

RESOLUTION NO. 2020-07

Bullock, Kepple, Litten, Neff, O'Malley, Rader,
BY: Shachner

A RESOLUTION approving of a public grounds encroachment permit pursuant to Section 901.18 of the Codified Ordinances in favor of Lakewood Public Library, in furtherance of the proposed site plan for the permittee's Madison Branch Library.

WHEREAS, Lakewood Public Library currently only has one 10 foot drive for two-way traffic and is in need of an additional driveway to serve the rear parking lot that can only be obtained through granting of an encroachment permit for a portion of Madison Park that directly abuts Lakewood Library's Madison Branch; and

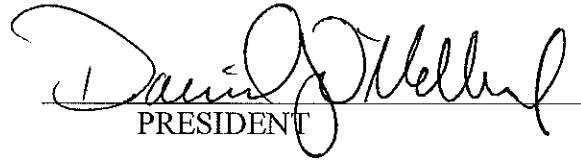
WHEREAS, Section 901.18, Erecting Buildings or Structures on Public Ground, of the Codified Ordinances of the City of Lakewood governs use of public grounds upon approval of Council under the terms and conditions described in that Section; now, therefore,

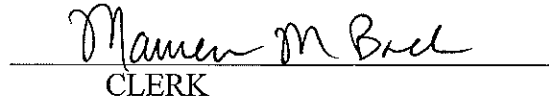
BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. The Council of the City of Lakewood hereby approves of a public ground encroachment permit in the form attached hereto as **Exhibit A**, pursuant to Section 901.18 of the Codified Ordinances, in favor of Lakewood Public Library, in furtherance of the proposed site plan for the permittee's family health center, certain elements of which shall occupy a portion of Madison Park located adjacent to the permittee's property.

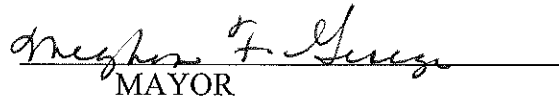
Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council an any of its committees that resulted in such formal action were in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

Adopted: 3/2/2020


PRESIDENT


CLERK

Approved: 3/3/2020


MAYOR

ENCROACHMENT PERMIT

The City of Lakewood (“City”), through its Director of Public Works (“Director”), under authority of Resolution No. _____, adopted on _____, 2020, permits Lakewood Public Library, an Ohio non-profit corporation (“Permittee”), to install, use, and maintain a driveway and landscaping for its Madison Branch Library that will encroach into Madison Park, 13029 Madison Avenue (PPN 315-20-003) at the locations more fully described as follows: [*See Exhibit I*]

The City reserves the right of reasonable entry to the encroachment areas.

Permittee shall construct and install the encroaching objects and facilities only according to plans and specifications first approved by the Director.

Permittee shall obtain all other required permits including, but not limited to, a Building Permit before constructing the encroaching objects and facilities. Permittee shall, at all times during the term of the Permit, maintain the driveway and landscaping.

Permittee shall pay directly to the Cuyahoga County Fiscal Officer, no later than the due date, any taxes, assessments, or other costs from which Permittee is not exempt, that may result from Permittee’s construction and maintenance on or its use of the encroachment areas. No later than five days after any payment, Permittee shall provide the City with a copy of the receipted tax bill(s) showing timely, full payment of the taxes owed. If Permittee has paid the full amount of any taxes that may be due at the time of filing and until resolution of any complaints, it may, at its sole expense, contest either the validity and/or the amount of such taxes, in either its own name or on behalf of the City.

Permittee shall indemnify, protect, and save the City harmless from any loss or damage arising out of any claim for injury, including death, to any person(s), or damage to any property,

incurred by or asserted against the City and arising, directly or indirectly, from the construction, installation, use, and maintenance of the encroachment by Permittee, or from any taxes, assessments, or costs resulting directly or indirectly from the encroachment.

During the effectiveness of this Permit, Permittee shall procure and maintain in force Commercial General Liability insurance, including Completed Operations coverage, having limits of not less than \$1,000,000 on account of any incident involving injuries, including death, to one or more persons, and property damage insurance having limits of not less than \$1,000,000, or a combined single limit of \$1,000,000, provided, however, that nothing in this Permit limits Permittee's indemnification obligations to the above limits of insurance. The insurance provided shall include the City as an additional insured and shall be satisfactory to the City Director of Law. Permittee shall require its insurance company(ies) to provide in the policy or policies and on any certificate evidencing the coverage(s) a special provision requiring the insurance company to notify the Director of Public Works, in writing, at least 30 days before it cancels or reduces the insurance. If the insurance company(ies) cannot or will not provide such notice, then Permittee shall notify the Director of Public Works, in writing, at least 30 days before it cancels or reduces the insurance coverage or limits, and within no more than 10 days after it is notified of any cancellation or reduction of the insurance by an insurance company.

This Permit is revocable at any time at the will of the Council of the City of Lakewood only in the event Permittee no longer owns and operates the Lakewood Public Library, Madison Branch on the adjacent parcel, Cuyahoga County Parcel No. 315-20-002; Permittee gains ownership or control of any portion of Cuyahoga County Parcel No. 315-20-001; or Permittee fails to abide by the terms of the Permit. Upon revocation, Permittee shall cease all operations

and uses existing by virtue of this Permit and may be required, at no cost to the City, to remove any installations made under this Permit.

Permittee may assign this Permit only with prior written consent of the Director.

Granted _____, 2020.

THE CITY OF LAKEWOOD

, Director of Public Works

Date

PERMITTEE:

LAKEWOOD PUBLIC LIBRARY

Signature

Print Name and Title

Date

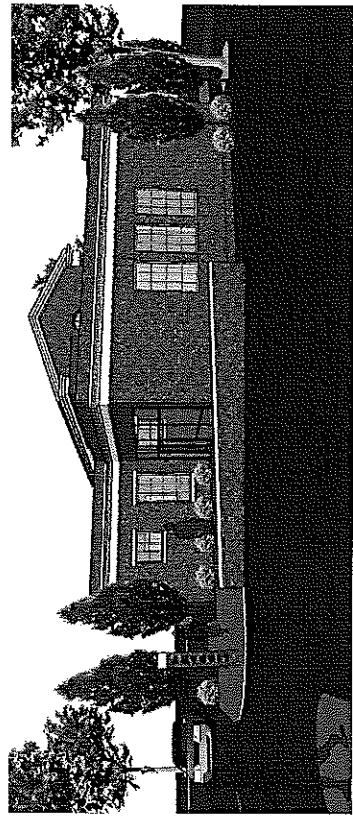
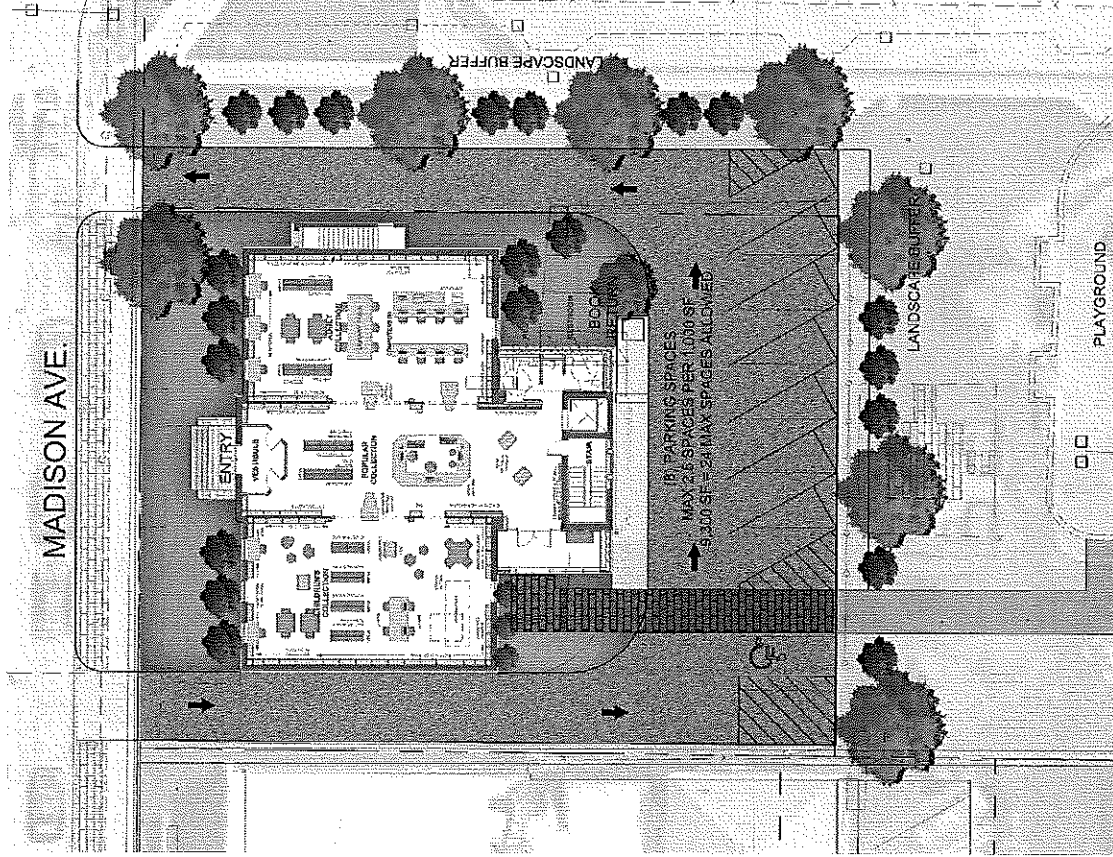
The legal form and correctness
of this instrument is approved.

THE CITY OF LAKEWOOD

Jennifer L. Swallow, Chief Assistant Law Director

Date

FIGURE 1- SITE PLAN DRAFT



LAKWOOD PUBLIC LIBRARY
MADISON BRANCH

