

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
JANUARY 4, 2010
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call
- Reading and disposal of the Minutes of the Regular Meeting of Council held December 21, 2009. Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Elections for President and Vice President of Council.
2. Certificate of Result of Official Count General Election, November 3, 2009. (Pg.4)
3. Committee of the Whole Report regarding Council Appointments (To Be Provided)
4. **RESOLUTION NO. 8386-10** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ to the Lakewood Board of Building Standards/Architectural Board of Review/Sign Review Board for the full five-year term ending December 31, 2004. (Pg. 5)
5. **ORDINANCE NO. 95-09** AN ORDINANCE to amend Section 373.17 License Application, 373.18 Issuance of License, and 373.19 Disposition of Fees, of the Codified Ordinances of the City of Lakewood to remove payment of a fee for the issuance of a bicycle license within the City of Lakewood in order to make bicycle licenses more accessible to residents. (PLACED ON 1ST READING & REFERRED TO PUBLIC SAFETY COMMITTEE 12/21/09) (Pg. 6)
6. Liquor Permit Application for a D5 transfer to Route 6 Hospitality Services d/b/a Route 6 Cafe 15625 Detroit Avenue from Bar 2 Inc same address. (DEFERRED 12/21/09) (Pg.10)

****NEW BUSINESS****

7. Communication from Mayor FitzGerald and Councilmember Madigan regarding Lakewood Hosting Census Job Fair January 13, 2010. (Pg.11)
8. Communication from Finance Director Pae regarding H1N1 Vaccination Clinic Reimbursement. (Pg.13)
9. **RESOLUTION NO. 8387-10** - AN EMERGENCY RESOLUTION authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Board of Health to accept and expend funds in an amount estimated at \$49,000 for Public Health Emergency Response activities including the development of a Strategic National Stockpile (SNS) Plan/Mass Dispensing/Vaccination Plan and the implementation of the SNS Point of Dispensing plan and the provision of mass H1N1 vaccination clinics. (Pg. 14)
10. Communication from Law Director Hurley regarding Local 1043 and Ohio Council 8, AFSCME Employees (Administrative Employees) Collective Bargaining Agreement. (Pg.16)
11. **ORDINANCE NO. 1-10** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the

Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Local 1043 and Ohio Council 8, American Federation of State, County and Municipal Employees (Administrative Employees) for a three year period commencing upon the date of ratification, January 4, 2010. (Pg. 17)

12. Communications from Public Works Director Beno regarding 17526 Madison Limited Easement. (Pg.19)
13. **ORDINANCE NO. 2-10** - AN ORDINANCE authorizing the Director of Law on behalf of the City of Lakewood to enter into agreements necessary to grant an Easement to Spring Garden Properties, LLC, owner of the property located at 17526 Madison Avenue, Lakewood, Ohio to maintain an ADA accessible ramp on within the public right-of-way owned by the City of Lakewood and located directly adjacent to 17526 Madison Avenue, Lakewood, Ohio. (Pg.20)
14. Liquor Permit for a D1 transfer to Lakewood Phoenix Inc., d/b/a The Root Café; 15118 Detroit Avenue, from Lakewood Phoenix Inc. 15108 Detroit. . (Pg.26)
15. Liquor Permit Application for C1 and C2 transfers to LEHIGH GAS OHIO d/b/a BP AM PM; 14718 Madison Ave from BP Products North America same address. (Pg.27)

**CERTIFICATE OF RESULT OF OFFICIAL COUNT
CITY**

GENERAL ELECTION November 3, 2009

It is hereby certified that the following is the result of the OFFICIAL COUNT of the ballots in the GENERAL ELECTION held in the City of CARTWOOD CUYAHOGA County, Ohio on Tuesday, November 3, 2009

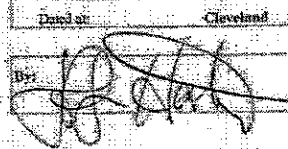
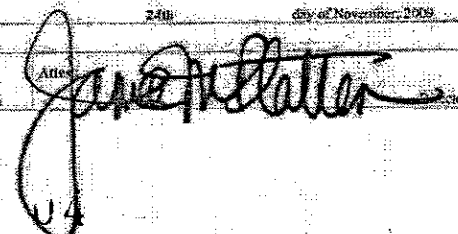
The number of votes counted for each candidate is set opposite their respective name and we have designated the successful candidate in each case by placing a check mark following the name.

LIST CANDIDATES ALPHABETICALLY BY LAST NAME FOR EACH OFFICE

Office and Candidates	*Party	Votes	Office and Candidates	*Party	Votes
MAYOR			MEMBERS OF COUNCIL-AT-LARGE		
			Nickie J. Antonio *	NP	5,764
			Ryan Patrick Dentro	NP	5,564
			Brian Powers *	NP	5,745
PRESIDENT OF COUNCIL			Israel K. Shapiro	NP	5,652
			Paul E. Shields	NP	5,515
			Monique Smith *	NP	5,625
AUDITOR			MEMBERS OF COUNCIL		WARD
TREASURER					WARD
CITY DIRECTOR OF LAW					WARD
MUNICIPAL JUDGE - 1/1/2010					WARD
Ward of Municipal Court District	* Name of Court				
James Carroll *		5,652			WARD
CLERK OF MUNICIPAL COURT					

*State party affiliation or if non-partisan, please state "NP". Place a check mark following the name of each candidate elected.

NOTE-IMPORTANT-Certificate of result of official count to be forward immediately upon completion of official count. Result of recount must be certified, showing name of candidate declared elected, to the Secretary of State as soon as recount is completed.

Plan of Government: (check one)	Charter	Statutory
	X	
Circuit Court	County Board of Elections	
Dated at	Cleveland	Ohio, this 24th day of November, 2009
By		Attest: 
	Chairperson	

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ to the Lakewood Board of Building Standards/Architectural Board of Review/Sign Review Board for the full five-year term ending December 31, 2014.

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 AND 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this position is currently vacant; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Council hereby appoints _____ to the Lakewood Board of Building Standards/Architectural Board of Review/Sign Review Board for the full five-year term ending December 31, 2014.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure for the reasons stated in the preamble hereof and provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

ORDINANCE NO. 95-09

BY:

AN ORDINANCE to amend Section 373.17 License Application, 373.18 Issuance of License, and 373.19 Disposition of Fees, of the Codified Ordinances of the City of Lakewood to remove payment of a fee for the issuance of a bicycle license within the City of Lakewood in order to make bicycle licenses more accessible to residents.

WHEREAS, the City of Lakewood has historically required that residents register their bicycles with the City of Lakewood through a licensing process; and

WHEREAS, a minimal fee of two dollars (\$2.00) is currently charged to obtain the license; and

WHEREAS, the license is intended to allow police to quickly identify and notify the owner of a bicycle in the event that it is lost or stolen so that the bicycle can be returned; and

WHEREAS, annually the Lakewood Police Department obtains and stores hundreds of bicycles that are later auctioned or disposed of due to the Police Department's inability to locate an owner; and

WHEREAS, removing the fee required will permit Police Officers to issue licenses at local community events and other venues convenient to residents without having to handle cash or other forms of payment with the intent of registering more bicycles and being able to identify more owners when Police do locate lost or stolen bicycles. Now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That Section 373.17 License Application, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

373.17 LICENSE APPLICATION.

(a) Application for registration of a bicycle shall be made to the Chief of Police upon forms provided by him, which shall contain the name and

address of the applicant and the name, color and serial number or other identifying marks of the bicycle and other information as the Chief of Police shall deem pertinent.

(b) All licenses sold before or after the effective date of this legislation shall be effective for as long as the applicant for such license remains the owner of the bicycle. The cost of such license shall be two dollars (\$2.00).

shall be and is hereby amended to read as follows:

373.17 LICENSE APPLICATION.

(a) Application for registration of a bicycle shall be made to the Chief of Police upon forms provided by him, which shall contain the name and address of the applicant and the name, color and serial number or other identifying marks of the bicycle and other information as the Chief of Police shall deem pertinent.

(b) All licenses sold before or after the effective date of this legislation shall be effective for as long as the applicant for such license remains the owner of the bicycle. ~~The cost of such license shall be two dollars (\$2.00).~~

Section 2. That Section 373.18 Issuance of License, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

373.18 ISSUANCE OF LICENSE.

(a) The Chief of Police upon receipt of the proper application accompanied by the required fee, is authorized to issue a bicycle license which shall be effective for as long as the applicant remains the owner of such bicycle.

(b) The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner or entitled to the possession of such bicycle or that such bicycle is not in safe operating condition.

(c) The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the name and address of the owner's parents or guardian if the owner is a minor and the name of the manufacturer, color, serial number or other identifying marks of the bicycle for which issued, and other information as the Chief of Police shall deem pertinent, and a record of all bicycle license fees collected by him.

shall be and is hereby amended to read as follows:

373.18 ISSUANCE OF LICENSE.

(a) The Chief of Police upon receipt of the proper application accompanied by the required fee, is authorized to issue a bicycle license which shall be effective for as long as the applicant remains the owner of such bicycle.

(b) The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner or entitled to the possession of such bicycle or that such bicycle is not in safe operating condition.

(c) The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the name and address of the owner's parents or guardian if the owner is a minor and the name of the manufacturer, color, serial number or other identifying marks of the bicycle for which issued, and other information as the Chief of Police shall deem pertinent, and a record of all bicycle license fees collected by him.

Section 3. That Section 373.19 Disposition of Fees, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

373.19 DISPOSITION OF FEES.

The Chief of Police shall pay monthly to the Director of Finance all fees received pursuant to the provisions of this chapter and shall take the Director of Finance's receipt therefor, which shall be kept as a part of the Police Division's record of such registrations.

is hereby repealed.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

NOTICE TO LEGISLATIVE
AUTHORITY

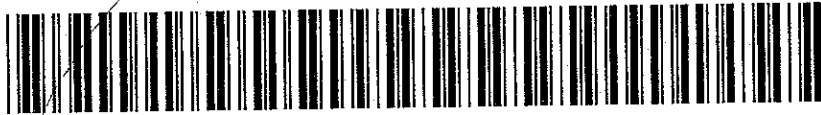
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7560408		TRFO	ROUTE 6 HOSPITALITY SERVICES LLC	
PERMIT NUMBER		TYPE	DBA ROUTE 6 CAFE	
10	01	2008	1ST FLR & BSMT	
ISSUE DATE		15625 DETROIT AV		
12	04	2009	LAKEWOOD OHIO 44107	
FILING DATE				
D5				
PERMIT CLASSES				
18	286	C	F02095	
TAX DISTRICT			RECEIPT NO.	

FROM 12/08/2009

0435931			BAR 2 INC	
PERMIT NUMBER		TYPE	15625 DETROIT AV 1ST FLR & BSMT	
10	01	2008	LAKEWOOD OHIO 44107	
ISSUE DATE				
12	04	2009		
FILING DATE				
D5				
PERMIT CLASSES				
18	286			
TAX DISTRICT			RECEIPT NO.	



MAILED 12/08/2009

RESPONSES MUST BE POSTMARKED NO LATER THAN 01/08/2010

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING
REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 7560408

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.
DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD MUNICIPAL COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.oneLakewood.com
Lakewood City Council

Council at Large
NICKIE J. ANTONIO
BRIAN E. POWERS
MONIQUE SMITH

Ward Council
WARD I - KEVIN BUTLER
WARD II - THOMAS BULLOCK
WARD III - MICHAEL SUMMERS
WARD IV - MARY LOUISE MADIGAN

January 4, 2010

Re: Hosting Census Job Fair January 13, 2010

Dear Members of Council:

Please find the attached news release from the Administration promoting the Census Job Fair to be held Wednesday, January 13, 2010 at 5:30 PM to 8:30 PM here in the Auditorium.

Sincerely,

Mary Louise Madigan
Councilmember, Ward 4

Edward FitzGerald
Mayor



12650 DETROIT AVENUE • 44107 • 216/521-7580 • FAX 216/521-1379 • www.onelakewood.com

FOR IMMEDIATE RELEASE

**NEWS FROM THE
OFFICE OF
COMMUNITY RELATIONS**

December 30, 2009

LAKEWOOD TO HOST CENSUS JOB FAIR ON JANUARY 13TH

The City of Lakewood, in partnership with the U.S. Census Bureau, will host a Census Job Fair on Wednesday, January 13, 2010 from 5:30 PM to 8:30 PM in the Lakewood City Hall Auditorium, 12650 Detroit Avenue.

Census recruiters and top regional officials will be assisting Lakewood and Cuyahoga County residents with their part-time and full-time employment searches. They will introduce area residents to the benefits of becoming part of the 2010 Census team and highlight the importance of community involvement in obtaining a complete count.

"When the Census Bureau contacted us about helping them hire Lakewood residents, we were happy to help," stated Mayor Ed FitzGerald. "In these tough economic times, we want to provide our residents with any resources we have to assist them in their employment searches. It is also extremely important that every Lakewood resident be counted in the 2010 Census and having Lakewood residents working for the Census Bureau here in Lakewood should help make that happen."

At the job fair, residents will have the opportunity to not only find out about census positions and testing requirements, but will also have the chance to take part in a confidential 30 minute pre-employment screening test on location. The officials at the fair will also provide on-site help to aid prospective employees with any uncertainties related to the simple or more complex test questions. Further information about employment or community involvement, future testing dates and literature will be available.

"Please come to this job fair," said Marie Mezzaros, Recruiting Assistant for the U.S. Census Bureau. "We're trying to spread the word about this opportunity to work for the Census. Great pay, flexible hours, paid training and mileage reimbursement are only some of the many benefits to becoming part of our growing crew in this region. The opportunity to serve your community and country at the same time in another very important part of the picture. Why not lend a hand and get paid to do it?"

###

For more information contact the Office of Community Relations at (216) 529-6650 or Marie Mezzaros of the U.S. Census Bureau at (216) 820-4100.



Jennifer Pae
Director of Finance

12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

January 4, 2010

Lakewood City Council

Re: H1N1 Vaccination Clinic Reimbursement

Dear Members of Council:

Attached you will find a resolution authorizing the City of Lakewood to enter into an agreement with the Cuyahoga County Board of Health to accept and expend funds in an estimated amount of \$49,000 for Public Health Emergency Response activities such as the mass H1N1 vaccination clinics.

Your successful passage of this resolution on first reading will enable the City to be reimbursed for the clinic that took place on Sunday, December 13th in a timely manner.

Respectfully,

Jennifer R. Pae
Director of Finance

RESOLUTION NO.

BY:

AN EMERGENCY RESOLUTION authorizing the Mayor as Director of Public Safety, on behalf of the City, to enter into an Agreement with the Cuyahoga County Board of Health to accept and expend funds in an amount estimated at \$49,000 for Public Health Emergency Response activities including the development of a Strategic National Stockpile (SNS) Plan/Mass Dispensing/Vaccination Plan and the implementation of the SNS Point of Dispensing plan and the provision of mass H1N1 vaccination clinics.

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the City of Lakewood should be permitted to seek reimbursement immediately for participation in these public health activities. Now Therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. The Mayor as Director of Public Safety, on behalf of the City, is hereby authorized to enter into an Agreement with the Cuyahoga County Board of Health to accept and expend funds in an amount estimated at \$49,000 for Public Health Emergency Response activities including the development of a Strategic National Stockpile (SNS) Plan/Mass Dispensing/Vaccination Plan and the implementation of the SNS Point of Dispensing plan and the provision of mass H1N1 vaccination clinics.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for

the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor



**LAW DEPARTMENT
OFFICE OF PROSECUTION**
12650 Detroit Avenue • Lakewood, Ohio 44107
216/529-6030 • FAX 216/228-2514
Website: www.onelakewood.com
Email: law@lakewoodoh.net

NORA L. HURLEY
DIRECTOR OF LAW

RICHARD NEFF
CHIEF PROSECUTOR

JENNIFER L. MLADEK
ASSISTANT LAW DIRECTOR

SCOTT CLAUSSEN
ASSISTANT LAW DIRECTOR

SALEH AWADALLAH
ASSISTANT LAW DIRECTOR

PAMELA ROESSNER
ASSISTANT PROSECUTOR

ASHLEY BELZER
LAW CLERK

January 4, 2010

Lakewood City Council
Lakewood, Ohio

Dear Members of Council:

Submitted for your consideration is an ordinance authorizing the Mayor to enter into a collective bargaining agreement with Local 1043 and Ohio Council 8, American Federation of State, County, and Municipal Employees (Administrative Employees) for a three year period commencing the date of ratification, January 4, 2010.

I respectfully request that you suspend the rules in order to pass this legislation as the current agreement expired December 31, 2009.

Respectfully,

Nora L. Hurley
Director of Law

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, authorizing the Mayor of the City of Lakewood, Ohio, to enter into an Agreement with the Local 1043 and Ohio Council 8, American Federation of State, County and Municipal Employees (Administrative Employees) for a three year period commencing upon the date of ratification, January 4, 2010.

WHEREAS, the Administration has conducted extensive negotiations with Local 1043 and Ohio Council 8, American Federation of State, County and Municipal Employees as the bargaining representative for certain employees of the administration; and

WHEREAS, such negotiations have provided a Tentative Agreement between the parties for the years 2010, 2011, and 2012; and

WHEREAS, Council and the Administration have reviewed such proposal and do desire to ratify and adopt such agreement; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it provides for the usual daily operation of municipal departments in that until this agreement is executed, the Administrative Employees will continue employment under the current agreement which expired December 31, 2009. Now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized to enter into an Agreement, for a three year period commencing upon the date of ratification, January 4, 2010, with Local 1043 and Ohio Council 8, American Federation of State, County and Municipal Employees, on behalf of certain employees of the Administration; the Agreement, made apart hereof as though fully rewritten herein, is on file in the office of the Director of Law.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



DEPARTMENT OF PUBLIC WORKS
12650 DETROIT AVENUE • 44107 • (216) 529-6804

JOSEPH J. BENO, PE
DIRECTOR OF PUBLIC WORKS

January 4, 2010

Lakewood City Council

RE: 17526 Madison Limited Easement

Dear Members of Council:

Please review the attached documents to approve a limited easement at 17526 Madison Avenue. The easement is for a portion of the sidewalk area in front of the Ohio Educational Credit Union to provide ADA compliant access to the front vestibule ATM. This work has previously been approved by Lakewood's Architectural Board of Review.

Sincerely,

Joseph J. Beno, PE

ORDINANCE NO.

BY:

AN ORDINANCE authorizing the Director of Law on behalf of the City of Lakewood to enter into agreements necessary to grant an Easement to Spring Garden Properties, LLC, owner of the property located at 17526 Madison Avenue, Lakewood, Ohio to maintain an ADA accessible ramp on within the public right-of-way owned by the City of Lakewood and located directly adjacent to 17526 Madison Avenue, Lakewood, Ohio.

WHEREAS, the City of Lakewood is the owner of the public right-of-way and the sidewalk constructed thereon that is located directly adjacent to 17526 Madison Avenue, Lakewood, Ohio, and

WHEREAS, Spring Garden Properties, LLC, the owner of the property located at 17526 Madison Avenue, Lakewood, Ohio, constructed an ADA accessible ramp to the front of its structure which currently is occupied by the Ohio Education Credit Union; and

WHEREAS, Spring Garden Properties, LLC is requesting an easement to allow the ADA accessible ramp to remain. Now Therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Director of Law, on behalf of the City of Lakewood is hereby authorized to enter into agreements necessary to grant an Easement to Spring Garden Properties, LLC to maintain an existing ADA accessible ramp within the public right-of-way owned by the City of Lakewood and located directly adjacent to 17526 Madison Avenue, Lakewood, Ohio in substantially the form as attached in "Exhibit A."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its

committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

EXHIBIT

A

To Ordinance No.

LIMITED EASEMENT

This Agreement is made this ____ day of 20____, by and between The City of Lakewood, Ohio (a Municipal Corporation) ("Grantor), and Spring Garden Properties, LLC ("Grantee") of Lakewood, Ohio.

WHEREAS the Grantor owns and has title to the public right of way abutting Grantee's real estate described below.

WHEREAS the Grantee owns and has title to the following described real estate:

Situated in the City of Lakewood, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 150 in Rocky River Nursery Allotment as shown by the recorded plat in Volume 53 of Maps, Page 19 of Cuyahoga County Records.
Permanent Parcel No. 313-18-027, 17526 Madison Avenue Lakewood, Ohio 44107

WHEREAS, the said properties are adjacent to each other and Grantor wishes to convey an easement over a portion of its property for the benefit of the Grantee.

NOW THEREFORE, for valuable consideration of one dollar (\$1.00), receipt of which is hereby acknowledged, the Grantor grants the following described easement to the Grantee:

Description of Easement. This is an easement to construct, maintain and continue an ADA compliant access ramp to Grantee's property on the portion of Grantor's real property as described in Exhibit "A" attached to this Easement ("Easement Area"). This Easement shall automatically terminate when the encroachment no longer continues to exist for any reason, including, but not limited to, the temporary or permanent removal of the ADA compliant access ramp. This easement shall automatically terminate in the event that the ADA complaint access ramp is not adequately maintained by Grantee or it deteriorates to the extent that the ramp is unsafe and constitutes a hazard to those using the public right of way as determined by Grantor.

This Easement is granted subject to the following terms and conditions:

1. Maintenance and Indemnification. Grantee shall be solely responsible for the maintenance, repair and replacement of the ADA compliant access ramp placed in the Easement Area. Additionally, Grantee shall be responsible for the maintenance of the entire Easement Area. Grantee shall indemnify, defend, and hold harmless the Grantor from and against all claims, damages, losses or expenses arising out of the exercise of the rights granted by this Easement, but excepting any claims, losses, damages or expenses to the extent caused by the negligent acts or omissions of the Grantor or its agents, employees, or contractors, or others for whom the Grantor is responsible.

The ADA compliant access ramp shall be removed at Grantee's expense, upon termination of this easement.

2. Title. Grantor covenants with Grantee that Grantor is the owner of the Easement Area described above and has full power to convey the rights conveyed by this Easement.

3. Covenant Running with Land. The provisions of this Easement shall run with the land and be binding upon, and inure to the benefit of the parties, their heirs, personal representatives, assigns and/or successors in title. This Easement may be amended only by a written instrument in recording form executed and acknowledged by the Grantor and Grantee.

Grantor, The City of Lakewood, Ohio

By: _____

Witness

Grantee, Spring Garden Properties, LLC

Witness

Witness

Witness

STATE OF OHIO)
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared _____ on behalf of the Grantor, The City of Lakewood, Ohio, who acknowledged that he/she executed the foregoing instrument as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 20__.

Notary Public

STATE OF OHIO)
COUNTY OF CUYAHOGA)

BEFORE ME, a Notary Public in and for said County and State, personally appeared _____ on behalf of the Grantee, Spring Garden Properties, LLC who acknowledged that he/she executed the foregoing instrument as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 20__.

Notary Public

EXHIBIT
A
to Limited Easement

Mc Steen & Associates
ENGINEERS & SURVEYORS

File No. 09-210
December 2, 2009

LEGAL DESCRIPTION
Encroachment Permit
69 Square Feet
17526 Madison Avenue
Lakewood, Ohio

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Section No. 23, being more particularly bounded and described as follows:

Commencing for Reference at the intersection of the westerly right-of-way line of Spring Garden Avenue (40 feet wide) with the northerly right-of-way line of Madison Avenue (80 feet wide); Thence, South 90°-00'-00" West along the northerly right-of-way line of Madison Avenue, a distance of 15.50 feet to the **TRUE PLACE OF BEGINNING** of the Encroachment Permit herein to be described;

Course No. 1: thence, **South 00°-00'-00" West**, a distance of **4.00 feet** to a point;

Course No. 2: thence, **South 90°-00'-00" West**, a distance of **17.33 feet** to a point;

Course No. 3: thence, **North 00°-00'-00" East**, a distance of **4.00 feet** to a point;

Course No. 4: thence, **North 90°-00'-00" East**, a distance of **17.33 feet** to the place of beginning and containing **69 square feet** of land more or less, as described in December of 2009 by Robert A. Dorner, Registered Professional Land Surveyor No. 6943 for and on behalf of **McSteen & Associates, Inc.** under Project No. 09-2107 and being subject to all legal highways and easements of record.

The basis of bearings for this description is South 90°-00'-00" West as the northerly right-of-way line of Madison Avenue, an is an assumed bearing

Cuyahoga Falls • Painesville • Wickliffe
Corporate Office: 1415 East 286th Street Wickliffe, Ohio 44092

440.585.9800 Toll Free: 800.250.3451 Mortgage Fax 440.585.9801 Survey Fax 440.585.9802
www.mcsteen.com

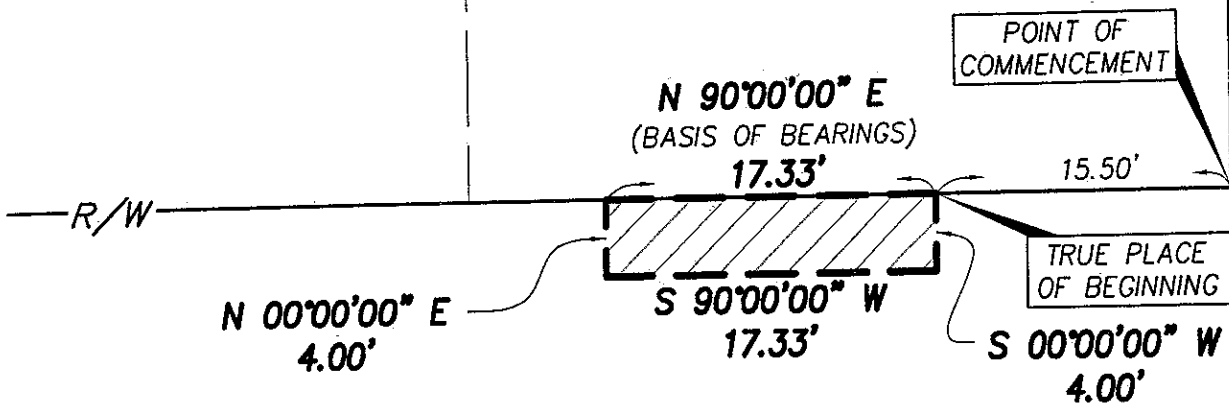
**ROCKY RIVER NURSERY ALLOTMENT
VOL. 53, PG. 19 C.C.M.R.**

S/L 149

PPN 313-18-028
17540 MADISON APARTMENTS

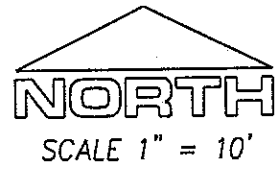
S/L 150

PPN 313-18-027
SPRING GARDEN PROPERTIES, LLC
AFN 200504270306



R/W
SPRING GARDEN AVE.
40' Public Right Of Way

MADISON AVENUE
80' Public Right Of Way



**EXHIBIT TO
ACCOMPANY LEGAL DESCRIPTION**

for
ENCROACHMENT PERMIT
17526 MADISON AVENUE
69 SQUARE FEET

Known as being part of Original Rockport Section No. 23, now situated in the
CITY OF LAKEWOOD
COUNTY OF CUYAHOGA - STATE OF OHIO

by
McSTEEN & ASSOCIATES, INC.

ENGINEERS & SURVEYORS
1415 East 286th Street
Wickliffe, Ohio 44092
(440) 585-9800

25

Job No.: 09-210
Site No.: 2692

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P. O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

49919630001		TRFL	LAKWOOD PHOENIX INC
PERMIT NUMBER		TYPE	DBA THE ROOT CAFE
10	01	2009	15118 DETROIT AVE
ISSUE DATE		LAKWOOD OH 44107	
12	17	2009	
FILING DATE			
D1			
PERMIT CLASSES			
18	286	C	F02147
TAX DISTRICT		RECEIPT NO.	

FROM 12/21/2009

4991963			LAKWOOD PHOENIX INC
PERMIT NUMBER		TYPE	DBA LAKWOOD PHOENIX CAFE
10	01	2009	15108 DETROIT AV 1ST FL & BSMT
ISSUE DATE		LAKWOOD OHIO 44107	
12	17	2009	
FILING DATE			
D1			
PERMIT CLASSES			
18	286		
TAX DISTRICT		RECEIPT NO.	



MAILED 12/21/2009

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/21/2010

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFL 4991963-0001

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD MUNICIPAL COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P. O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

50989840255		TRFO	LEHIGH GAS OHIO LLC	
PERMIT NUMBER		TYPE	DBA BP AM PM	
10	01	2008	14718 MADISON AV	
ISSUE DATE		LAKEWOOD OHIO 44107		
12	18	2009		
FILING DATE				
C1	C2	PERMIT CLASSES		
18	286	C	F02163	
TAX DISTRICT		RECEIPT NO.		

FROM 12/22/2009

08984675036			BP PRODUCTS NORTH AMERICA INC	
PERMIT NUMBER		TYPE	DBA SITE 5036	
10	01	2008	14718 MADISON AV	
ISSUE DATE		LAKEWOOD OHIO 44107		
12	18	2009		
FILING DATE				
C1	C2	PERMIT CLASSES		
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 12/22/2009

RESPONSES MUST BE POSTMARKED NO LATER THAN

01/22/2010

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

C TRFO 5098984-0255

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT IN COLUMBUS.

WE DO NOT REQUEST A HEARING

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

- (Title)- Clerk of County Commissioner
 Clerk of City Council
 Township Fiscal Officer

(Date)

CLERK OF LAKEWOOD MUNICIPAL COUNCIL
12650 DETROIT AV
LAKEWOOD OHIO 44107