

ORDINANCE NO. 2-2020 (PD)

By Council Member Ungar

An Ordinance authorizing the City Manager to enter into an amendment to an agreement with the owners of property located at 2217 Tudor Drive, Cleveland Heights to expand an easement on a portion of the City-owned property known as Nottinghill Lane; and declaring an emergency.

WHEREAS, pursuant to Resolution No. 102-1990, this Council previously authorized an agreement with the former owners of the property located at 2217 Tudor Drive for the continued use of a portion of Nottinghill Lane to maintain pre-existing landscaping and erect a fence; and

WHEREAS, pursuant to Ordinance No. 57-2011, this Council further authorized an agreement with the owners of the property located at 2217 Tudor Drive to maintain a small portion of their side porch that was determined to be encroaching upon City property, in addition to the landscaping and fence previously authorized; and

WHEREAS, the property owners at 2217 Tudor Drive now seek to expand the existing easements in order to construct a concrete parking area where the fence and landscaping currently exist and to expand the side porch to allow installation of a new canopy; and

WHEREAS, on December 18, 2019, the Board of Zoning Appeals of the City of Cleveland Heights granted the property owners a variance to Cleveland Heights Codified Ordinance Section 1121.12(k)(1) to permit a parking pad along Nottinghill Lane; and

WHEREAS, this Council has determined that the proposed expanded easement would not negatively impact the neighborhood; and

WHEREAS, the granting of such easement will not interfere with the use of Nottinghill Lane for public right-of-way purposes.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The City Manager shall be, and hereby is, authorized to enter into an amended easement and maintenance agreement with the owners of the property located at 2217 Tudor Drive. Said amended agreement shall permit an expansion of the existing easements in order to build, erect, and/or construct a concrete parking area where the fence and landscaping currently exist and to expand the side porch to allow installation of a new canopy, as set forth in the proposed plan on file with the Clerk of Council. The amended agreement shall be substantially in accordance with the draft Agreement attached as Exhibit A and shall contain such other terms as recommended by the City Manager and Director of Law and shall be approved as to form by the Director of Law.

SECTION 2. The owners of the property referenced herein shall comply with all conditions of the variance as imposed by the Board of Zoning Appeals of the City of Cleveland Heights, attached hereto as Exhibit B.

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SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely permit the property owners to move forward with proposed plans, and construction upon said property. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: January 6, 2020