

AN ORDINANCE

FINDING AND DETERMINING THAT OUTDOOR DINING AND PASSIVE RECREATION ARE APPROPRIATE USES FOR CERTAIN VILLAGE OWNED REAL PROPERTY LOCATED ON BELL STREET AND WITHIN THE PARKS AND INSTITUTIONAL DISTRICT AND AUTHORIZING THE LEASING OF SUCH PROPERTY FOR SUCH USES.

WHEREAS, the Village owns certain real property on Bell Street known as permanent parcel #931-13-058 ("subject property"); and

WHEREAS, the subject property is located within the Parks and Institutional District; and

WHEREAS, such subject property consists of a cement pad and has limited use to the Village for municipal purposes other than access to the Chagrin River, passive recreational use (e.g. viewing the Noah Graves dam in the Chagrin River, which is to the north of the subject property), and underground utility use; and

WHEREAS, the adjoining property owner, 15 Bell Street LLC, desires to lease the subject property in order that it may use the property for outdoor dining purposes and passive recreational uses, including public access to view the falls, when the land is not being used for outdoor dining purposes; and

WHEREAS, the Village desires to lease the subject property to 15 Bell Street LLC in accordance with the terms and conditions of a Lease Agreement that will be negotiated between the Village and 15 Bell Street LLC and will be presented to this Council for approval; and

WHEREAS, there is no other lessor who is positioned to use this property for the proposed purposes; and

WHEREAS, this Council finds and determines that the use of the subject property for outdoor dining and passive recreation uses is consistent with the spirit and intent of the Zoning Code and desires to authorize such use of the property, and not inconsistent with the Village current uses of the property, and that the leasing of the subject property for such uses, subject to terms and conditions that shall be negotiated by the Village administration and approved by this Council via separate legislation, is in the best interests of the Village; and

WHEREAS, this ordinance was referred to the Planning and Zoning Commission for report and recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That this Council hereby finds and determines that outdoor dining and passive recreation are appropriate and acceptable uses of the Village owned property on Bell Street, known as permanent parcel #931-13-058, and located within the Parks and Institutional District and authorizes the lease of such property for such uses to the adjacent property owner.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.


PASSED: February 28, 2011

Submitted to the Mayor for
his approval on this
1st day of March, 2011

Approved by the Mayor
March 1, 2011

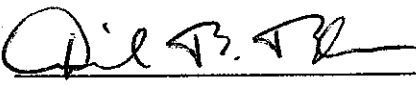


Council President



Mayor

I hereby certify that Ordinance No. 2011- 02 was duly enacted on the 28 day of February, 2011, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council