RESOLUTION NO. 2020-28

BY Bullock, Kepple, Litten, Neff, O’Malley, Rader, Shachner

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving the use of submerged lands for property located at and abutting 17428 Edgewater Drive, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A” and Exhibit “B”), in order to permit the owners the opportunity to undertake lakeshore protection measures.

WHEREAS, property owner, Nathan Chavez, has proposed to construct shoreline protection in Lake Erie at Lakewood, Cuyahoga County, Ohio; and

WHEREAS, as part of the application to lease submerged lands, the parties involved must submit to the Ohio Department of Natural Resources a resolution from Lakewood City Council approving the proposed use of the submerged land; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, 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 submerged lands lease is necessary for the improvements to be made; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood finds and determines that territory being proposed for construction of shore protection, which territory is further described in the application for a submerged lands lease, is not necessary or required for the construction, maintenance or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting waterways, water terminals, facilities and improvements, and marginal highways in the aid of navigation and water commerce, and the land uses specified in the application comply with regulation of permissible land use as determined by the city.

Section 2. The Clerk of Council is hereby authorized and directed to certify a copy of this resolution to the Ohio Department of Natural Resources, Office of Real Estate and Land Management.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in open meetings 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 4. 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 ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 5/18/2020

Approved: 5/22/2020
SUBMERGED LAND LEASE
PARCEL 1- ARMORSTONE REVETMENT PARCEL
LEGAL DESCRIPTION
0.0406 ACRES
1.778 SQ. FT.

Situated in the City of Lakewood, County of Cuyahoga, and State of Ohio and being known as part of Sub-lots 9 and 10 and in the Mathews and Gilbert’s Subdivision No. 5 of part of Original Rockport Township Section 23, and part of Township 7 North, Range 14 West of the Connecticut Western Reserve as shown by plat volume 34, page 2 of the Cuyahoga County Recorder’s records and also being referenced to those lands deeded to Nathan A. Chavez on May 28, 2015 in Warranty Deed AFN#201505280527 of the Cuyahoga County Recorder’s records and being further bound and described as follows:

Beginning at a 1” iron pin found in an iron monument box at a point of tangency in the centerline of Edgewater Drive as established by the “Dedication of Edgewater Drive” as shown in plat volume 66, page 26 of the Cuyahoga County Recorder’s records. Thence North 70°33’42” East, along said centerline, a distance of 485.24 feet to a 1” iron pin found in an iron monument box at a point of curvature in said centerline. Thence North 19°26’18” West, a distance of 30.00 feet to a point on the Northwesterly right-of-way of said Edgewater Drive. Said point witnessed by a 1” square iron bar found and used. Thence Northeasterly along said right-of-way and along a curve deflecting to the right having a radius of 677.93 feet, a chord of 62.14 feet, a chord bearing of North 73°18’08” East and arc distance of 62.16 feet to the Southeasterly most corner of said lands deeded to Chavez. Said point witnessed by a 5/8” iron pin with identification cap marked “T.Snezek-S-7051” set. Thence North 00°00’00” West, along the Easterly line of said lands deeded to Chavez, and passing through a 5/8” iron pin with identification cap marked “T.Snezek-S-7051” set at 230.00 feet for an overall distance of 256.96 feet to a point on the Natural Shoreline of Lake Erie as observed on November 9, 2019. Thence South 61°29’17” West, along said shoreline, a distance of 3.08 feet to a point and the PRINCIPAL PLACE OF BEGINNING of lands herein described.

Thence, continuing along said shoreline Southwesterly for the following five (5) courses;

Course 1 - Thence South 61°42’46” West, a distance of 31.64 feet to a point;
Course 2 - Thence South 80°10’42” West, a distance of 12.48 feet to a point;
Course 3 - Thence South 72°00’54” West, a distance of 20.99 feet to a point;
Course 4 - Thence South 78°38’49” West, a distance of 14.87 feet to a point;
Course 5 - Thence South 53°50’42” West, a distance of 12.51 feet to a point;
Course 6 - Thence, along a curve deflecting to the right having a radius of 27.50 feet, a chord of 34.84 feet, a chord bearing of North 28°40'14" East, a distance of 37.73 feet to a point of tangency;

Course 7 - Thence North 67°58'16" East, a distance of 37.35 feet to a point of curvature;

Course 8 - Thence, along a curve deflecting to the right having a radius of 27.50 feet, a chord of 35.13 feet, a chord bearing of South 72°20'10" East, a distance of 38.10 feet to a point and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Containing within said bounds 0.0406 acres, (1,778 sq. ft.), of land be the same more or less but subject to all legal highways and easements of record.

Surveyed on November 9, 2019 by Thomas M. Snezek, registered Ohio surveyor number 7051 using a basis of bearing established as North 70°33'42" East, along the centerline line of Edgewater Drive as shown on Dedication Plat volume 66, page 26 of Cuyahoga County Recorder’s Records dated July 11, 1919.

Project #1936
S.L.L. Parcel One
Armorstone Revetment
3/1/20
SUBMERGED LAND LEASE
PARCEL 2—EXISTING CONCRETE MODULE BREAK-WALL PARCEL
LEGAL DESCRIPTION
0.0243 ACRES
1,057 SQ. FT.

Situated in the City of Lakewood, County of Cuyahoga, and State of Ohio and being known as part of Sub-lots 9 and 10 and in the Mathews and Gilbert’s Subdivision No. 5 of part of Original Rockport Township Section 23, and part of Township 7 North, Range 14 West of the Connecticut Western Reserve as shown by plat volume 34, page 2 of the Cuyahoga County Recorder’s records and also being referenced to those lands deeded to Nathan A. Chavez on May 28, 2015 in Warranty Deed AFN#201505280527 of the Cuyahoga County Recorder’s records and being further bound and described as follows:

Beginning at a 1” iron pin found in an iron monument box at a point of tangency in the centerline of Edgewater Drive as established by the “Dedication of Edgewater Drive” as shown in plat volume 66, page 26 of the Cuyahoga County Recorder’s records. Thence North 70°33’42” East, along said centerline, a distance of 485.24 feet to a 1” iron pin found in an iron monument box at a point of curvature in said centerline. Thence North 19°26’18” West, a distance of 30.00 feet to a point on the Northwesterly right-of-way of said Edgewater Drive. Said point witnessed by a 1” square iron bar found and used. Thence Northeastly along said right-of-way and along a curve deflecting to the right having a radius of 677.93 feet, a chord of 62.14 feet, a chord bearing of North 73°18’08” East and arc distance of 62.16 feet to the Southeasterly most corner of said lands deeded to Chavez. Said point witnessed by a 5/8” iron pin with identification cap marked “T.Snezek-S-7051” set. Thence North 00°00’00” West, along the Easterly line of said lands deeded to Chavez, and passing through a 5/8” iron pin with identification cap marked “T.Snezek-S-7051” set at 230.00 feet for an overall distance of 256.96 feet to a point on the Natural Shoreline of Lake Erie as observed on November 9, 2019. Thence North 26°17’16” West, along the Northeasternly Littoral Projection for said lands deeded to Chavez, a distance of 37.66 feet to a point approximating the Southerly limit of an existing 8 foot wide concrete module break-wall. Said point also being the PRINCIPAL PLACE OF BEGINNING of lands herein described.

Thence, clockwise around the perimeter of said break-wall for the following ten (10) courses;

Course 1 - Thence South 71°23’05” West, a distance of 85.49 feet to a point;

Course 2 - Thence South 18°46’32” East, a distance of 32.38 feet to a point of intersection on a curved line;

Course 3 - Thence along a curve deflecting to the left having a radius of 27.50 feet, a chord of 11.22 feet, a chord bearing of South 01°08’29” West, a distance of 11.30 feet to a point on said Natural Shoreline observed on November 9, 2019;

[Signature]

THOMAS M. SNEZEK
S-7051
Course 4 - Thence South 64°46'05" West, along said shoreline, a distance of 1.80 feet to a point and the Southwesterly Littoral Projection of said lands deeded to Chavez;

Course 5 - Thence North 24°46'26" West, along said Littoral Projection, a distance of 22.83 feet to a point;

Course 6 - Thence North 18°46'32" West, a distance of 20.46 feet to a point;

Course 7 - Thence South 71°23'05" West, a distance of 2.15 feet to a point on said Littoral Projection;

Course 8 - Thence North 24°46'26" West, along said Littoral Projection, a distance of 8.05 feet to a point;

Course 9 - Thence North 71°23'05" East, a distance of 95.43 feet to a point on said Easterly Littoral Projection;

Course 10 - Thence, South 26°17'16" East, along said Easterly Littoral Projection, a distance of 8.07 feet to a point and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Containing within said bounds 0.0243 acres, (1,057 sq. ft.), of land be the same more or less but subject to all legal highways and easements of record.

Surveyed on November 9, 2019 by Thomas M. Snezek, registered Ohio surveyor number 7051 using a basis of bearing established as North 70°33'42" East, along the centerline line of Edgewater Drive as shown on Dedication Plat volume 66, page 26 of Cuyahoga County Recorder’s Records dated July 11, 1919.

Project #1936
S.L.L. Parcel Two
Existing Concrete Module Break-wall
3/1/20