

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

ORDINANCE NO. 2017-5

**AN ORDINANCE
AUTHORIZING THE VACATION AND DEDICATION FOR A
PORTION OF ORANGE PLACE AND PARCELS "D" AND BLOCKS
"A", "B" AND "C" TO CREATE A NEW ALIGNMENT FOR ORANGE
PLACE.**

WHEREAS, Orange Village, Pine Orange LLC and Walnut Hills LLC have entered into a Development Agreement dated as of May 6, 2015 (the "Development Agreement"); and

WHEREAS, Pinecrest Project Partners LLC (the "Developer") has assumed the obligations of the Commercial Developer under the Development Agreement in accordance with the terms thereof; and

WHEREAS, the Developer is the owner of the Commercial Portion of the Project (this term is, and all other capitalized terms used herein that are not otherwise defined herein are, defined in the Development Agreement); and

WHEREAS, the Final Development Plan for the Commercial Portion of the Project contemplates the re-alignment of Orange Place in connection with the creation of the southern entryway to the Pinecrest commercial development off Harvard Road; and

WHEREAS, the Developer has submitted to the Village for approval a Map of Survey, Consolidation, Vacation and Dedication For A Portion of Orange Place and Parcel "D" and Blocks "A", "B" and "C". a copy of which is attached hereto as Exhibit A (the "Orange Place Vacation and Dedication Plat"); and

WHEREAS, the Orange Place Vacation and Dedication Plat vacates a portion of Orange Place and concurrently dedicates certain other land owned by the Village for roadway and utility purposes; and

WHEREAS, the Village is the owner of the property that abuts the portion of Orange Place to be vacated; and

WHEREAS, the Village Engineer and the Village Planning and Zoning Commission have reviewed the Orange Place Vacation and Dedication Plat and the proposed vacation/dedication and have made their recommendations and reports thereon.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE,
CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That this Council finds and determines that good cause exists for the vacation of a portion of Orange Place as set forth on the Orange Place Vacation and Dedication Plat and the dedication of the property shown on the Orange Place Vacation and Dedication Plat for the realignment of Orange Place and, further, that such vacation and dedication will not be detrimental to the general interest.

SECTION 2. That the Orange Place Vacation and Dedication Plat be, and the same hereby is, approved and accepted; and further, all Village officials whose signatures are required in order to record

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the Orange Place Vacation and Dedication Plat, be and they hereby are authorized and directed to sign the Orange Place Vacation and Dedication Plat in their official capacities.

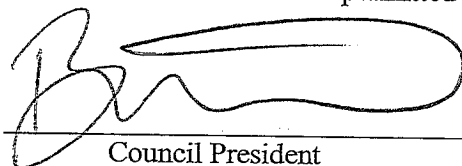
SECTION 3. That the approval of the dedication of the portion of the property to be dedicated as part of Orange Place is approved for dedication purposes only, and the Clerk of Council is hereby authorized and directed to endorse the Orange Place Vacation and Dedication Plat pursuant to the provisions of Section 1123.03(e) of the Codified Ordinances of Orange Village, as "approved for dedication purposes only."

SECTION 4. That upon completion of the improvements for the re-alignment of Orange Place, Council shall consider the acceptance of said improvements, if said improvements conform with the plans and specifications approved in connection with the Final Development Plan for the Commercial Portion of the Project and with Section 1123.03(f) of the Codified Ordinances, and upon the acceptance thereof shall cause the execution and filing of the Orange Place Vacation and Dedication Plat for record purposes. Council's acceptance of said improvements shall be done by the passage of an Ordinance reflecting said acceptance.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: February 8, 2017

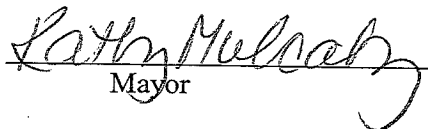

Council President

Submitted to the Mayor for approval on this 8 day of February 2017

Approved by the Mayor this 8 day of February, 2017

ATTEST:


Clerk of Council


Mayor