

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2016-78

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH SP BERA LAKES, LLC. FOR ON-STREET PARKING SPACES TO BENEFIT THE GENERAL PUBLIC AND RESIDENTS OF THE BERA LAKES APARTMENT COMPLEX LOCATED AT 168 COE STREET, AND DECLARING AN EMERGENCY.

WHEREAS, the residents of the Berea Lakes Apartment complex have needed additional parking spaces for several years, however, the size and contours of the site are not conducive to developing additional on-site parking spaces; and

WHEREAS, additional parking will provide convenient access to the Coe Lake area; and

WHEREAS, a significant number of the trees in the front yard of the apartment complex have been killed by the emerald ash bore and have been removed; and

WHEREAS, now that the dead trees have been removed, it has been determined that the front yard area is large enough to accommodate several parking spaces, but not large enough to accommodate an access aisle; and

WHEREAS, placing the new parking spaces partially in the front yard area and partially in the City right of way will allow the creation of sixteen new parking spaces to benefit the residents of the apartment complex and the general public; and

WHEREAS, the placement of the parking spaces and the landscaping around the parking spaces have already been approved by the Heritage Architectural Review Board; and

WHEREAS, the cost of installing and maintaining the new parking spaces and landscaping will be paid for by SP Berea Lakes, LLC.; and

WHEREAS, the area of public right of way needed to accommodate the new parking spaces is limited and can be approved in accordance with a certain License Agreement, and this License Agreement is desired by both the City of Berea and SP Berea Lakes, LLC., and will be of benefit to both parties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the Mayor or his designee be, and is hereby, authorized and directed to enter into a License Agreement with SP Berea Lakes, LLC. in substantially the form of Agreement attached hereto as Exhibit "A", and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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, or providing for the usual daily operation of a municipal department, and for the further reason that said Agreement must be in place before improvements on the property may begin, and the improvements are ready to immediately commence upon such approval, thereby accommodating residents of the Berea Lakes Apartment complex, as well as visitors to the Coe Lake area. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all

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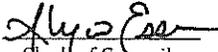
By Haschka Sponsored By Mayor Kleem

members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

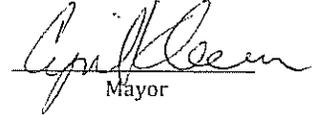
PASSED: October 3, 2016



President of Council

ATTEST: 
Clerk of Council

APPROVED: October 4, 2016



Mayor

APPROVED AS TO FORM:

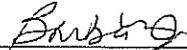

Director of Law

Exhibit "A"
(9-4)

LICENSE AGREEMENT

This License Agreement is made by and between the City of Berea, an Ohio Municipal Corporation ("CITY"), and SP Berea Lakes, LLC, an Ohio Limited Liability Company ("SP"), and sets forth the terms and conditions that relate to the non-exclusive use of a portion of a City-owned right-of-way on Coe Street, as fully described in Exhibit A, attached hereto.

In consideration of the grant of this LICENSE AGREEMENT to SP by the CITY for the non-exclusive use of the right-of-way:

1. SP, at its sole expense and with no monetary contribution from the CITY, agrees to pay 100% of the cost of creating sixteen (16) new parking spaces, located partially in a City-owned right-of-way, as shown in Exhibit A. Overnight parking shall be permitted in the sixteen (16) new spaces; and
2. SP, at its sole expense and with no monetary contribution from the CITY, agrees to pay 100% of the cost of installation and maintenance of trees, shrubs and other plantings as specified in the Landscape Plan, which was approved by the Heritage Architectural Review Board and is attached hereto as Exhibit B; and
3. SP, at its sole expense, agrees to maintain the newly created parking spaces and the area specified in the Landscape Plan. Maintenance shall include, but is not limited to, repairing holes, cracks or other ground surface deviations which are deemed by the CITY, in its sole discretion, to be a hazard to motorists, pedestrians or other users of the area; striping of the parking spaces; watering the trees, shrubs and other plantings; removing trash and debris from the parking spaces and landscape area; and clearing snow from the parking spaces.

This LICENSE AGREEMENT is non-exclusive and may not be transferred by SP without the prior written consent of the CITY. The CITY may revoke this LICENSE AGREEMENT upon just cause or upon three hundred sixty (360) days advance notice to SP via regular mail, sent to the address on file with the Cuyahoga County Fiscal Officer.

The parties to this LICENSE AGREEMENT have executed it on the dates set forth below for the purposes stated above.

Mayor Cyril M. Kleem
CITY OF BEREA

Date

SP Berea Lakes, LLC

Date