

FIRST READING: 2.14.22
SECOND READING: 2.28.22
THIRD READING: 3.14.22

RESOLUTION NO. 6-22

BY: JEANNE GALLAGHER

A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 302-01-009 AT 22660 BREEZEVALE ROAD, ROCKY RIVER, OHIO

WHEREAS: Breezevale LLC owns property located at 22660 Breezevale Road, Rocky River, Ohio, Permanent Parcel No. 302-01-009; and

WHEREAS: The Ohio Department of Natural Resources (ODNR) Division of Real Estate and Land Management requires that the City of Rocky River support the placement of a proposed shore structure within Lake Erie submerged lands adjacent to the property at 22660 Breezevale Road, Rocky River, Ohio; and

WHEREAS: Said land upon which the revetment is to be placed is not needed for any future public improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

Section 1. That the submerged lands in question are not necessary for the bulkheads, maintenance or operation by the City of Rocky River of any breakwaters, piers, docks, or any other future improvements which aid in navigation and water commerce, and that the land uses specified in the application comply with regulation of permissible land uses of the City of Rocky River.

Section 2. That a site Location Map, Plan View of Existing Conditions, Plan View of the proposed shore structure and a Profile View of said submerged land area are available for viewing in the Rocky River Building Department

Section 3. That this Resolution is here by declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the future reason that passage of this Resolution will allow construction of the shore structure to proceed in a timely manner and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 14th, 2022

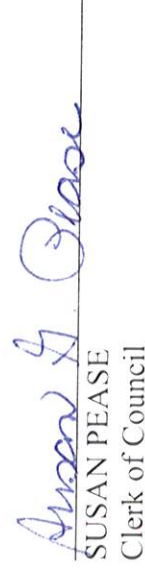

JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: March 14th, 2022

APPROVED: March 14th, 2022

ATTEST:


SUSAN PEASE
Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 14th day of March, 2022.

abemer:Ordinances:Resolution Submerged Land Lease 2266060


Andrea G. Pease
Clerk of Council of the City of Rocky River, Ohio



Ohio Department of Natural Resources

MIKE DAWINE, GOVERNOR

MARY MERTZ, DIRECTOR

January 12, 2022

Via Email

Andrew Brickman
Brickhaus Breezvale, LLC
26401 Emery Road, Suite 100
Cleveland, Ohio 44128
andrew@brickhauspartners.com

Re: Shore Structure Permit Application 21-CUY-31
Submerged Lands Lease Application SUB-2562-CU

Dear Andrew Brickman:

The Ohio Department of Natural Resources (ODNR) Office of Coastal Management received your Shore Structure Permit and Submerged Lands Lease applications on December 20, 2021.

Please be advised that the applications are incomplete. The missing or deficient items are indicated on the enclosed checklist. ODNR will retain the incomplete applications in an inactive file. A technical review of the applications will not begin until all items have been received.

It may be beneficial to schedule a meeting to discuss these items and any questions you may have prior to addressing the missing or deficient items. For additional assistance you may reference the ODNR Coastal Guidance Packet at <https://ohiodnr.gov/static/documents/coastal/permits-leases/ocm-packet-coastal-guidance.pdf>.

Please contact us if you have any questions. Thank you for your cooperation in managing Ohio's Lake Erie coastal resources.

Sincerely,

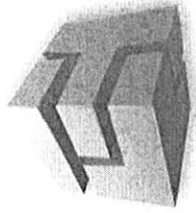
James E. Park, P.E.
Natural Resources Engineer
James.Park@dnr.ohio.gov
(419) 609-4114

Deborah L. Beck, P.E.
Assistant Chief
Deborah.Beck@dnr.ohio.gov
(419) 609-4112

Enclosure

ec: Scudder D. Mackey, Ph.D., Chief, Office of Coastal Management
Steve Holland, Federal Consistency Administrator, Office of Coastal Management
James A. Schilens, Engineered Technical Solutions
Christopher Huhnke, P.E., Engineered Technical Solutions
Thomas M. Snezek, P.S., Engineered Technical Solutions

OFFICE OF COASTAL MANAGEMENT
1031 PIERCE STREET, SUITE A, SANDUSKY, OH 44870 419-626-7980 / (888) 644-6267 | COASTAL.OHIODNR.GOV



ETS
engineered technical solutions

civil | environmental | waterfront erosion | telecom

01-26-22

Mr. Ray Reich
Building Commissioner
Building Department
21012 Hillard Blvd.
Rocky River, Ohio 44116

Dear Mr. Reich,

This letter is a request for a resolution from the City of Rocky River as required by the Ohio Department of Natural Resources (ODNR) and the Army Corps of Engineers for a shore structure.

Please forward the enclosed application to the appropriate personnel.

We are requesting a formal written resolution from the City regarding the approval of shore structure for the 22660 Breezevale LLC residence located at 22660 Breezevale Road, Rocky River, Ohio 44116, as enclosed, on the submerged lands of Lake Erie adjacent to the property; PP# 30201009.

One of the necessary components for obtaining a lease from the State of Ohio is an ordinance or resolution from the local authority stating that the area of submerged lands in question is not needed by the local authority for future improvements (i.e. breakwaters, harbors, marinas, piers, etc.) and that the land uses in my application comply with regulation of permissible land use of the local authority.

Per ODNR's preference, please do not describe the proposed structures in detail. Instead, refer to the project as "the proposed shore structure as described in SUB-2562-CU," so that it will be more easily accepted by ODNR.

Please consider and act on my request for this resolution or ordinance at: 22660 Breezevale Road, Rocky River, Ohio 44116.

Please let us know if you need anything further.
Thank you.

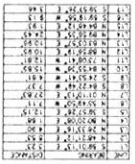


James Schilens



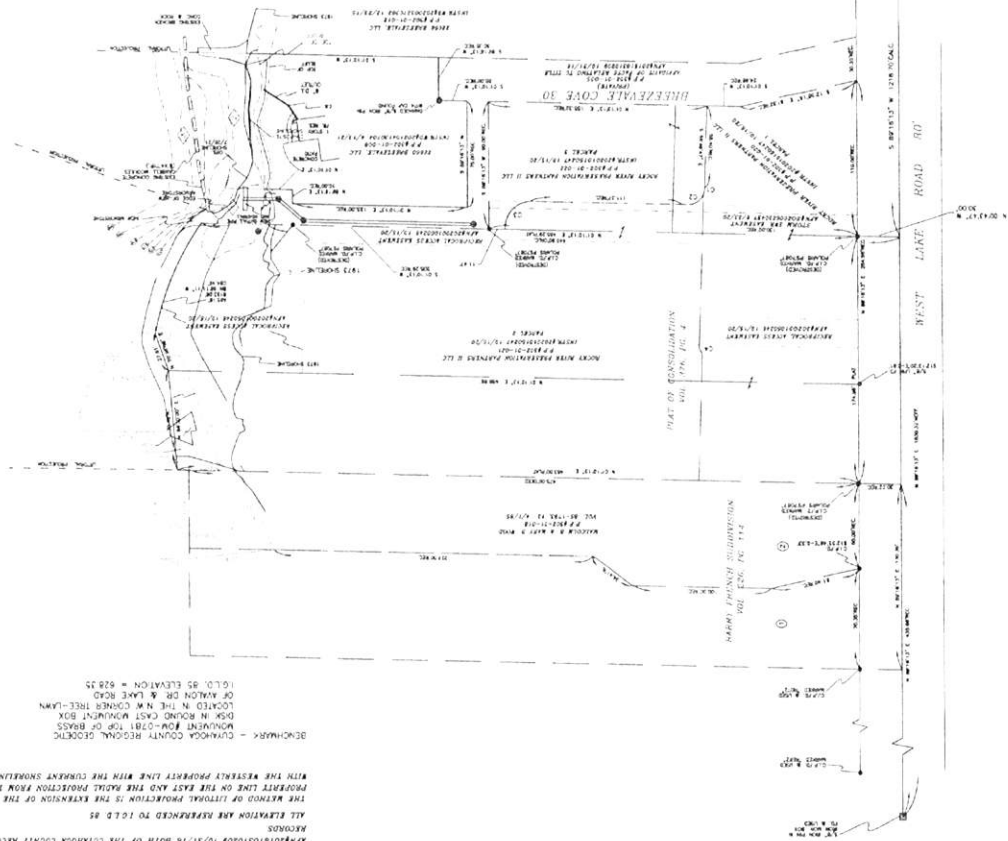
ENGINEERED TECHNICAL SOLUTIONS
Site Design
Erosion Control
Ecological • Utility

27330 Center Ridge Road
Westlake, Ohio 44145



LEASE DETAILS

THE EXTENSION OF LITUAL PROTECTION IS THE EXTENSION OF THE EXTENSION
PROTECTIVE LINE ON THE EAST AND THE ADJUT PROTECTION FROM THE INTERSECTION
WITH THE EXTENSION PROTECTIVE LINE WITH THE CURRENT SMOULDER LINE



NOTES

LEGEND

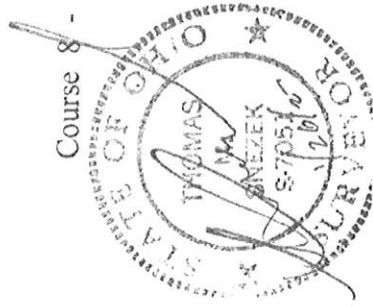
- INDICATES AN EXISTING MONUMENT
- INDICATES A REMOVED MONUMENT
- CAP MARKED 1.5" FROM PIN WITH IDENTIFICATION
- CAP MARKED 1.5" FROM PIN - S. 70541 SET
- INDICATES A 1" MON PIN IN AN MONUMENT
- BOX FOUND AND USED
- INDICATES BATTERY CONTOURS

BREEZEVALE LLC
PARCEL ONE - ARMORSTONE REYVEMENT PARCEL
LEGAL DESCRIPTION
0.0216 ACRES
939 SQ. FT.

Being submerged land in Lake Erie situated in the City of Rocky River, County of Cuyahoga, and State of Ohio and being part of Original Rockport Township Lot 25, Township 7 North, Range 14 West of the Connecticut Western Reserve. Said parcel also being referenced to those lands held in an Affidavit of facts relating to Title document dated October 31, 2016 in AFN#201610310209 of the Cuyahoga County Recorder's records and being further bound and described as follows:

Beginning at a 5/8" iron pin found in an iron monument box in the centerline of Lake Road, 60 feet wide. Thence South 89°16'13" West, along said centerline of Lake Road, a distance of 1218.70 feet to a point. Thence North 01°10'13" East, along a portion of the Westerly line of Parcel Two of lands deeded to Rocky River Preservation Partners II LLC on October 15, 2020 in instrument #202010150247 of the Cuyahoga County Recorder's records a distance of 446.90 feet to a point on the 1973 shoreline of Lake Erie as established in the orthophotography provided by ODNR . Said point also being the PRINCIPAL PLACE OF BEGINNING of land herein described.

- Course 1 - Thence, continuing along said Westerly line, North 01°10'13" East, a distance of 36.35 feet to a point;
- Course 2 - Thence South 89°01'13" East, a distance of 3.23 feet to a point;
- Course 3 - Thence North 48°21'12" East, a distance of 5.53 feet to a point;
- Course 4 - Thence North 26°33'16" East, a distance of 4.90 feet to a point;
- Course 5 - Thence North 80°20'08" East, a distance of 1.68 feet to a point;
- Course 6 - Thence South 39°57'26" East, a distance of 12.15 feet to a point;
- Course 7 - Thence South 55°49'50" East, a distance of 7.11 feet to a point on the Northerly projection of the Westerly line of lands deeded to 22660 Breezevale, LLC on April 13, 2021 in Warranty deed instrument #202104130704 of the Cuyahoga County Recorder's records;
- Course 8 - Thence South 01°10'13" West, a distance of 27.83 feet to a point on said 1973 shoreline;



(2)

Thence Westerly along said 1973 shoreline for the following three courses;

- Course 9 - Thence South $84^{\circ}22'49''$ West, a distance of 7.37 feet to a point;
Course 10 - Thence South $24^{\circ}53'41''$ West, a distance of 4.61 feet to a point;
Course 11 - Thence North $84^{\circ}55'36''$ West, a distance of 15.85 feet to a point and the
PRINCIPAL PLACE OF BEGINNING of lands herein described. Containing
within said bounds 0.0216 acres, (939 sq. ft.), of land be the same more or less but
subject to all legal highways and easements of record.

Surveyed in July of 2021 by Thomas M. Snezek, registered Ohio surveyor number 7051
using a basis of bearing established as North $89^{\circ}16'13''$ East, along the centerline of Lake Road
on a Map of Survey and Consolidation, (Plat vol.376, pg.4), prepared by Neff & Associates on
January 20, 2014.

Project #2120
S.L.L. Parcel One
Armorstone Revetment Parcel
10-8-21



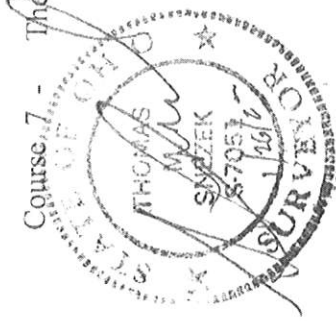
BREEZEVALE LLC
PARCEL TWO – ARMORSTONE REVETMENT PARCEL
LEGAL DESCRIPTION
0.0437 ACRES
1905 SQ. FT.

Being submerged land in Lake Erie situated in the City of Rocky River, County of Cuyahoga, and State of Ohio and being part of Original Rockport Township Lot 25, Township 7 North, Range 14 West of the Connecticut Western Reserve. Said parcel also being referenced to those lands deeded to 22660 Breezevale LLC in Warranty deed dated April 13, 2021 in AFN#202104130704 of the Cuyahoga County Recorder's records and being further bound and described as follows:

Beginning at a 5/8" iron pin found in an iron monument box in the centerline of Lake Road, 60 feet wide. Thence South 89°16'13" West, along said centerline of Lake Road, a distance of 1218.70 feet to a point. Thence North 01°10'13" East, along a portion of the Westerly line of Parcel Two of lands deeded to Rocky River Preservation Partners II LLC on October 15, 2020 in instrument #202010150247 of the Cuyahoga County Recorder's records a distance of 446.90 feet to a point on the 1973 shoreline of Lake Erie as established in the orthophotography provided by ODNR. Thence Easterly, along said 1973 shoreline, South 84°55'36" East a distance of 15.85 feet to a point. Thence, continuing along said shoreline, North 24°53'41" East a distance of 4.61 feet to a point. Thence, continuing along said shoreline, North 84°22'49" East a distance of 7.37 feet to a point on the Northerly projection of the Westerly line of said lands deeded to 22660 Breezevale LLC and the PRINCIPAL PLACE OF BEGINNING of land herein described.

- Course 1 - Thence North 01°10'13" East, along said projection of the Westerly line of lands deeded to 22660 Breezevale LLC, a distance of 27.83 feet to a point;
- Course 2 - Thence South 73°08'41" East, a distance of 12.81 feet to a point;
- Course 3 - Thence North 88°56'19" East, a distance of 10.95 feet to a point;
- Course 4 - Thence North 83°03'57" East, a distance of 10.96 feet to a point;
- Course 5 - Thence North 78°31'42" East, a distance of 34.03 feet to a point;
- Course 6 - Thence North 89°56'35" East, a distance of 24.45 feet to a point on the Westerly edge of an existing concrete and stone wall;

- Course 7 - Thence North 07°10'12" East, along said wall, a distance of 15.39 feet to a point;



(2)

Course 8 - Thence, continuing along said wall, North 84°56'57" East, a distance of 1.92 feet to a point on the Northerly projection of the Easterly line of said lands deeded to 22660 Breezevale, a distance of 27.83 feet to a point on said 1973 shoreline;

Course 9 - Thence South 01°10'13" West, a distance of 34.75 feet to a point on a composite shoreline established from said 1973 orthophotography;

Thence Westerly along said composite shoreline for the following eight courses;

Course 10 - Thence North 88°34'23" West, a distance of 7.92 feet to a point;

Course 11 - Thence South 72°46'48" West, a distance of 12.02 feet to a point;

Course 12 - Thence North 85°34'46" West, a distance of 20.16 feet to a point;

Course 13 - Thence South 86°43'24" West, a distance of 19.40 feet to a point;

Course 14 - Thence South 80°07'54" West, a distance of 11.47 feet to a point;

Course 15 - Thence South 84°17'12" West, a distance of 6.00 feet to a point;

Course 16 - Thence South 53°22'49" West, a distance of 6.51 feet to a point;

Course 17 - Thence South 75°11'03" West, a distance of 14.71 feet to a point and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Containing within said bounds 0.0437 acres, (1905 sq. ft.), of land be the same more or less but subject to all legal highways and easements of record.

Surveyed in July of 2021 by Thomas M. Snezek, registered Ohio surveyor number 7051 using a basis of bearing established as North 89°16'13" East, along the centerline of Lake Road on a Map of Survey and Consolidation, (Plat vol.376, pg.4), prepared by Neff & Associates on January 20, 2014.

Project #2120
S.L.L. Parcel Two
Armorstone Revetment Parcel
10-8-21



BREEZEVALE LLC
PARCEL THREE – EXISTING CAMPBELL MODULES PARCEL
LEGAL DESCRIPTION
0.0074 ACRES
321 SQ. FT.

Being submerged land in Lake Erie situated in the City of Rocky River, County of Cuyahoga, and State of Ohio and being part of Original Rockport Township Lot 25, Township 7 North, Range 14 West of the Connecticut Western Reserve. Said parcel also being referenced to those lands held in an Affidavit of facts relating to Title document dated October 31, 2016 in AFN#201610310209 of the Cuyahoga County Recorder's records and being further bound and described as follows:

Beginning at a 5/8" iron pin found in an iron monument box in the centerline of Lake Road, 60 feet wide. Thence South 89°16'13" West, along said centerline of Lake Road, a distance of 1218.70 feet to a point. Thence North 01°10'13" East, along a portion of the Westerly line of Parcel Two of lands deeded to Rocky River Preservation Partners II LLC on October 15, 2020 in instrument #202010150247 of the Cuyahoga County Recorder's records a distance of 446.90 feet to a point on the 1973 shoreline of Lake Erie as established in the orthophotography provided by ODNR. Thence, continuing along said Westerly line, North 01°10'13" East, a distance of 36.35 feet to a point. Thence South 89°01'13" East, a distance of 3.23 feet to a point. Thence North 48°21'12" East, a distance of 5.53 feet to a point. Thence North 26°33'16" East, a distance of 4.90 feet to a point. Thence North 80°20'08" East, a distance of 1.68 feet to a point and the PRINCIPAL PLACE OF BEGINNING of land herein described;

- Course 1 - Thence North 74°54'29" East, a distance of 11.13 feet to a point;
- Course 2 - Thence North 77°38'56" East, a distance of 18.61 feet to a point;
- Course 3 - Thence North 81°28'00" East, a distance of 63.38 feet to a point;
- Course 4 - Thence North 86°45'32" East, a distance of 14.56 feet to a point;
- Course 5 - Thence South 00°00'00" East, a distance of 2.54 feet to a point;
- Course 6 - Thence South 84°31'48" West, a distance of 27.35 feet to a point;
- Course 7 - Thence South 78°00'14" West, a distance of 15.85 feet to a point;
- Course 8 - Thence South 81°15'25" West, a distance of 53.27 feet to a point;
- Course 9 - Thence South 69°19'56" West, a distance of 9.13 feet to a point;



(2)

Course 10 - Thence North 39°57'26" West, a distance of 3.46 feet to a point and the PRINCIPAL PLACE OF BEGINNING of lands herein described. Containing within said bounds 0.0074 acres, (321 sq. ft.), of land be the same more or less but subject to all legal highways and easements of record.

Surveyed in July of 2021 by Thomas M. Snezek, registered Ohio surveyor number 7051 using a basis of bearing established as North 89°16'13" East, along the centerline of Lake Road on a Map of Survey and Consolidation, (Plat vol.376, pg.4), prepared by Neff & Associates on January 20, 2014.

Project #2120
S.L.L. Parcel Three
Existing Campbell Module Parcel
10-8-21

