Revised Code Sections 4301.80 and 4303.181, of the establishment of the Community Entertainment District to the Ohio Department of Commerce, Division of Liquor Control.


SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the citizens of the City of Brecksville, the reason for the emergency is the need to timely approve the application; provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5774 duly passed by the Council of the City of Brecksville, Ohio, on 3.18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3.21, 20 25.

PASSED: March 18, 2025

APPROVED: March 18, 2025


CLERK OF COUNCIL


MAYOR



CLERK OF COUNCIL

EXHIBIT "A"

January 31, 2025

Office of the Mayor
ATTN: Daryl J. Kingston, Mayor
Brecksville City Hall
9069 Brecksville Road
Brecksville, Ohio 44141

RE: Application for the Establishment of Valor Acres Community Entertainment District

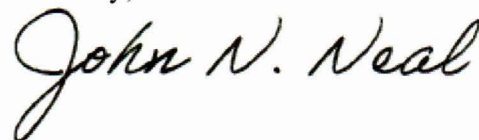
Honorable Mayor Kingston:

I represent DiGeronimo Companies and its affiliate VA Vesta II, LLC (collectively "DiGeronimo") with respect to the proposed establishment of a Community Entertainment District ("CED") to encompass part of the \$111 million-dollar expansion and development project surrounding the former Louis Stokes Cleveland VA Medical Center area on the south end of the City of Brecksville. To that end, I am pleased to present this application to you. I am available to answer any questions that you or Members of the Brecksville City Council may have.

Pursuant to Ohio Revised Code §4301.80, this is DiGeronimo's application ("Application") for the establishment of a CED, to encompass the 71.645 acres on the map included with this Application as Exhibit A (the "Map"). A legal description of the area is also included as Exhibit B. The name of the proposed CED shall be: Valor Acres Community Entertainment District (the "Valor Acres CED").

Thank you for your thorough review and consideration of this Application.

Sincerely,



John N. Neal
Legal Counsel for DiGeronimo

JNN/arb
Enclosures

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Introduction

According to Ohio Revised Code §4301.80, a “community entertainment district” is a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments, within close proximity to some of the following: hotels, restaurants, retail sales establishments, enclosed shopping centers, museums, performing arts theaters, motion picture theaters, night clubs, convention facilities, sports facilities, entertainment facilities or complexes, and similar establishments. The establishment of the Valor Acres CED, reflected on the Map, will authorize the issuance of fourteen (14) low-cost D-5j liquor permits for applicants seeking to operate a liquor permitted business within the Valor Acres CED. See O.R.C. §4303.181(J) for details on these permits.

This application for the establishment of a CED is being made by DiGeronimo Companies and its affiliate, VA Vesta II, LLC. DiGeronimo Companies is one of the largest vertically integrated and most capable construction groups in the country, with roots as a self-perform contractor dating back to 1956. Collectively, DiGeronimo Companies employs more than 1,400 individuals. Affiliate DiGeronimo Development is a full-scope developer with projects spanning multiple markets and geographic regions. Self-performing most of the construction work has allowed the business to move with unparalleled speed in bringing projects from concept to completion.

Valor Acres is a large-scale mixed-use development, comprising 185 acres, at the important intersection of Brecksville and Miller Roads on the south end of Brecksville. The previous use of this land was the Louis Stokes Cleveland VA Medical Center. The VA hospital had been abandoned and underutilized for decades, partially due to limited highway access. With the addition of ramps at Interstate 77 and Miller Road, the access has been improved and the site was ready to take advantage of improvement. The purpose for this development was to take an underutilized plot of land and transform it into a viable site that not only brings life to Brecksville, but also creates a closer community that prioritizes nature, wellness, and comradery. With proximity to Cuyahoga Valley National Park and Cleveland Metro Parks, DiGeronimo plans to integrate and extend trails through the site to activate the area. This in turn will allow the community to explore more of their surrounding neighborhood and support a healthy lifestyle.

The project will be a massive catalyst for job creation within the City of Brecksville and will generate hundreds of well-paying jobs for area residents over the next several years. During the construction period, it is expected that 895 total direct jobs will be created at the site. The average hourly wage for these jobs in year 2026 is estimated at \$33.74. Upon completion of construction the project is expected to create 784 total jobs, 25 of which will be positions to support maintenance and operations of the buildings and commercial parking and 759 of which will be commercial tenants positions.

Economic activity within the Valor Acres CED will also create substantial tax revenues for the State of Ohio and City of Brecksville. The table below illustrates the permanent direct sales, income, lodging and property tax estimates, using local tax rates to calculate direct taxes. Over the 5-year impact period, the development is estimated to generate a total of \$49,459,979 in direct local, county, and state sales taxes within the project site and surrounding area.

Development Impacts - Sales, Income, Lodging and Property Taxes					
Year	Projected Sales Tax (\$)	Projected Income Tax (\$)	Projected Lodging Tax (\$)	Projected Property Tax (\$)	TOTAL Projected Taxes
2027	\$8,686,465	\$7,424,670	\$748,980	\$6,292,536	\$23,152,652
2028	\$9,892,622	\$7,407,793	\$771,449	\$9,883,349	\$27,955,215
2029	\$10,090,475	\$10,672,218	\$794,592	\$11,211,293	\$32,768,579
2030	\$10,292,284	\$10,992,384	\$818,430	\$12,339,675	\$34,442,775
2031	\$10,498,130	\$11,322,156	\$842,983	\$12,339,675	\$35,002,945

The table below illustrates the permanent indirect sales, income, lodging and property tax estimates generated. Over the five-year completion period, it is expected that \$317,235 in new indirect sales taxes will be generated in the surrounding area as a result of this development project.

Surrounding Area Impacts - Sales, Income, Lodging and Property Taxes					
Year	Projected Sales Tax (\$)	Projected Income Tax (\$)	Projected Lodging Tax (\$)	Projected Property Tax (\$)	TOTAL Projected Taxes
2027	\$27,485	\$4,570	\$-	\$24,675	\$56,731
2028	\$69,257	\$7,993	\$-	\$62,176	\$139,428
2029	\$71,335	\$8,233	\$-	\$64,041	\$143,610
2030	\$73,475	\$8,480	\$-	\$65,962	\$147,919
2031	\$75,680	\$8,735	\$-	\$67,941	\$152,356

Forming the Valor Acres CED is a critical component of ensuring that sufficient liquor permits are available to the new hospitality businesses referenced above. Unfortunately, no full-service liquor permits in Brecksville are available from the state Division of Liquor Control due to population-based quotas imposed by state statute on the City of Brecksville as a whole. Due to this situation, prospective new restaurants, among other reputable establishments, are forced to resort to other means to obtain licensure to sell alcoholic beverages. Transferring permits is costly and risky due to the shortage of available permits statewide and other variables. Under current market conditions, businesses seeking to obtain a full-service liquor permit usually must purchase a permit from a seller on the open market. The cost of a permit ranges from \$18,000 to \$25,000 and has only continued to rise. In most instances, this process is complicated by the fact that the permit seekers would have to employ a “TREX” liquor permit transfer, which involves the transfer to Brecksville of new, additional liquor permits from other municipalities. This process is time-consuming, expensive, and risky. It also consumes City of Brecksville resources, as TREX transfers require more involvement from municipal government than a new permit application.

Establishment of the Valor Acres CED will authorize the Ohio Division of Liquor Control to issue fourteen (14) new D-5j permits to applicants who have received State of Ohio approval and no objection from the City of Brecksville. The availability and low-cost of these D-5j permits will

enable the Valor Acres project to secure liquor permits for each of its prospective hospitality businesses, while still leaving additional permits available for future developments. In addition, unlike other transferable liquor permits, D-5j permits can never leave the boundaries of the Valor Acres CED. This means that these permits and their associated businesses will continue to enrich the local area well into the future, and not otherwise burden the City with unintended users outside of Valor Acres.

Process

The process for establishing a CED is laid out in O.R.C. §4301.80(B) and (C). A summary of that is as follows:

Action by Mayor. Any property owner whose property is located in the proposed Valor Acres CED may file this Application with Your Honor seeking the establishment of the Valor Acres CED. Pursuant to Ohio statute, within thirty (30) days after receiving this Application, Your Honor shall submit this Application with your recommendation to the Brecksville City Council.

Public Notice by City Council. Within thirty (30) days after receipt of this Application and recommendation, City Council shall notify the public that the application is on file in the office of the Clerk of Council and is available for inspection during regular business hours. The notice shall indicate the date and time of any public hearing that Council intends to have to consider this Application. This notice shall run once per week for two (2) consecutive weeks and be made by publication in at least one (1) newspaper of general circulation in the City of Brecksville.

Action by City Council. Within seventy-five (75) days after the date this Application was filed with the Office of the Mayor, City Council shall, by ordinance or resolution, approve or disapprove this Application based on whether the proposed CED will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the Brecksville community. An approval of the Application shall be by an affirmative majority vote of the members of the Brecksville City Council.

Submission to Division of Liquor Control. Following approval of the CED, the City of Brecksville shall provide to the Division of Liquor Control an executed copy of the signed ordinance or resolution and a copy of this Application, including the map and all other attachments.

Application

Pursuant to Ohio Revised Code §4301.80(B), the Application for the establishment of the Valor Acres CED is as follows:

1. The applicant's name and address.

O.R.C. §4301.80(B)(1)

This Application is submitted by VA Vesta II, LLC. The applicant owns a majority of the land within the proposed CED, including property at 9000 Canvas Parkway, Brecksville, Ohio 44141 and several other parcels with addressing to be determined. As much of the applicant's land within the CED is still under development, mail should be sent to 5720 Independence Dr. Brecksville OH, 44141.

2. A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant.

O.R.C. §4301.80(B)(2)

A map of the proposed the Valor Acres CED is attached as Exhibit A. A legal description of the area and its boundaries, prepared by a licensed surveyor, is also included as Exhibit B.

VA Vesta II, LLC owns multiple parcels within the CED, including: 603-21-102, 603-21-103, 603-21-104, 603-21-106, 603-21-107, 603-21-108, 603-21-109, 603-21-110, 603-21-111, 603-21-112, 603-21-113, 603-21-114, 603-21-115, 603-21-116, 603-21-117, 603-21-118, 603-21-119, 603-21-120, 603-21-121, 603-21-122, 603-21-123, 603-21-124, 603-21-125, and 603-21-126. These areas have been identified on the map.

3. A general statement of the nature and types of establishments described in division (A) of this section/Section 699A.01 that are or will be located within the proposed community entertainment district and any other establishments located in the proposed community entertainment district that are not described in division (A) of this section/Section 699A.01.

O.R.C. §4301.80(B)(3)

The Valor Acres CED is currently home to Canvas at Valor Acres, a luxury apartment building with over 160 rental units. The building also hosts Primer Coffee & Cocktail Bar, which holds a D-1, D-2, D-3, and D-6 class liquor permit authorizing alcohol sales for on- and off-premises consumption. Primer offers coffee, cocktails, wine, and other food and drink products to both Canvas residents and the general public. As previously mentioned, the area within the Valor Acres CED is currently undergoing substantial new development and renovations. Many unique restaurants, retail sales establishments, and other businesses are currently examining the feasibility of forming operations within the newly developed areas of the Valor Acres CED.

DiGeronimo has received significant interest in office space within the proposed CED. DiGeronimo is currently pursuing two 25,000 sq. ft. tenants and one 50,000 sq. ft. tenant. Regarding food and beverage, negotiations are on-going with approximately 10 restaurants/bars with concepts ranging from breakfast, to elevated Asian, to white tablecloth Italian. Conversations are being had with 3 coffee groups and a handful of dessert options. Outside of restaurants, DiGeronimo is also focused on high-end services (nails, hair salon, spa etc.) and boutique soft goods. Negotiations are occurring with a local bank and DiGeronimo is also pursuing a number of grocery options. Interest from sports training groups has also come into the pipeline. DiGeronimo is currently pursuing two 50,000 sq. ft. training facilities which could drive tournament traffic and support to a lot of the area's tenants.

4. If some or all of the establishments within the proposed community entertainment district have not yet been developed, the proposed time frame for completing the development of these establishments.

O.R.C. §4301.80(B)(4)

Redevelopment at Valor Acres is anticipated to be completed in 2026. DiGeronimo Companies has already delivered 168 rental units as well as 8 attached lofts on the North side of the sight. The future headquarters of DiGeronimo Companies will also be located within the CED and is planned to be finished by the end of 2025. For the mixed-use development, DiGeronimo plans to start going vertical with construction in fall 2025 and is targeting phased delivery to be between October 2025 - March 2026. Retail and office tenants will have the opportunity to move in ~November 2025.

5. Evidence that the uses of land within the proposed community entertainment district are in accord with the municipal corporation's master zoning plan or map.

O.R.C. §4301.80(B)(5)

Included as Exhibit C is a letter from Daryl Kingston, Mayor for the City Brecksville, dated 11/6/2024. This letter indicates that the City of Brecksville "verifies the uses of the land within the proposed Valor Acres Community Entertainment District are in accord with the city's master zoning plan or map." A copy of the City of Brecksville's Zoning Map for the area is also included as Exhibit D.

6. A certificate from a surveyor or engineer licensed under Chapter 4733 of the Revised Code indicating that the area encompassed by the proposed community entertainment district contains no less than twenty contiguous acres.

O.R.C. §4301.80(B)(6)

Included on the map of the CED (Exhibit A) is a certificate from Steven J. Metcalf, PS, a registered surveyor licensed under Chapter 4733 of the Ohio Revised Code. Steven J. Metcalf's seal certifies that the proposed the Valor Acres CED contains no less than twenty (20) contiguous

acres, and the certified map specifically identifies the total acreage of the CED as 71.645 acres. A legal description is also included with the maps as Exhibit B.

- 7. A handling and processing fee to accompany the application, payable to the applicable municipal corporation, in an amount determined by that municipal corporation.**

O.R.C. §4301.80(B)(7)

The applicant has not included any fee with this Application, as the City of Brecksville has not established any fee or amount for such fee. If a fee is required, the applicant will furnish the fee upon request by the City.

Population Statement

Per Ohio Revised Code §4303.181(J), the applicant has included the following statement identifying which CED population and financial requirements for the issuance of D-5j permits are met and were used in creating the CED.

The City of Brecksville is a municipal corporation organized under Article XVIII of the Ohio Constitution. Based on 2020 U.S. Census data, the City of Brecksville has a population of approximately 13,635. Establishment of a CED in the City of Brecksville therefore qualifies under O.R.C. §4303.181(J)(6), as the proposed the Valor Acres CED will be “located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district’s area located in the municipal corporation.”

The amount that will be invested in the development project far exceeds the minimum requirement of \$70 million of investment under O.R.C. §4303.181(J)(6). Total investment within the CED is projected to be approximately \$111 million.

Draft Notice and Legislation

For the City's convenience, this Application includes a draft public notice, Exhibit E, as well as draft legislation prepared by the applicant as a sample of proposed legislation to establish the Valor Acres CED, Exhibit F.

Table of Exhibits

For ease of reference, the Exhibits included with this Application are as follows:

1. **Exhibit A** – Map of the proposed Valor Acres CED, including identification of street boundaries. Includes a certificate from a registered and licensed surveyor identifying the exact acreage of the proposed CED and certifying that the proposed CED contains no less than 20 contiguous acres.
2. **Exhibit B** – Legal description of the Valor Acres CED area and boundaries.
3. **Exhibit C** – Letter from Daryl Kingston, Mayor for the City Brecksville, dated 11/6/2024, identifying that the uses of land within the proposed the Valor Acres CED are in accord with the city’s master zoning plan or map.
4. **Exhibit D** – Copy of the City of Brecksville’s zoning map for the proposed CED.
5. **Exhibit E** – Draft public notice for the Valor Acres CED.
6. **Exhibit F** – Draft legislation for authorization of the Valor Acres CED.

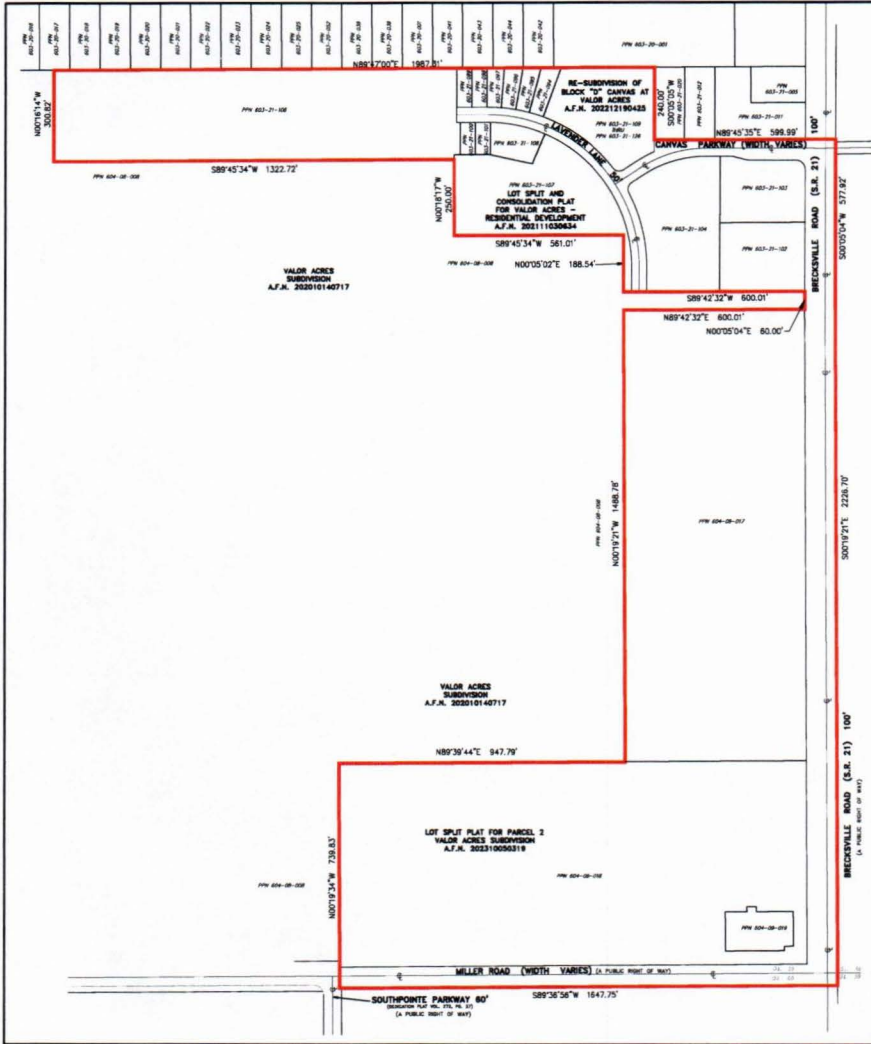


EXHIBIT A: Map of Proposed CED

PPN 603-21-094	FREDERICK A & LESLIE C. PFAYT	0.208 AC
PPN 603-21-095	SUSAN M. BUTT	0.173 AC
PPN 603-21-096	SAIED SHARHEEN	0.178 AC
PPN 603-21-097	TRINIP HANRODITA	0.155 AC
PPN 603-21-098	VALLEY BUILDING ASSOCIATES	0.149 AC
PPN 604-09-089	KATHLEEN A. RUTTER TRUSTEE	0.148 AC
PPN 604-21-100	REX & KATHLEEN MACK	0.122 AC
PPN 603-21-101	PAMELA A. KANDRAC	0.120 AC
PPN 603-21-102	WM VESTA & LLC	0.465 AC
PPN 603-21-103	WM VESTA & LLC	1.337 AC
PPN 603-21-104	WM VESTA & LLC	2.558 AC
PPN 603-21-106	WM VESTA & LLC	9.279 AC
PPN 603-21-107	WM VESTA & LLC	1.300 AC
PPN 603-21-108	WM VESTA & LLC	0.411 AC
PPN 603-21-109	WM VESTA & LLC	0.025 AC
PPN 603-21-110	WM VESTA & LLC	0.025 AC
PPN 603-21-111	WM VESTA & LLC	0.025 AC
PPN 603-21-112	WM VESTA & LLC	0.064 AC
PPN 603-21-113	WM VESTA & LLC	0.025 AC
PPN 603-21-114	WM VESTA & LLC	0.030 AC
PPN 603-21-115	WM VESTA & LLC	0.030 AC
PPN 603-21-116	WM VESTA & LLC	0.029 AC
PPN 603-21-117	WM VESTA & LLC	0.044 AC
PPN 603-21-118	WM VESTA & LLC	0.029 AC
PPN 603-21-119	WM VESTA & LLC	0.021 AC
PPN 603-21-120	WM VESTA & LLC	0.039 AC
PPN 603-21-121	WM VESTA & LLC	0.025 AC
PPN 603-21-122	WM VESTA & LLC	0.029 AC
PPN 603-21-123	WM VESTA & LLC	0.029 AC
PPN 603-21-124	WM VESTA & LLC	0.029 AC
PPN 603-21-125	WM VESTA & LLC	0.035 AC
PPN 603-21-126	WM VESTA & LLC	1.554 AC
PPN 604-09-017	BRECKSVILLE COMMUNITY IMPROVEMENT CORPORATION	20.504 AC
PPN 604-09-018	WM LAND, LLC	23.751 AC
PPN 604-09-019	WM VEECHAN I, LLC	0.672 AC

*Land areas are based on Cuyahoga County Auditor's site records.

LANDS WITHIN THE ENTERTAINMENT DISTRICT		
FREDERICK A & LESLIE C. PFAYT	0.208 AC	
SUSAN M. BUTT	0.173 AC	
SAIED SHARHEEN	0.178 AC	
TRINIP HANRODITA	0.155 AC	
VALLEY BUILDING ASSOCIATES	0.149 AC	
KATHLEEN A. RUTTER TRUSTEE	0.148 AC	
REX & KATHLEEN MACK	0.122 AC	
PAMELA A. KANDRAC	0.120 AC	
WM VESTA & LLC	3.980 AC	
WM VESTA & LLC	9.279 AC	
BRECKSVILLE COMMUNITY IMPROVEMENT CORPORATION	20.504 AC	
WM LAND, LLC	23.751 AC	
WM VEECHAN I, LLC	0.672 AC	
AREA WITHIN ROADWAYS (BRECKSVILLE ROAD, MILLER ROAD, CANVAS PARKWAY & LAURENCE ROAD)	10.894 AC	
TOTAL AREA	71.645 AC	

SURVEY CERTIFICATION

This plot and the survey on which it is based was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code in effect at the time.

I hereby state to the best of my professional knowledge, information and belief, all to be correct.

Steven Metcalf

Steven Metcalf
Registered Surveyor No. 8622-Ohio



05/07/2024
Date

DATE	BY	REVISION
05/07/2024	SM	144248-CED Overlaid



VALOR ACRES SUBDIVISION
 ENTERTAINMENT DISTRICT EXHIBIT SURVEY
 CITY OF BRECKSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO



SHEET NO
1 OF 1

EXHIBIT B: Legal Description of the CED



Legal Description
Valor Acres
Overall CED Area
May 7, 2024
File No. 14424B-LD033
Page 1 of 3

Situated in the City of Brecksville, County of Cuyahoga, State of Ohio and known as being all of Sublots 1 thru 8 and Blocks A, B, C, 4-B, 4-C and F in the Map of Survey & Subdivision for Canvas at Valor Acres Phase 1, as shown in recorded plat A.F.N. 202112270491 of Cuyahoga County Records and all of Lots 2-A Thru 2-F, 3-A Thru 3-C, 4-A Thru 4-C and 5-A Thru 5-E and Block D-1 in the Re-Subdivision of Block D in the Canvas at Valor Acres Phase 1, as shown in recorded plat A.F.N. 202212190425 of Cuyahoga County Records and all being part of Original Brecksville Township Lot No. 48 and being all of Parcel "3" in the Valor Acres Subdivision – Consolidation & Lot Split Plat, being part of Original Brecksville Township Lots No. 48 & 55, as shown in recorded plat A.F.N. 202010140717 of Cuyahoga County Records and being all of Parcels "2A" and "2B" in the Lot Split for Parcel 2 for Valor Acres Subdivision – VA Land, LLC, being part of Original Brecksville Township Lot No. 55, as shown in recorded plat A.F.N. 202310050319 of Cuyahoga County Records and is further bounded and described as follows:

Beginning at a 1" iron pin monument found at the intersection of the new centerline of Brecksville Road (State Route 21), as recorded in Dedication Plat, Volume 130, Page 27, of Cuyahoga County Records, (100 Feet Wide) and the centerline of Miller Road (Width Varies);

Thence South $00^{\circ}19'21''$ East, a distance of 40.00 feet to a point on the Southerly right of way for said Miller Road;

Thence North $89^{\circ}36'56''$ East, along the Southerly right of way for Miller Road, a distance of 33.00 feet to the intersection with the Easterly right of way for said Brecksville Road and the principal place of beginning;

- Course 1 Thence South $89^{\circ}36'56''$ West, along the Southerly right of way of said Miller Road, a distance of 1647.75 feet;
- Course 2 Thence North $00^{\circ}19'34''$ West, along the extension of and the Westerly line of said Parcel "2A", a distance of 739.83 feet to the Northwesterly corner of said Parcel "2A";

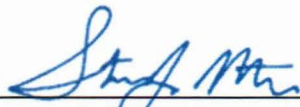
Legal Description
Valor Acres
Overall CED Area
May 7, 2024
File No. 14424B-LD033
Page 2 of 3

- Course 3 Thence North 89°39'44" East, along the Northerly line of said Parcel "2A", a distance of 947.79 feet to the Southwesterly corner of said Parcel "3";
- Course 4 Thence North 00°19'21" West, along the Westerly line of said Parcel "3", a distance of 1488.78 feet to the Northwesterly corner of said Parcel "3";
- Course 5 Thence North 89°42'32" East, along the Northerly line of said Parcel "3", a distance of 600.01 feet to a point on the Westerly right of way for said Brecksville Road;
- Course 6 Thence North 00°05'04" East, along the Westerly right of way for said Brecksville Road, a distance of 60.00 feet;
- Course 7 Thence South 89°42'32" West, a distance of 600.01 feet;
- Course 8 Thence North 00°05'02" East, a distance of 188.54 feet;
- Course 9 Thence South 89°45'34" West, a distance of 561.01 feet;
- Course 4 Thence North 00°18'17" West, a distance of 250.00 feet,
- Course 5 Thence South 89°45'34" West, a distance of 1322.72 feet;
- Course 6 Thence North 00°16'14" West, a distance of 300.82 feet;
- Course 7 Thence North 89°47'00" East, a distance of 1987.31 feet;
- Course 8 Thence South 00°05'05" West, a distance of 240.00 feet;
- Course 9 Thence North 89°45'35" East, a distance of 599.99 feet to a point on the Easterly right of way for said Brecksville Road;
- Course 10 Thence South 00°05'04" West, along the Easterly right of way for said Brecksville Road, a distance of 577.92 feet to an angle point on the Easterly right of way for said Brecksville Road;
- Course 11 Thence South 00°19'21" East, continuing along the Easterly right of way for said Brecksville Road, a distance of 2226.70 feet to the place of beginning and containing 71.645 Acres, according to a surveyed by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff & Associates, dated March 17, 2020.

Legal Description
Valor Acres
Overall CED Area
May 7, 2024
File No. 14424B-LD033
Page 3 of 3

Basis of bearings for this survey is Grid North of NAD83 (CORS96) Ohio State Plane Coordinate System, North Zone (3401) and is used to denote angles only.

Be the same more or less, but subject to all legal highways and easements of record.



Steven J. Metcalf
Registered Survey No. 8622-Ohio

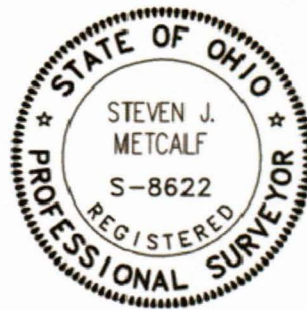




EXHIBIT C: Zoning Confirmation

Office of Mayor Daryl J. Kingston

November 06, 2024

To:

John N. Neal, Esq.
Walter Haverfield LLP
1500 W. 3rd St., Ste. 300
Cleveland, Ohio 44113

RE: Valor Acres Community Entertainment District

Dear Mr. Neal,

I am writing to you to verify that the uses of the land within the proposed Valor Acres Community Entertainment District are in accord with the City of Brecksville's master zoning plan or map.

Please feel free to contact me if you have any questions. My office can be reached at (440) 526-2601 and my email is mayorkingston@brecksville.oh.us.

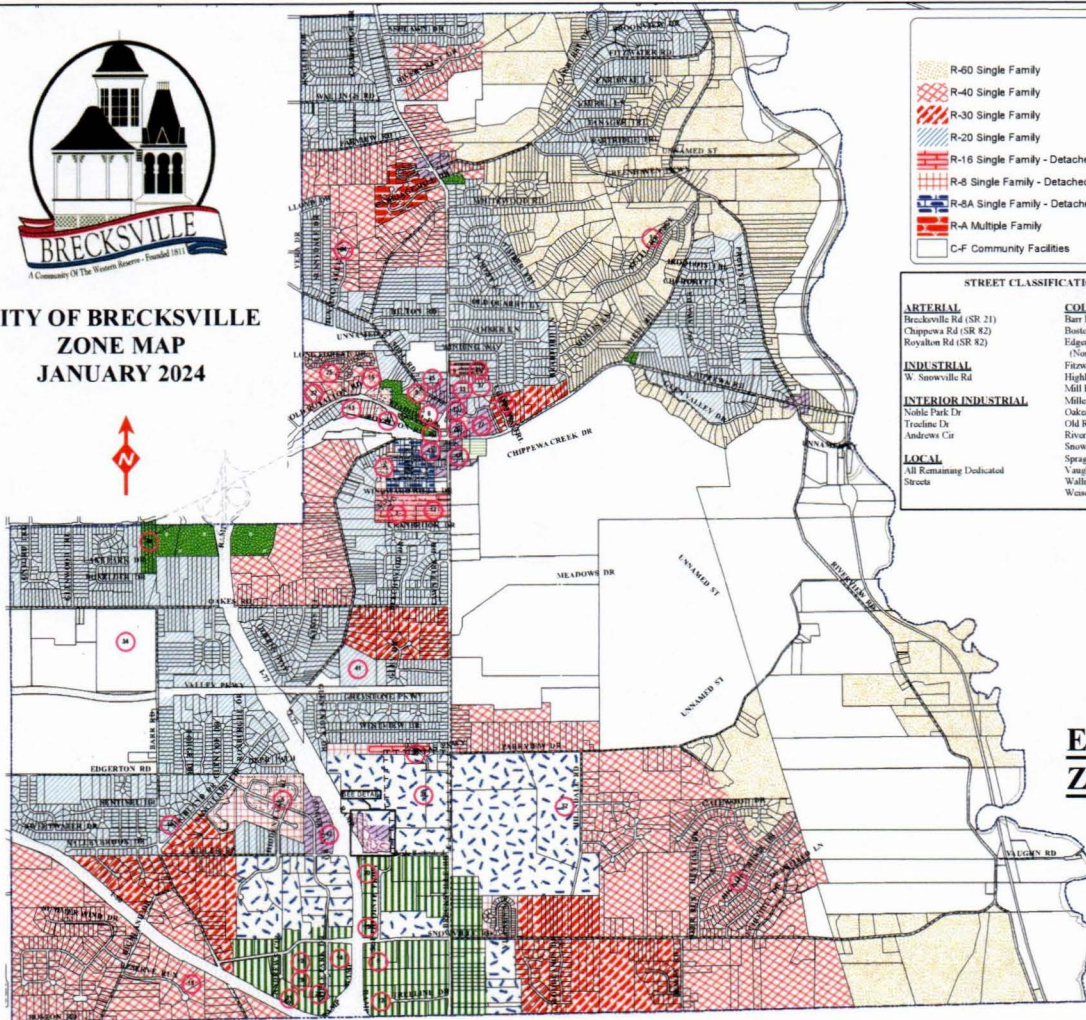
Sincerely,

A handwritten signature in blue ink, appearing to read "Daryl Kingston", is positioned below the word "Sincerely,".

Mayor Daryl Kingston



**CITY OF BRECKSVILLE
ZONE MAP
JANUARY 2024**



LEGEND

- R-60 Single Family
- R-40 Single Family
- R-30 Single Family
- R-20 Single Family
- R-16 Single Family - Detached, Semi-Attached or Attached
- R-8 Single Family - Detached, Semi-Attached or Attached
- R-8A Single Family - Detached
- R-A Multiple Family
- C-F Community Facilities
- A-P Auto Parking
- C-B Office Building
- L-B Local Business
- S-C Shopping Center
- O-L Office - Laboratory
- M-D Manufacturing - Distribution
- M-S Motor Services
- C-S Commercial Services (NO LAND SO ZONED)
- O-P Office Park (NO LAND SO ZONED)

STREET CLASSIFICATION

- ARTERIAL**
- Brecksville Rd (SR 21)
- Chippewa Rd (SR 82)
- Royalton Rd (SR 82)
- INDUSTRIAL**
- W. Snowville Rd
- INTERIOR INDUSTRIAL**
- Noble Park Dr
- Trading Dr
- Andrews Cir
- LOCAL**
- All Remaining Dedicatd Streets

PLANNED DEVELOPMENT/SPECIAL ZONING AREA

NO	P.C.	REC	DEVELOPMENT	DESIGNATION	
1	10/71	71	17	17	Local Retail, Town Reg
2	5/75	75	75	75	Local Retail, Town Reg
3	8/75	88	96	94	Local Retail, Town Reg
4	8/75	88	96	94	Local Retail, Town Reg
5	1/81	81	81	81	Local Retail, Town Reg
6	2/81	81	81	81	Local Retail, Town Reg
7	8/81	81	81	81	Local Retail, Town Reg
8	1/87	87	87	87	Local Retail, Town Reg
9	1/88	88	88	88	Local Retail, Town Reg
10	1/88	88	88	88	Local Retail, Town Reg
11	1/88	88	88	88	Local Retail, Town Reg
12	1/88	88	88	88	Local Retail, Town Reg
13	1/88	88	88	88	Local Retail, Town Reg
14	4/87	87	87	87	Local Retail, Town Reg
15	4/87	87	87	87	Local Retail, Town Reg
16	8/91	91	91	91	Local Retail, Town Reg
17	2/92	92	92	92	Local Retail, Town Reg
18	4/92	92	92	92	Local Retail, Town Reg
19	12/92	92	92	92	Local Retail, Town Reg
20	5/96	96	96	96	Local Retail, Town Reg
21	4/97	97	97	97	Local Retail, Town Reg
22	2/98	98	98	98	Local Retail, Town Reg
23	4/98	98	98	98	Local Retail, Town Reg
24	4/97	97	97	97	Local Retail, Town Reg
25	8/97	97	97	97	Local Retail, Town Reg
26	8/97	97	97	97	Local Retail, Town Reg
27	10/99	99	99	99	Local Retail, Town Reg
28	10/99	99	99	99	Local Retail, Town Reg
29	12/99	99	99	99	Local Retail, Town Reg
30	1/01	01	01	01	Local Retail, Town Reg
31	6/01	01	01	01	Local Retail, Town Reg
32	1/06	06	06	06	Local Retail, Town Reg
33	11/08	08	08	08	Local Retail, Town Reg
34	11/13	13	13	13	Local Retail, Town Reg
35	11/14	14	14	14	Local Retail, Town Reg
36	11/15	15	15	15	Local Retail, Town Reg
37	7/16	16	16	16	Local Retail, Town Reg
38	11/16	16	16	16	Local Retail, Town Reg
39	5/17	17	17	17	Local Retail, Town Reg
40	5/23	23	23	23	Local Retail, Town Reg
41	11/22	22	22	22	Local Retail, Town Reg
42	11/22	22	22	22	Local Retail, Town Reg
43	5/23	23	23	23	Local Retail, Town Reg

**EXHIBIT D: City of Brecksville
Zoning Map**



Backslid: W:\Map\Zoning Maps\Jan 2024.pdf

EXHIBIT E: Draft Public Notice

NOTICE OF PUBLIC MEETING

The City of Brecksville will hold a public meeting at _____ on _____, 2024 at _____, to consider the proposed legislation listed below:

The City of Brecksville is providing public notice that VA Vesta II, LLC has submitted an application to have a 71-acre area declared a community entertainment district. Specifically, application was made on _____, 2024, with Mayor Kingston to establish the “Valor Acres Community Entertainment District,” pursuant to Ohio Revised Code §4301.80. This effort will authorize the issuance of up to fourteen (14) new liquor permits to qualified businesses that apply with, and are granted approval by, the Ohio Division of Liquor Control, to operate a liquor permit establishment in the District. The benefits of Valor Acres Community Entertainment District are many and include the addition of numerous new businesses, nearly 800 new jobs, and new annual tax revenues totaling over \$10 million. Mayor Kingston has recommended the approval of the establishment of the District. VA Vesta II, LLC’s application is on file in the office of the Clerk of Council and is available for inspection by the public during regular business hours.

EXHIBIT F: Draft Ordinance

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A COMMUNITY ENTERTAINMENT DISTRICT AND DESIGNATING CERTAIN PROPERTY IN THE CITY OF BRECKSVILLE AS A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO ORC SECTION 4301.80; AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, VA Vesta II, LLC has submitted an application dated _____, 2025, to the Mayor's Office requesting the establishment of a Community Entertainment District, to be named Valor Acres Community Entertainment District; and

WHEREAS, the application meets all requirements under Ohio Revised Code Section 4301.80 and is accompanied by a map identifying the boundaries of the proposed Community Entertainment District; and

WHEREAS, Mayor Kingston has recommended, within the required 30 days, the acceptance of the application for the establishment of the proposed Community Entertainment District; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRECKSVILLE, STATE OF OHIO, THAT:

Section 1. Pursuant to Ohio Revised Code Section 4301.80, Brecksville City Council hereby establishes and designates the Valor Acres Village Community Entertainment District, with the boundaries of the area, including the street addresses, as described in the application attached hereto as Exhibit A.

Section 2. The Clerk of Council is hereby instructed upon adoption to provide notice, as required by Ohio Revised Code Sections 4301.80 and 4303.181, of the establishment of the Community Entertainment District to the Ohio Department of Commerce, Division of Liquor Control.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the citizens of the City of Brecksville. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5775

**AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2)
LIFEPAK35 HEART MONITOR/DEFIBRILLATORS AND
ACCESSORIES FOR USE BY THE FIRE DEPARTMENT FROM
STRYKER SALES, LLC THROUGH SOURCEWELL;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Article II of its Charter, the City of Brecksville may exercise its power of local self-government through the enactments of the Council; and

WHEREAS, the Director of Purchasing for the City of Brecksville has been authorized to register with Sourcewell; and

WHEREAS, the City of Brecksville deems it cost effective and in the City's best interest to purchase equipment according to the pricing established under the Sourcewell proposal.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Mayor be and is hereby authorized to enter into a contract on behalf of the City of Brecksville with Stryker Sales, LLC, through Sourcewell and specifically contract #041823-STY, said contract to be in such form as is approved by the Director of Law, for the purchase of the following for use by the Fire Department:

<u>Quantity</u>	<u>Item</u>	<u>amount</u>
2	Likepak35 Heart Monitor/Defibrillators and accessories	\$100,076.81
	Freight/Shipping	<u>1,501.32</u>
	Sub Total	101,578.13
	Less Trade-in of 2 Lifepak15 models	<u>(7,000.00)</u>
	TOTAL	<u>\$ 94,578.14</u>

SECTION 2. Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

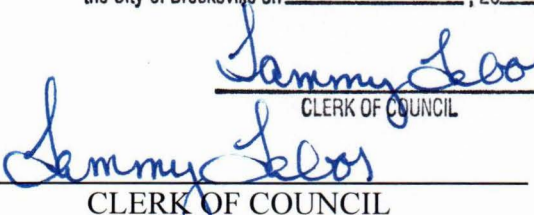
SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need for the equipment, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: March 18, 2025

APPROVED: March 18, 2025



MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5775 duly passed by the Council of the City of Brecksville, Ohio, on 3.18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3.21, 20 25.

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5776

**AN ORDINANCE REPEALING ORDINANCE NO. 5367
AND AUTHORIZING AN AGREEMENT WITH THE CITY OF
STRONGSVILLE TO INCREASE THE RATE FOR PRISONER
HOUSING SERVICES FOR THE BRECKSVILLE POLICE
DEPARTMENT; AND DECLARING
AN EMERGENCY**

WHEREAS, at its meeting of May 1, 2018, the Council approved Ordinance No. 5177 authorizing an Agreement for Prisoner Housing Services with the City of Strongsville for the Brecksville Police Department; and

WHEREAS, at its meeting of October 15, 2019, the Council passed Ordinance No. 5265 repealing Ordinance No. 5177 and modifying the fees charged for the use of the municipal jail and related police facilities; and

WHEREAS, at its meeting of October 20, 2020, the Council passed Ordinance No. 5367 repealing Ordinance No. 5265 and modifying the fees charged for the use of the municipal jail and related police facilities; and

WHEREAS, it is necessary to repeal Ordinance No. 5367 and to authorize a new Agreement with the City of Strongsville to increase the rate for supplemental prisoner housing services if North Royalton and Parma are full.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:


SECTION 1. Ordinance No. 5367 is hereby repealed.

SECTION 2. The Mayor be, and hereby is, authorized to enter into an Agreement with the City of Strongsville to increase the rate for prisoner housing services, for the Brecksville Police Department, a copy of said Agreement being attached hereto and expressly made a part hereof by reference, and marked Exhibit "A".

SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to repeal Ordinance No. 5367 and to authorize a new agreement, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: March 18, 2025

APPROVED: March 18, 2025

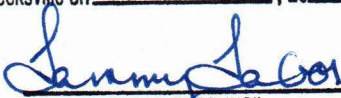


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5776 duly passed by the Council of the City of Brecksville, Ohio, on 3.18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3.21, 20 25.



CLERK OF COUNCIL



EXHIBIT "A"

STRONGSVILLE POLICE DEPARTMENT

18688 Royalton Road
Strongsville, Ohio 44136



AGREEMENT FOR PRISONER HOUSING SERVICES BETWEEN
THE CITY OF STRONGSVILLE AND THE BRECKSVILLE POLICE
DEPARTMENT

The undersigned representative of the Department or Agency (user) below requests the use of the Strongsville Police
Department Jail Facility for persons to be incarcerated by the aforesaid department or agency.

USER: City of Brecksville Police Department

ADDRESS: 9020 Brecksville Road

CITY: Brecksville, Ohio 44141

PHONE: (440) 526-8900

CONTACT PERSON: Chief Stanton Korinek

EMAIL: skorinek@brecksville.oh.us

AGENCY TYPE: Municipal X County State Federal

SCO 250.10 The fees to be charged to the law enforcement agencies of other jurisdictions for the use of the
Municipal City of Strongsville Police Department facilities shall be as follows:

- (1) For persons incarcerated in the Municipal jail facilities, two hundred fifty dollars (\$250.00) per
calendar day;
(2) For use of the breathalyzer test facilities, twenty dollars (\$20.00) per test;
(3) For video requests, the additional sum of twenty dollars (\$20.00);
(4) For requests of prisoners recorded phone conversations, the additional sum of twenty dollars
(\$20.00);
(5) For special need watches as designated by our suicide assessment form; a level two (2) watch will
be an additional one-hundred dollars (\$100.00) per day; a level three (3) or four (4) watch will be
an additional two hundred dollars (\$200.00) per day.

THE CITY OF STRONGSVILLE HAS THE RIGHT TO REFUSE ANY INMATE AND TO REQUIRE
THE USER AT ANY TIME TO REMOVE ANY INMATE FROM THE FACILITY FOR ANY REASON,
INCLUDING BUT NOT LIMITED TO LACK OF AVAILABILITY OF SPACE.



STRONGSVILLE POLICE DEPARTMENT

18688 Royalton Road
Strongsville, Ohio 44136



THE USER AGREES TO AND/OR WILL:

1. Assume responsibility for prompt payment of charges as specified in this Agreement directly to the City of Strongsville as billed.
2. Assume responsibility and promptly reimburse the City for any advances for all medical care and/or other extraordinary costs or services that may arise, including but not limited to transportation to/from hospitals or other facilities, as well as guarding prisoners at hospitals or other facilities. "Medical care" includes but is not limited to physicians' charges and expenses for any medical, surgical, dental or mental health services and medicines and surgical operations.
3. Assume responsibility for filling all prescriptions for prisoners, picking up these prescriptions, delivering these prescriptions to the Jail without delay, and handling the payment for these prescriptions directly with that pharmacy.
4. Assume responsibility and ensure that all appropriate and necessary legal documents are served on those persons incarcerated by the user without delay.
5. Assume responsibility for the transportation and appearance of prisoners at all court/legal proceedings, and transportation of prisoners to other agencies due to outstanding warrants.
6. Assume responsibility for providing Strongsville Jail staff sufficient information as may be required to ensure the proper completion of all necessary prisoner documentation, booking, processing, housing, and release.
7. Assume responsibility to deliver all appropriate and necessary legal documents and correspondences from the Court of venue, including bond information and commitment orders, to the Strongsville Jail without delay.
8. Assume responsibility for all prisoner property, other than cash and authorized medications, as the Strongsville Jail will not inventory, store, or dispose of personal property for any prisoner from any user agency.

THE CITY OF STRONGSVILLE AGREES TO AND/OR WILL:

1. Perform Strongsville Jail required booking functions, processing, and release.
2. Ensure the proper housing of persons incarcerated for the user in accordance with applicable legal requirements.
3. Ensure the proper feeding of persons incarcerated. Special dietary requirements may come under the extraordinary cost/service provision previously stated.
4. Provide and complete (with information provided by the user) the necessary and appropriate forms for reception, booking and release.
5. Provide emergency care to include emergency transportation to a hospital or medical facility as determined by the Strongsville Fire Department at the user's sole cost.
6. Assume responsibility for the timely release of inmates as provided by law.
7. May change the charges within its sole discretion upon thirty (30) days advance written notice.



STRONGSVILLE POLICE DEPARTMENT

18688 Royalton Road
Strongsville, Ohio 44136



This Agreement supersedes any previous agreement between the parties concerning this subject matter, and shall be effective upon authorized execution by both parties. It shall continue and be automatically renewed for successive twelve (12) month periods from year to year. Either party may cancel this contract with a thirty (30) day written notice at any time.

DARYL J. KINGSTON

USER:

BY:

Date: 3 / 18 / 25

TITLE:

MAYOR / SAFETY DIRECTOR

THE CITY OF STRONGSVILLE:

BY: _____ Thomas O'Deens, Chief of Police

Date: ___ / ___ / ___

APPROVED BY: _____ Thomas P. Perciak, Mayor

User will be provided a copy of this Agreement upon acceptance.

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5777

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ACCEPT AN LPA FEDERAL ODOT-LET PROJECT
AGREEMENT NO. 40368 AMENDMENT FOR THE
CUY-SR 021-02.93 ROAD REPAVING PROJECT;
AND DECLARING AN EMERGENCY**

WHEREAS, at its meeting on September 3, 2024, Council adopted Ordinance No. 5732 authorizing the Mayor to enter into an LPA Federal ODOT-LET Project Agreement No. 40368 for the CUY-SR 021-02.93 road repaving project; and

WHEREAS, Section 3.1 of such LPA Federal ODOT-LET Project Agreement has been amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:


SECTION 1. The Mayor be, and he hereby is, authorized to accept an LPA Federal ODOT-LET Project Agreement No. 40368 Amendment for the CUY-SR 021-02.93 Road Repaving Project, a copy of which Federal ODOT-LET Project Agreement No. 40368 Amendment is attached hereto as Exhibit "A" and incorporated herein as if by reference.

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof, and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

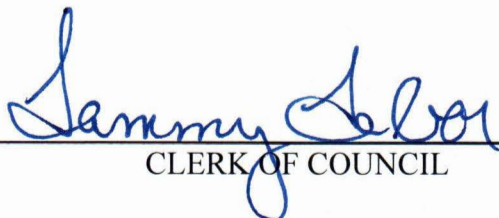
SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to continue the project, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: March 18, 2025

APPROVED: March 18, 2025

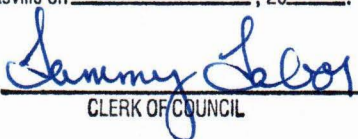


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5777 duly passed by the Council of the City of Brecksville, Ohio, on 3-18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3-21, 20 25.



CLERK OF COUNCIL

CFDA 20.205

**LPA Federal AGREEMENT # 40368 Amendment
PID 110610
CUY-SR 021-02.93**

Section 3.1 of Agreement No. 40368 is being amended as stated below:

3.0 FUNDING –
Section 3.0 Funding of Agreement No. 40368 is hereby revised, as detailed below to note that Construction Engineering and Inspection are not eligible expenses of the PROJECT.

3.1 The total cost for the PROJECT is estimated to be \$4,412,220.50.

ODOT shall provide to the LPA 90 percent of the eligible costs, up to a maximum of \$2,430,000.00 which includes Federal (4PF7) funds and 10 percent State (4PS7) funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the improvements of the PROJECT.

3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100 percent Locally-funded work, cost overruns and contractor claims.

By signing this revision, both parties agree that all provisions in the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: Brecksville, Ohio

STATE OF OHIO
OHIO DEPARTMENT OF TRANSPORTATION

By: 

By: _____

Title: MAYOR Daryl Kingston

Pamela Boratyn
Director

Date: 3-18-2025

Date: _____

EXHIBIT "A"



**Department of
Transportation**

transportation.ohio.gov

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*
Pamela Boratyn, *Director*

March 7, 2025

Daryl J. Kingston, Mayor and Safety Director
City of Brecksville
9069 Brecksville Rd.
Brecksville, Ohio 44141

Subject: Amended LPA Agreement for CUY-SR 021-02.93 (PID 110610)

Dear Mayor Kingston:

Included with this letter is the amended Federal LPA agreement which corrects the agreement to note that Construction Engineering and Inspection are not eligible expenses of the subject project. Please sign and return the agreement to my attention at your earliest convenience. After the Director signs the agreement, a copy will be returned to you for your records.

If you have any questions about the attached document, please do not hesitate to call this office.

Respectfully,

Melinda J. Bartizal

Melinda J. Bartizal
ODOT District 12 Transportation Planner

encl: (as stated)
c: N. Conley, ODOT-District 12; file (PID 110610)

ORDINANCE RECORD

COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5778

**AN ORDINANCE ACCEPTING THE BID OF
FABRIZI TRUCKING AND PAVING CO., INC. FOR
THE SENTINEL DRIVE CULVERT REPLACEMENT
PROJECT; AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to the publication of bids according to law, bids for the Sentinel Drive Culvert Replacement Project, in accordance with the specifications on file in the office of the Director of Purchasing, were received and opened according to law at 10:45 A.M. on Friday, February 28, 2025, and it being determined that the bid of Fabrizi Trucking and Paving Co., Inc. was the lowest and best bid.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The bid of Fabrizi Trucking and Paving Co., Inc. for the Sentinel Drive Culvert Replacement Project in an amount not to exceed three hundred fifty-four thousand, four hundred thirty-one dollars (\$354,431.00), in accordance with the specifications on file in the office of the Director of Purchasing be, and the same hereby is, accepted.

SECTION 2. The Mayor be and is hereby authorized and directed to enter into a contract on behalf of the City of Brecksville with Fabrizi Trucking and Paving Co., Inc. as set forth in Section 1 hereof, said contract to be in such form as is approved by the Director of Law.


SECTION 3. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1 hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1 hereof, said amounts to be charged to the appropriately designated Fund.

SECTION 4. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to commence the project, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.


PASSED: March 18, 2025

APPROVED: March 18, 2025


MAYOR


CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5778, duly passed by the Council of the City of Brecksville, Ohio, on 3-18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3-21, 20 25.


CLERK OF COUNCIL

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5669

**A RESOLUTION ACCEPTING A TEMPORARY GRADING
AND ACCESS EASEMENT ACROSS CERTAIN LANDS
OWNED BY LAWRENCE J. WANICKI AND KNOWN
AS PPN 605-25-008; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Brecksville must accept a temporary easement across certain lands owned by Lawrence J. Wanicki to undertake a Snowville Road Lowering Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

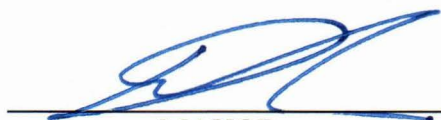
SECTION 1. The Mayor be, and hereby is, authorized to accept a Temporary Grading and Access Easement across certain lands owned by Lawrence J. Wanicki and known as PPN 605-25-008, a copy of which Temporary Grading and Access Easement is attached hereto, expressly made a part hereof by reference and marked Exhibit "A."

SECTION 2. The Council hereby appropriates sufficient funds to effectuate the provisions contained in Section 1 hereof and the Director of Finance is hereby authorized to transfer the funds necessary to complete this expenditure from the available funds of the City. The Director of Finance be and is hereby further authorized to issue the fiscal officer's certificate necessary to make the expenditures as described in Section 1. hereof, and is further directed to issue vouchers of this City in the amounts and for the purposes expressed in Section 1. hereof, said amounts to be charged to the appropriately designated Fund.

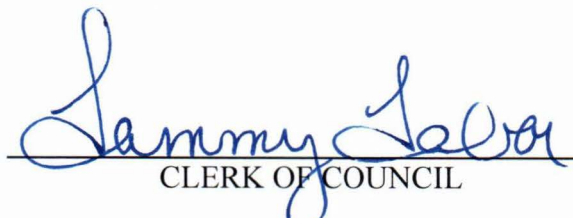
SECTION 3. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that it is necessary to obtain the easement for access to complete the Project, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: March 18, 2025

APPROVED: March 18, 2025

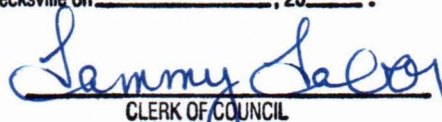


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5669 duly passed by the Council of the City of Brecksville, Ohio, on 3.18, 2025 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3.21, 2025.



CLERK OF COUNCIL

TEMPORARY GRADING & ACCESS EASEMENT ACROSS CERTAIN LANDS OWNED BY

LAWRENCE J. WANICKI

(Permanent Parcel No. 605-25-008)

This Temporary Grading & Access Easement is made this 18 day of March 2025, by Lawrence J. Wanicki, together with their heirs, administrators, executors, successors and assigns (hereinafter collectively referred to as "Grantor") who are the owners of certain land by deed recorded as VOL. 93-13505 PG. 60 of Cuyahoga County Records, (hereinafter referred to as "Premises"), in consideration of the sum of one thousand nine hundred dollars (\$1,900.00) the receipt of which is acknowledged by Grantor, and for other good and valuable consideration received to their full satisfaction, do hereby give, grant, bargain and convey, unto the City of Brecksville (hereinafter referred to as "Grantee"), its successors and assigns, the temporary right and temporary easement to enter upon that portion of the Grantors' Premises, as described in Exhibit "A", attached hereto and expressly made a part hereof by reference (hereinafter referred to as the "Easement Area").

WITNESSETH

WHEREAS, the City will be undertaking the Snowville Road Lowering Project (hereinafter referred to as "Project"), portions of which will involve the grantors' Property, and it is therefore necessary that the City be granted the temporary right to enter onto the Grantors' Property for the purposes related to such Project and other matters incident thereto:

NOW, THEREFORE, in exchange of the mutual covenants express herein the parties hereto agree as follows:

1. Grantor hereby grants to City the temporary right to enter onto certain areas of their Property delineated in the attached sketch, attached hereto, expressly made a part hereof by reference, and marked Exhibit A, (hereinafter the "Temporary Grading & Access Easement"), for the purposes of undertaking and constructing the Project and all matters incident and related thereto.
2. Grantors grants further permission to the City to store material and equipment within said easement area on the Property of the Grantor related to the construction of the Project. The Project shall be substantially complete within 120 days after initial mobilization. Access for final restoration and addressing project punch list items shall not exceed 180 days after initial mobilization.
3. It is further understood and agreed that the right to enter upon the Property and appurtenances thereto shall be for the limited purpose of the aforesaid Project and the other work to be performed by the City hereunder and this Temporary Grading & Access Easement and the rights granted to the

City shall terminate and be held for naught upon the completion of the Project as reasonably determined by the City Engineer.

4. The City shall restore the project as follows:
 - a. All disturbed lawn areas shall be graded and restored upon completion with grass per the following City specification: All areas within the limits of this project outside of pavement construction and all areas disturbed by the contractor shall be re-vegetated per ODOT item 659. Seed mix shall be class 1 - lawn mixture, applied at double the seed rate specified in 659.09. All natural stones 1" or larger and all construction aggregate or debris shall be removed from the planting bed area prior to placing topsoil. The contractor shall furnish and place clean, sifted topsoil per ODOT 653 to a minimum depth of 2" over all areas to be seeded.
 - b. All disturbed sidewalks, driveways, and/or drive aprons shall be replaced in kind per City standard specifications for such work.
 - c. The City is responsible for any damage and/or clean-up caused by the construction of the project. All cost associated with such shall be at the expense of the project. Any other items within the work limits damaged by construction shall be replaced/repaired as part of construction.

5. The City will assume no obligation of maintenance as it related to the temporary easement area after the completion of the aforementioned project and acceptance by the City.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at Brecksville Ohio,
on the 7th day of March, 2025.

Lawrence J. Wanicki
Lawrence J. Wanicki

STATE OF OHIO)
)SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above
named (print name) LAWRENCE WANICKI, who acknowledged that they did
sign the foregoing instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville Ohio
this 7th day of March, 2025.

V. Dicamillo
Notary Public



VALERIE Z. DICAMILLO
NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
MARCH 17, 2030

CITY OF BRECKSVILLE

By: [Signature]
Daryl J. Kingston Mayor

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

NOTARY PUBLIC

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Daryl J. Kingston, the duly elected and acting Mayor of the City of Brecksville, who, after first being duly cautioned according to law, acknowledged that he has the power to bind the City of Brecksville, pursuant to appropriate Councilmanic authorization, to the terms and conditions of the foregoing instrument and that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brecksville, Ohio, this 18 day of March, 2025.



TAMMY L. TABOR
Notary Public, State of Ohio
My Commission Expires
August 9, 2028

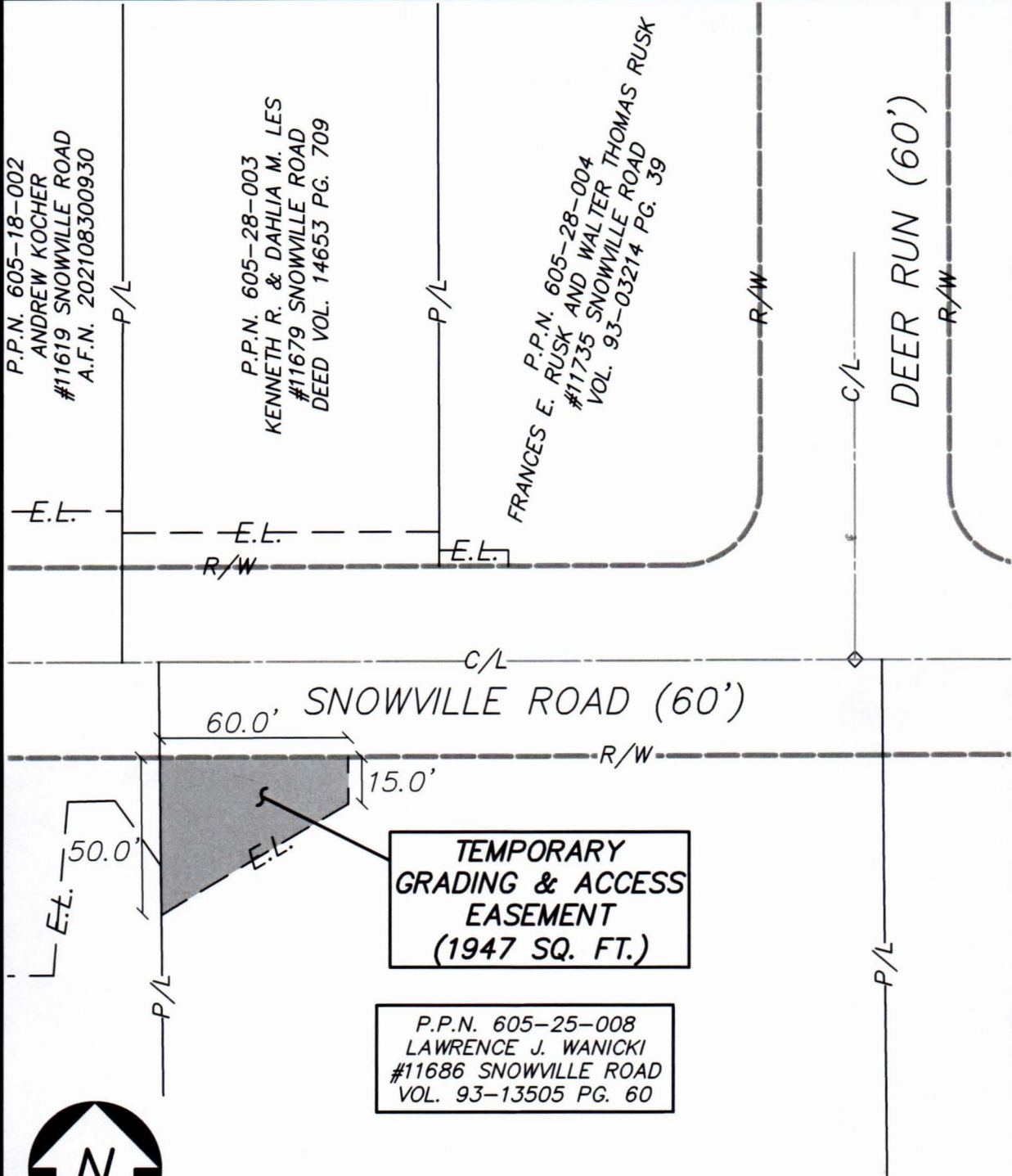
[Signature]
Notary Public

This Temporary Grading and Access Easement was authorized by Resolution No. 5669, adopted by the Council of the City of Brecksville on the 18 day of March, 2025.

[Signature]
Tammy Tabor, Clerk of Council

Approved as to Form:

[Signature]
Law Director, City of Brecksville
Law Director



TEMPORARY EASEMENT EXHIBIT "A"
P.P.N. 605-25-008
LAWRENCE J. WANICKI
 CITY OF BRECKSVILLE
 CUYAHOGA COUNTY, OHIO

RESOLUTION RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Resolution No. 5670

**A RESOLUTION MAKING NECESSARY
TRANSFERS AND ADVANCES BETWEEN CERTAIN FUNDS
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Section 5705.14 of the Ohio Revised Code, the Council deems it necessary to make certain transfers between the various Funds of the City for the fiscal year ending December 31, 2025; and

WHEREAS, pursuant to Bulletin 97-03 issued by the Ohio Auditor of State, the Council deems it necessary to advance funds of the City for the fiscal year ending December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Director of Finance be authorized to make the following transfers between certain funds of the City:

<u>From</u>	<u>Transfer</u>	<u>To</u>
General Fund 1100830-43010	\$187,500.00	Community Center Recreation Fund R2400820-09110
General Fund 1100830-43090	\$37,500.00	Compensated Absences Fund R2100820-09110
Special Assessment Chippewa Fund 3202810-49010	\$12,500.00	Ohio Public Works Commission Fund R4600820-09160
	<u>\$237,500.00</u>	

SECTION 2. The Director of Finance be authorized to make the following advance between certain funds of the City:

<u>From</u>	<u>Advance</u>	<u>To</u>
Special Assessment Fund 3200810-49010	\$30,000.00	General Fund R1100830-09400

SECTION 3. The Director of Finance be, and is hereby authorized to make payments from any of the foregoing transferred and advanced funds upon receiving prior invoices and vouchers therefor, approved by the persons authorized by law to approve the same.

SECTION 4. The Council declares this Resolution to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is that the same is related to the daily operation of a municipal department, therefore, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

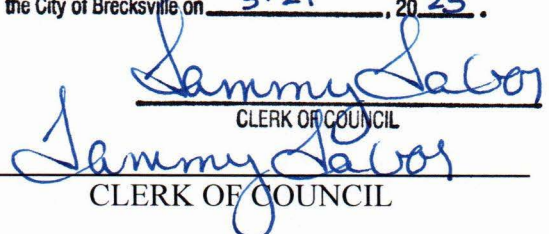
I do hereby certify that the foregoing is a true and correct copy of Resolution No. 5670 duly passed by the Council of the City of Brecksville, Ohio, on 3.18, 20 25 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 3.21, 20 25.

PASSED: March 18, 2025

APPROVED: March 18, 2025



MAYOR



CLERK OF COUNCIL