



12650 DETROIT AVENUE 44107 216-529-6055

www.onelakewood.com

Lakewood City Council
DANIEL O'MALLEY, PRESIDENT
JOHN LITTEN, VICE PRESIDENT

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THOMAS R. BULLOCK III
TRISTAN RADER
SARAH KEPPLER

Ward Council
TESS NEFF, WARD 1
JASON SHACHNER, WARD 2
JOHN LITTEN, WARD 3
DANIEL O'MALLEY, WARD 4

Issued 01/22/21

PUBLIC NOTICE – PUBLIC WORKS & SUSTAINABILITY COMMITTEE

Public Works & Sustainability Committee will meet on Monday January 25, 2021 at 6:00 PM.

Under the orders of the Governor and Director of Health of Ohio, and pursuant to Ordinance 06-2020, adopted March 16, 2020, the Committee will meet remotely until further notice. The meeting may be viewed by the public via livestream on the City's YouTube Channel at the following link:

<https://youtube.com/c/CityofLakewoodOhio>

PUBLIC COMMENT PROTOCOL (Updated 9/20)

The public is invited to comment on agenda items. All public comment must be submitted through the eComment portal available [HERE](#).

Written Comments

- Written comments may be submitted in advance of the meeting or during the meeting using the eComment platform.

Requests to Speak

- The public is invited to participate in the remote online meeting by making a request to speak via the eComment platform. Requests to speak must be submitted by 3:00 p.m. the day of the meeting. Following your request, you will receive an email with the credentials to join the meeting. For the security of the meeting, please do not share this information.

The agenda is as follows:

Approval of the minutes of the January 19, 2021 Public Works & Sustainability Committee meeting.

RESOLUTION 2021-02 - A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing an agreement between the City of Lakewood, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY. (*Referred to PWS 1/19/21*)

RESOLUTION 2021-03 - 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 1033 Summit Avenue, Lakewood, Ohio (a legal description of which is attached hereto as Exhibit “A”), in order to permit the owners the opportunity to undertake the lakeshore protection measures. *(Referred to PWS 1/19/21)*

RESOLUTION 2021-04 - 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 15700 West Shore Court, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A”), in order to permit the property owners the opportunity to undertake lakeshore protection measures. *(Referred to PWS 1/19/21)*

RESOLUTION 2021-05 - 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 the Northern Terminus of Lakewood Summit Avenue Right-of-Way, Lakewood, Ohio (a legal description of which is attached hereto as Exhibit “A”), in order to permit the owners the opportunity to undertake the lakeshore protection measures. *(Referred to PWS 1/19/21)*

ORDINANCE 39-2020 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 565.02, Authority of Director of Public Works, 565.06, Care of trees during Building Operations, 565.07, Moving of Trees, 565.10 Prohibited trees, and Section 565.11, Preservation and Removal of Trees on Public Property, of the Codified Ordinances of the City of Lakewood to articulate public noticing regarding planned tree removals, the role of the Tree Advisory & Education Board in the process and the resolved principles guiding forestry strategy. *(1st read and referred to PWS 11/16/20; 2nd reading 12/7/20)*

Tristan Rader, Chair

Tom Bullock, Jason Shachner; Members

PUBLIC WORKS & SUSTAINABILITY COMMITTEE

RESOLUTION NO. 2021-02 BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing an agreement between the City of Lakewood, Cuyahoga County, Ohio hereinafter referred to as the MUNICIPALITY, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as the replacement of Hilliard Boulevard Bridge 08.57 over the Rocky River, Valley Parkway and Trail in the cities of Lakewood and Rocky River; 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 of the citizens of Lakewood in that this project should move forward with the cooperation of the County as quickly as possible; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That the Mayor is hereby authorized to enter into agreements with Cuyahoga County to accept funds for the replacement of Hilliard Boulevard Bridge 08.57 over the Rocky River, Valley Parkway and Trail in the cities of Lakewood and Rocky River in substantially the same form, as approved by the Director of Law as follows:

A. CONSENT

1. That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to construct the above described improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. COOPERATION

1. That the MUNICIPALITY will cooperate with the COUNTY in the replacement of Hilliard Boulevard Bridge 08.57 over the Rocky River, Valley Parkway and Trail in the cities of Lakewood and Rocky River.

2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction project.

C. FUNDING

1. That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

D. MAINTENANCE

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and
2. Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and
3. That the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio Revised Code.
4. After construction of the project is complete, the Municipality agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
2. That the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and
3. That stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and
4. That no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and
5. The MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

G. UTILITIES

1. That the COUNTY will make arrangements with and obtain agreements from all privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary rearrangements immediately after notification by said MUNICIPALITY.
2. That the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs

of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. The MUNICIPALITY shall cooperate with the COUNTY to make all arrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement.
4. That the construction, reconstruction, an/or rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

G. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the County and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision.
2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4 and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certifications or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.
3. For the purpose of this Resolution, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.
4. By enacting this Resolution, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on

behalf of the aforementioned entities and persons, to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic signature policy of Cuyahoga County.

H. AUTHORITY TO SIGN

1. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.
2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio for approval to use County Motor Vehicle License Tax Funds for the improvement.

Section 3. 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 of 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. 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 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: _____

Daniel J. O'Malley, Council President

Maureen M. Bach, Council Clerk

Approved: _____

Meghan F. George, Mayor

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 1033 Summit Avenue, Lakewood, Ohio (a legal description of which is attached hereto as Exhibit "A"), in order to permit the owners the opportunity to undertake the lakeshore protection measures.

WHEREAS, property owners, Trinity Samson and Austin Samson, has agreed to permit the City of Lakewood to construct Summit Avenue Outfall Rehabilitation and bluff stabilization 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 the lakeshore protection measures, which 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.

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: _____

Daniel J. O'Malley, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

1033 Summit Ave
Submerged Land Lease
0.0061 Acre
Page 1 of 2

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to part of Block "A" in C.L. and L.R. Newell's Subdivision of part of Original Rockport Township Section No. 22, (Fractional Township 7-N Range 14-W Connecticut Western Reserve). Also being adjacent to the land conveyed to Trinity Kronk Samson and Austin T. Samson, as recorded in Instrument number 201910100590 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 7/8" iron pin found in a monument box at the intersection of the centerline of Summit Avenue (60 feet wide) and the centerline of Clifton Boulevard (120 feet wide);

Thence, along the centerline of Summit Avenue, North 00° 40' 47" East, 1106.50 feet to the centerline of Edgewater Drive, said point bearing North 89° 19' 13" West, 30.00 feet from a 7/8" iron pin found in a monument box;

Thence, continuing along the centerline of Summit Avenue, North 00° 40' 47" East, 239.30 feet to the 2011 natural shoreline of Lake Erie;

Thence, leaving the centerline of Summit Avenue, along the 2011 natural shoreline of Lake Erie, North 88° 33' 38" East, 21.41 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, leaving the 2011 natural shoreline of Lake Erie, along the natural shoreline of Lake Erie as observed on May 31, 2019, North 88° 33' 38" East, 8.61 feet to the littoral rights partition line between Summit Avenue and said land conveyed to Trinity Kronk Samson and Austin T. Samson, said point being the **True Point of Beginning** for the parcel herein described;

Thence, leaving the natural shoreline of Lake Erie as observed on May 31, 2019, along said littoral rights partition line, North 00° 40' 47" East, 26.95 feet;

Thence, leaving said littoral rights partition line, along the arc of a non-radial curve that deflects to the right, 31.81 feet to the natural shoreline of Lake Erie as observed on May 31, 2019, said curve having a radius of 32.25 feet, a central angle of 56° 30' 03", and a chord of 30.53 feet which bears South 26° 44' 27" East;

Thence, along the natural shoreline of Lake Erie as observed on May 31, 2019, North 87° 18' 01" West, 9.54 feet;

Thence, continuing along the natural shoreline of Lake Erie as observed on May 31, 2019, South 88° 22' 03" West, 4.53 feet to the point of beginning.

Containing within said bounds 0.0061 acre (267 square feet) of submerged land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2019.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

1033 Summit Ave
Submerged Land Lease
0.0061 Acre
Page 2 of 2

T. A. Bixler 12-11-20

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730

KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730



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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 15700 West Shore Court, Lakewood, Ohio (a legal description of which is attached hereto as “Exhibit A”), in order to permit the property owners the opportunity to undertake lakeshore protection measures.

WHEREAS, property owner, David and Elizabeth Salisbury, has agreed to permit the City of Lakewood to construct Summit Avenue Outfall Rehabilitation and bluff stabilization 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 the lakeshore protection, which 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.

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: _____

Daniel J. O'Malley, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

15700 West Shore Ct
Submerged Land Lease
0.0101 Acre
Page 1 of 2

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to Sublot No. 14 in J.J. Donovan's Realty Company's Subdivision of part of Original Rockport Township Section No. 22, (Fractional Township 7-N Range 14-W Connecticut Western Reserve). Also being adjacent to the land conveyed to David W. and Elizabeth W. Salisbury, as recorded in Volume 85-3198, Page 51 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 7/8" iron pin found in a monument box at the intersection of the centerline of Summit Avenue (60 feet wide) and the centerline of Clifton Boulevard (120 feet wide);

Thence, along the centerline of Summit Avenue, North 00° 40' 47" East, 1106.50 feet to the centerline of Edgewater Drive, said point bearing North 89° 19' 13" West, 30.00 feet from a 7/8" iron pin found in a monument box;

Thence, continuing along the centerline of Summit Avenue, North 00° 40' 47" East, 239.30 feet to the 2011 natural shoreline of Lake Erie;

Thence, leaving the centerline of Summit Avenue, along the 2011 natural shoreline of Lake Erie, South 88° 33' 38" West, 21.87 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, leaving the 2011 natural shoreline of Lake Erie, along the natural shoreline of Lake Erie as observed on May 31, 2019, South 88° 33' 38" West, 8.15 feet to the littoral rights partition line between Summit Avenue and said land conveyed to David W. & Elizabeth W. Salisbury, said point being the **True Point of Beginning** for the parcel herein described;

Thence, continuing along the natural shoreline of Lake Erie as observed on May 31, 2019, North 88° 41' 42" West, 10.24 feet;

Thence, continuing along the natural shoreline of Lake Erie as observed on May 31, 2019, North 89° 34' 48" West, 8.81 feet;

Thence, leaving the natural shoreline of Lake Erie as observed on May 31, 2019, along the arc of a non-radial curve that deflects to the right, 38.85 feet to the littoral rights partition line between Summit Avenue and said land conveyed to David W. & Elizabeth W. Salisbury, said curve having a radius of 32.25 feet, a central angle of 69° 01' 22", and a chord of 36.54 feet which bears North 32° 06' 14" East;

Thence, along said littoral rights partition line, South 00° 40' 47" West, 31.25 feet to the point of beginning.

Containing within said bounds 0.0101 acre (438 square feet) of submerged land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2019.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

15700 West Shore Ct
Submerged Land Lease
0.0101 Acre
Page 2 of 2

Trevor A. Bixler 12-11-20

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730

KS ASSOCIATES
Civil Engineers + Surveyors
260 Burns Road, Suite 100
Elyria, OH 44035
440 365 4730



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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 the Northern Terminus of Lakewood Summit Avenue Right-of-Way, Lakewood, Ohio (a legal description of which is attached hereto as Exhibit "A"), in order to permit the owners the opportunity to undertake the lakeshore protection measures.

WHEREAS, the property owners City of Lakewood 12650 Detroit Avenue Lakewood, Ohio 44107 needs to construct the Summit Avenue Outfall Rehabilitation and bluff stabilization 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 the lakeshore protection measures, which 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.

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: _____

Daniel J. O'Malley, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor

**Summit Ave
Submerged Land Lease
0.0449 Acre
Page 1 of 2**

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to Original Rockport Township Section No. 22, (Fractional Township 7-N Range 14-W Connecticut Western Reserve). And being more definitely described as follows;

Commencing at a 7/8" iron pin found in a monument box at the intersection of the centerline of Summit Avenue (60 feet wide) and the centerline of Clifton Boulevard (120 feet wide);

Thence, along the centerline of Summit Avenue, North 00° 40' 47" East, 1106.50 feet to the centerline of Edgewater Drive, said point bearing North 89° 19' 13" West, 30.00 feet from a 7/8" iron pin found in a monument box;

Thence, continuing along the centerline of Summit Avenue, North 00° 40' 47" East, 239.30 feet to the 2011 natural shoreline of Lake Erie and the **True Point of Beginning** for the parcel herein described;

Thence, along the 2011 natural shoreline of Lake Erie, South 88° 33' 38" West, 21.87 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, leaving the 2011 natural shoreline of Lake Erie, along the natural shoreline of Lake Erie as observed on May 31, 2019, South 88° 33' 38" West, 8.15 feet to the littoral rights partition line between Summit Avenue and land conveyed to David W. & Elizabeth W. Salisbury, as recorded in Volume 85-3198, Page 51 of the Cuyahoga County Records;

Thence, leaving the natural shoreline of Lake Erie as observed on May 31, 2019, along said littoral rights partition line, North 00° 40' 47" East, 31.25 feet;

Thence, leaving said littoral rights partition line, along the arc of a non-radial curve that deflects to the right, 12.49 feet, said curve having a radius of 32.25 feet, a central angle of 22° 11' 36", and a chord of 12.41 feet which bears North 77° 42' 43" East;

Thence, North 89° 21' 53" East, 31.23 feet;

Thence, along the arc of a non-radial curve that deflects to the right, 17.82 feet to the littoral rights partition line between Summit Avenue and land conveyed to Trinity Kronk Samson and Austin T. Samson, as recorded in Instrument number 201910100590 of the Cuyahoga County Records, said curve having a radius of 32.25 feet, a central angle of 31° 39' 20", and a chord of 17.59 feet which bears South 70° 49' 08" East;

Thence, along said littoral rights partition line, South 00° 40' 47" West, 26.95 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, along the natural shoreline of Lake Erie as observed on May 31, 2019, South 88° 33' 38" West, 8.61 feet to the 2011 natural shoreline of Lake Erie;

Thence, leaving the natural shoreline of Lake Erie as observed on May 31, 2019, along the 2011 natural shoreline of Lake Erie, South 88° 33' 38" West, 21.41 feet to the point of beginning.

**Summit Ave
Submerged Land Lease
0.0449 Acre
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Containing within said bounds 0.0449 acre (1,955 square feet) of submerged land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2019.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Trevor A. Bixler 12-11-20

Trevor A. Bixler, P.S.
Professional Surveyor, Ohio No. 7730

KS ASSOCIATES
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440 365 4730



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ORDINANCE NO. 39-2020

BY: Kepple, O'Malley & Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 565.02, Authority of Director of Public Works, 565.06, Care of trees during Building Operations, 565.07, Moving of Trees, 565.10 Prohibited trees, and Section 565.11, Preservation and Removal of Trees on Public Property, of the Codified Ordinances of the City of Lakewood to articulate public noticing regarding planned tree removals, the role of the Tree Advisory & Education Board in the process and the resolved principles guiding forestry strategy.

WHEREAS, trees provide tremendous aesthetic, environmental and economic benefits to our community that are interconnected and of great concern to residents and business owners; and

WHEREAS, over a multi-year period the citizen Lakewood Tree Task Force and the City Forestry Manager developed recommendations of principles for long-term tree care and urban forestry management goals; and

WHEREAS, in September of 2019, Council unanimously passed and the Mayor signed Ordinance 23-19 creating Chapter 162, establishing the Tree Advisory & Education Board with the charge of collaborating with City officials regarding its urban tree policies and practices, promoting the City's tree programs and educating residents regarding responsible tree stewardship; and

WHEREAS, in September of 2019, Council unanimously passed, and the Mayor signed Resolution No. 9081-19 endorsing and supporting these principles, and declared that the following sixteen principles shall be the policy of the City, and the principles and goals therein shall guide City budgeting, decision making, and procedures for urban forestry until such time as they might be updated or repealed by this council:

1. Work towards a goal of increasing the City's tree canopy from 28.5 to 33.5 percent. (TTF Recommendation # 1, amended by Forestry)
2. Work toward a goal of no net tree loss in any year and planting 500 trees across the community on private, school, and City properties annually, including a net gain of 200 on City-owned land until tree lawns are at 95% capacity. (TTF Recommendations # 2 -3)
3. Maintain a flexible approach toward sidewalk defects caused by tree roots. (TTF Recommendation 44)
4. Ensure that every appropriate tree lawn receives a tree and that larger tree lawns receive more than one if possible or practical. (TTF Recommendation # 5)
5. Encourage monetary and other donations by private citizens for tree plantings in parks and public areas, such as the Gift A Tree Fund (TTF Recommendation 46)

6. Maintain a "Right tree, right place" policy to allow the City to minimize tree death and infrastructure impacts while increasing the long -term viability of trees. (TTF Recommendation # 6 & Forestry)
7. Plant the largest suitable tree for a given site to maximize the economic and ecological benefits of that site to the community, given the longer lifespan of and greater magnitude of benefits bestowed by larger trees. (TTF Recommendation #6 & Forestry)
8. Maintain a policy of varying trees by age and species on any given street, park, or public area to help mitigate the threats posed by pests, diseases, storms, or old age, thereby reducing the likelihood of large tree losses across the city and resulting in a more consistent tree canopy over time.(TTF Recommendation# 6 & Forestry)
9. Educate residents concerning the availability of complimentary tree planting on tree lawns, the Gift-a-Tree fund, as well as the opportunity to participate in a low -cost purchase of trees for private yards. (TTF Recommendation #7 & 13)
10. Prioritize maintenance of trees and new plantings in the commercial corridor, particularly in light of new developments. (TTF Recommendation # 8)
11. Ensure that all relevant City employees and contractors are trained to reduce negative impacts to tree roots, limbs, and other vulnerable tree elements in the course of mowing, trimming, machinery operation, digging; concrete work, construction work, and similar activities. (TTF Recommendation #9)
12. Cooperate with a permanent Tree Advisory & Education Board for the purpose of collaborating with City officials regarding its urban tree policies and practices, promoting the City' s tree programs and educating residents regarding responsible tree stewardship. (TTF Recommendation # 10)
13. Ensure that the City' s annual reforestation budget and contracting authority are appropriate to meet the future year's tree goals.(TTF Recommendation # 11)
14. Ensure that staffing levels are maintained in the Forestry Division and that the Division is empowered to contract out certain tree care tasks such as dead tree removal. (TTF Recommendation #12)
15. Maintain and grow the tree tag program which has already identified over 70 trees in our City parks. (TTF Recommendation # 15)
16. Maintain a policy of consistently watering newly -planted public trees during the first two years of life to aid the survival rate of those trees, thereby making efficient use of public dollars. (TTF Recommendation #17); and

WHEREAS, the Tree Advisory & Education Board is uniquely suited and charged to ensure these principles inform tree canopy decisions and to host and encourage transparency and community dialogue;

now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 565.02, Authority of Director of Public Works, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.02 AUTHORITY OF DIRETOR OF PUBLIC WORKS.

The Director is hereby given full jurisdiction, authority, control, supervision and direction of all trees which now or which may hereafter exist upon any public place in this City, and over all tress which exist upon any private property in this City when, in his opinion, such trees constitute a menace to public property, public safety or public welfare of this City. The Director is also given full jurisdiction, authority and control in connection with tissuing of permits hereinafter provided for. In the exercise of any or all of the powers herein granted, the Director shall have the authority to delegate all or such part of his power and duties with respect to supervision and control of trees to his subordinates and assistants in the employ of the City as he may from time to time determine. (ORD. 97-58. Passed 12-15-1958)

shall be and is hereby amended to read as follows:

565.02 OVERSIGHT OF TREES

a) The Public Works Director, or designee shall engage the services of a professional arborist and in consultation with the Tree Education and Advisory Board, shall follow and enforce the City’s tree policy as set by Council when making decisions, recommendations or issuing permits regarding any tree which exists or may hereafter exist upon any place in this City.

(b) In the event that a material change to the City’s tree canopy, including, but not limited to, the removal, planting, or moving of a tree is planned by the City, or requested by a permit seeker, the Public Works Director or designee shall present the plan in advance to the Tree Education and Advisory Board, detailing in writing, why the planned change is necessary and what if any remedy is also planned in accordance with the tree policy. The plan and notice of the meeting shall be posted near the affected area of the City and on the City’s website and digital communication channels. The meeting shall be open to the public and include a period for public comment. The Tree Education and Advisory Board may approve, reject or refer the plan by a majority vote.

c) In the event that the Public Works Director, Public Safety Director, or emergency services, including, but not limited to, Fire or Police personnel, must, in their professional judgement, take immediate action to remove or substantially impact a tree on public or private property that poses an urgent threat to public safety, public property or public welfare, they shall be authorized and directed to take such emergency action as necessary to remedy the situation. The Public Works Director or designee shall then, within 60 days, provide a remediation plan and detail why the removal or modification of the tree(s) was necessary in accordance with the tree policy, following the same public notice and approval process as though the removal had been planned.

Section 2. Section 565.06, Care of trees During Building Operations, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.06 CARE OF TREES DURING BUILDING OPERATIONS

No person in charge of or responsible for the erection, alteration or removal of any building or structure in the City shall permit any tree upon any public place in the vicinity of such operation to stand without a good and sufficient guard or protection as shall prevent injury, damage or defacement to such tree arising out of, in connection with, or by reason of, such operation. The quality of the guard or protection is to be determined by the Director. (Ord. 97-58. Passed 12-15-1958.)

shall be and is hereby amended to read as follows:

565.06 CARE OF TREES DURING BUILDING OPERATIONS

Any person in charge of or responsible for the erection, alteration or removal of any building or structure in the City with one or more trees in the vicinity of such operation shall submit a plan to preserve, protect or prevent injury, damage or defacement to tree(s) and to maintain public safety to the Public Works Director and the Tree Education & Advisory Board for approval prior to engaging in such a project.

Section 3. Section 565.07, Moving of Trees, currently reading as follows:

565.07 MOVING OF TREES

All moving of trees upon any public place in the City made necessary by the moving of a building or structure or any other private enterprise shall be done under the supervision and with the written permission of the Director, and at the expense of the applicant or person seeking the removal of such tree. Such applicant, as one of the conditions to obtaining such permission, shall deposit with the City such sum in cash as the Director may determine and specify to cover all of the cost of moving and replacing such a tree, if the conditions of such permission require the replacement thereof. However, in lieu of such cash deposit the Director may, in his discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the cost of such moving and replacing. (Ord. 97-58. Passed 12-15-1958.)

shall be and is hereby amended to read as follows:

565.07 MOVING OF TREES

Any person or organization seeking to move or remove one or more trees in any public place in the City due to the moving of a building or structure or any other private enterprise, shall submit a plan for prior approval to The Public Works Director and Tree Education & Advisory Board to safely move or remove the tree(s) including a plan to replace the tree(s) in accordance with the City's tree policy or to provide suitable cash or bond to provide adequate funds for the City to replace the damaged or removed tree(s) and the associated costs.

Section 4. Section 565.10, Prohibited Trees, currently reading as follows:

565.10 PROHIBITED TREES

Any tree upon private property in the City that is found by the Director to pose by its roots or other features an imminent hazard and threat to public health and safety on public property is hereby declared to be a public nuisance, and shall be abated by the Director (Ord. 20-14. Passed 6-16-2014.)

shall be and is hereby amended to read as follows:

565.10 PRIVATE TREES ENDANGERING PUBLIC PROPERTY

Any tree upon private property in the City that is found by the Director to pose by its roots or other features an imminent hazard and threat to public health and safety on public property is hereby declared to be a public nuisance, and shall be abated by the Director **following the procedures enumerated in 565.02.**

Section 5. Section 565.11, Preservation and Removal of Trees on Public Property, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

565.11 PRESERVATION AND REMOVAL OF TREES ON PUBLIC PROPERTY

The Director shall have the right and duty to trim any tree existing on any public place in the City so as to insure the public safety or to preserve the function of beauty of such public place. He shall further have the right to remove any such tree, or any part thereof, which is an unsafe condition or which, by reason its location or nature, is injurious or detrimental to other public improvements, or is infected with any injury, fungus, insect or other pest or disease which cannot otherwise be controlled. (Ord. 97-59. Passed 12-15-1958.)

shall be and is hereby amended to read as follows:

The Director shall have the right and duty to trim any tree existing on any public place in the City so as to ensure the public safety or to preserve the function of beauty of such public place. **Following the procedures enumerated in 565.02, the Director** shall further have the right to remove any such tree, or any part thereof, which is an unsafe condition or which, by reason its location or nature, is injurious or detrimental to other public improvements, or is infected with any injury, fungus, insect or other pest or disease which cannot otherwise be controlled.

Section 6. 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 deliberation of the 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 Section 121.22 of the Ohio Revised Code.

Adopted: _____

Daniel J. O'Malley, President of Council

Maureen McHugh Bach, Clerk

Approved: _____

Meghan F. George, Mayor